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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 8, 1997

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2159. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2159) ''An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCONNELL, Mr. SPECTER, Mr. GREGG, Mr. SHELBY, Mr. BENNETT, Mr. CAMPBELL, Mr. STEVENS, Mr. COCHRAN, Mr. LEAHY, Mr. INOUYE, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mr. BYRD, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Guam [Mr. UNDERWOOD] for 5 minutes.

KOREAN AIR FLIGHT 801 LEGISLATION

Mr. UNDERWOOD. Mr. Speaker, as Guam recuperates from Korean Air Flight 801's crash on August 6, I wish to direct the Nation's attention to a key participant in the facilitation of various procedures linked to this tragedy. From its investigative efforts to its family affairs responsibilities, the National Transportation Safety Board was and continues to be an instrumental component in this process. The NTSB's efficient work continues to clarify the many aspects of the crash, such as the state of the aircraft, weather conditions and the like.

One of the NTSB's main functions is its role in helping victims' families cope with their losses. I laud their efforts in tactfully dealing with the aggrieved individuals in such unsavory, but necessary, procedures as the identification of the remains. The NTSB has and continues to conduct their investigations professionally and competently. I have had the opportunity, Mr. Speaker, to meet with NTSB officials while they were on Guam and recently in Washington. They assure me that they are doing all that they can in their efforts to bring closure to this serious tragedy.

As Members of Congress, we should also exert every effort to aid those affected by this tragedy. In the next few days, I will be introducing legislation which would require foreign air carriers to establish disaster assistance plans if they are permitted to travel in the United States. This legislation would allocate various responsibilities to the foreign air carriers should their aircraft have an accident on U.S. soil. American carriers are already abiding by this requirement under the Aviation Disaster Family Assistance Act of 1996.

Mr. Speaker, the reason I propose this legislation stems from Guam's experience with Korean Air Flight 801's tragic end. Many have complained about lack of guidance and proper coordination on the part of Korean Air in their dealings with the victims' families. While it took over 20 hours for NTSB personnel to reach Guam, Korean Air personnel and victims' families not from Guam had already arrived on the island within 4 to 5 hours. At this point, much could have been done to coordinate family and media needs as well as protection of the crash site. However, due to the lack of established arrangements, family members did not receive information on the complex nature of the investigation as well as a clear vision of the various agencies and departments' priorities who were involved in the search and rescue mission.

The ensuing confusion has resulted in an exercise of patience and perserverance on behalf of various officials and family members alike. I believe that my legislation will eliminate much of the disorder which normally results from traumatic episodes such as this crash. I am working closely with NTSB and the Department of Transportation in the formulation of legislative language, and I am very encouraged by the support shown by my colleagues in the House and in the Senate. As Members of Congress, I believe we share the responsibility in ensuring the safety of our constituents whether

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they choose to fly in domestic or foreign air carriers.

I would also like to highlight another benefit of this legislation. As we enter into the next millennium, evolving technology will continue to draw citizens of different nations closer together. This legislation will not only aid American citizens, it will also benefit other nationalities boarding flights with prearranged disaster assistance plans. Common sense points to the competency of this legislation and I encourage the rest of my colleagues to support it.

We must prove to our constituents that we care about them whether they fly domestic or foreign airlines, and I encourage my colleagues to be forward-looking and support my efforts in requiring foreign air carriers permitted to fly in the United States the responsibility to arrange disaster assistance plans should an accident occur on American soil. This legislation is a pledge that Korean Air's 801 passengers did not perish in vain.

GULF WAR VETERANS DESERVE TO RECEIVE BENEFITS AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, there has been a lot in the newspapers recently about the gulf war syndrome, so I thought I would take a moment to comment on them.

First of all, as chairman of the Veterans Subcommittee on Health, we are active in marking up pieces of legislation that affect this matter, but I wanted to point out this morning, Mr. Speaker, that I want to commend the Presidential advisory committee on gulf war veterans' illnesses for recommending to the administration that it create a permanent statutory program of benefits and health care for the thousands of veterans who have been plagued with a variety of unexplained symptoms.

Coincidentally, the full Committee on Veterans' Affairs will be marking up legislation that my subcommittee earlier formulated that will require the VA to create a $5-million program, competitive grant program, under which up to 10 VA facilities would establish demonstration projects to test new approaches to treating Persian Gulf veterans which meets with their satisfaction.

This proposed legislation will require the VA to utilize three approaches. These approaches could be used alone or in combination. The new approaches are: First, a specialized clinic which serves Persian Gulf veterans; second, multi-disciplinary treatment aimed at managing symptoms; and third, the use of case managers.

I have a bill in Congress, H.R. 2206, which of course also reaffirms the VA's obligation to provide verbal counseling to Persian Gulf veterans with respect to the finding of its registry examinations.

This legislation would also specify that these veterans are eligible for VA health care for any problem related to service in the Gulf, not just those problems that may be linked to exposure to toxic substances or environmental hazards.

While I commend the advisory committee for its recommendations to establish a permanent program of benefits and health care, Mr. Speaker, I must also voice my strong objection to the fact that it stands by a previous presidential commission report issued in January that declared that it could not find a causal link between the frequently reported symptoms of fatigue, headaches, sore joints, and rashes, commonly referred to as the gulf war syndrome. Furthermore, the committee report stated that it believed that stress was ''likely to have been an important contributing factor.''

Mr. Speaker, as my colleagues may recall, in the last Congress we enacted legislation to extend priority health care for veterans exposed to agent orange and those who served in the Persian Gulf war through December 31, 1998. My commitment then and now is to provide priority health care to those who served in the gulf war. It is a long-standing commitment, and not just by virtue of my new position as chairman of the Subcommittee on Health.

With respect to what has been known as the gulf war syndrome, I took a deep interest in requesting that we agressively seek answers to the many unexplained illnesses experienced by gulf war veterans. One of the first casualties of this mysterious group of diseases was a constituent of mine, Michael Adcock of Ocala, FL, who died at the age of 22 after serving in Operation Desert Storm.

After returning home from the gulf war, Michael suffered a number of symptoms which had befallen many other gulf war veterans, including persistent nausea, skin rashes, aching joints, hair loss, bleeding gums, blurred vision, and lack of energy, among others.

Michael died in 1993, three years after coming home from the Desert Storm operation. We are still looking for answers to the causes of this mysterious syndrome which appears to be indigenous to those who served in the gulf war.

I think we all know how terribly urgent it is that we continue with our research efforts until we find the answer to the cause of this syndrome that is so ubiquitous to those veterans.

In light of the controversy surrounding unexplained illnesses Desert Storm veterans have and are experiencing, the VA, Department of Defense, NIH and the HHS have long been conducting extensive research into possible causes of the unexplained illnesses associated with this military campaign.

Mr. Speaker, I am optimistic that through these efforts we might find the missing link that will explain this rash of perplexing illnesses which seem to be indigenous to those particular veterans. We all know how invaluable the research being conducted is and the need to find answers as to what is causing thousands of gulf war veterans to be plagued by a rash of unexplained symptoms.

Mr. Speaker, I hope that the Department of Defense and the VA will continue to both aggressively treat symptoms associated with Desert Storm syndrome and investigate its causes or cause.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 42 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, Oh God, that whatever our place in life and whatever our need, whether our spirits are rising or whether we know adversity, we can express our thanksgivings to You for Your promises to us and to every person. We are grateful that we do not walk the paths of life alone, or face the mysterious and bewildering events of the day by ourselves, but Your guiding hand gives direction and Your spirit lifts us when we are weak. With thanksgiving and praise we begin this week and with hearts of gratitude we offer these words of prayer and petition.

This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan [Mr. KILDEE] come forward and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for

which it stands, one nation under God, indivisible, with liberty and justice for all.

EDUCATION IS A COMMONSENSE MATTER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, what is the secret to getting a great education? Brandnew classrooms, the latest computers, a teaching staff trained in the latest pedagogical methods, record spending on school budgets? Of course not. Common sense alone suggests that a great education is a product of the same ingredients that has made for a great education for centuries: motivated students, parents who care about their children's schooling, and teachers with energy and dedication.

What Federal program conceived in Washington, DC, can produce motivated students? What Federal program can make parents care about their children's schooling? What Federal program can produce teachers with energy and dedication?

Mr. Speaker, this is truly puzzling for me, that so many people with Ph.D.'s right here in this community in education and journalists with equally impressive credentials tend to forget these commonsense facts so often when it comes to education. It is time to get back to basics. It is time that Washington encouraged them to do it now, and not tomorrow.

THE WORLD IS IN MOURNING FOR MOTHER TERESA OF CALCUTTA

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, on Friday, September 6, the world lost one of its greatest humanitarian leaders. The death of Mother Teresa of Calcutta has touched literally billions of people in every part of the world, particularly in India, where Mother Teresa began her work taking care of the poorest of the poor some 5 decades ago.

Mother Teresa's death has prompted an outpouring of grief, as well as gratitude to this diminutive woman who many considered a saint on Earth. India's Prime Minister Gujral, visiting the modest convent chapel where Mother Teresa entered religious service, said that the world is mourning. Flags in India are flying at half-staff and a state funeral is planned for Saturday, the highest honor the Indian Government can give.

The funeral offers an opportunity for everyone, from powerful world leaders to the humblest people of Calcutta, to join in paying tribute to a woman who tirelessly ministered to the world's most afflicted citizens.

Mr. Speaker, as we mourn the passing of Mother Teresa, I am sure that all of us in this body extend our best wishes to her successor, Sister Nirmala, as she works to continue the work begun by this remarkable woman who saw God in the face of every human being.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 7 p.m. today.

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1997

Mr. HILL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 976) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians and for other purposes, as amended.

The Clerk read as follows:

H.R. 976

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997''.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) COVERED INDIAN TRIBE.—The term ''covered Indian tribe'' means an Indian tribe listed in section 4(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRIBAL GOVERNING BODY.—The term ''tribal governing body'' means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90–352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of the Tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, after payment of attorney fees and other expenses, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—Subject to section 5, as soon as practicable after the date that is 1 year after the date of enactment of this Act, the Secretary shall distribute an aggregate amount, equal to the funds described in section 3 reduced by $1,469,831.50, as follows:

(1) 28.9276 percent of such amount shall be distributed to the tribal governing body of the Spirit Lake Sioux Tribe of North Dakota.

(2) 57.3145 percent of such amount shall be distributed to the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(3) 13.7579 percent of such amount shall be distributed to the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (b).

(b) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

SEC. 5. ESTABLISHMENT OF TRIBAL TRUST FUNDS.

(a) IN GENERAL.—As a condition to receiving funds distributed under section 4, each tribal governing body referred to in section 4(a) shall establish a trust fund for the benefit of the covered Indian tribe under the jurisdiction of that tribal governing body, consisting of—

(1) amounts deposited into the trust fund; and

(2) any interest and investment income that accrues from investments made from amounts deposited into the trust fund.

(b) TRUSTEE.—Each tribal governing body that establishes a trust fund under this section shall—

(1) serve as the trustee of the trust fund; and

(2) administer the trust fund in accordance with section 6.

SEC. 6. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds distributed to a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds distributed under section 4 may be used by a tribal governing body referred to in section 4(a) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe; or

(3) the development of a program that is beneficial to members of the covered Indian tribe, including educational and social welfare programs.

(c) AUDITS.—

(1) IN GENERAL.—The Secretary shall conduct an annual audit to determine whether each tribal governing body referred to in section 4(a) is managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section.

(2) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—If, on the basis of an audit conducted under paragraph (1), the Secretary determines that a covered Indian tribe is not managing the trust fund established by the tribal governing body under section 5 in accordance with the requirements of this section, the Secretary shall require the covered Indian tribe to take remedial action to achieve compliance.

(B) APPOINTMENT OF INDEPENDENT TRUSTEE.—If, after a reasonable period of time specified by the Secretary, a covered Indian tribe does not take remedial action under subparagraph (A), the Secretary, in consultation with the tribal governing body of the covered Indian tribe, shall appoint an independent trustee to manage the trust fund established by the tribal governing body under section 5.

SEC. 7. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

(a) IN GENERAL.—A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

Not later than 1 year after the date of enactment of this Act, of the funds described in section 3, the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute an amount equal to $1,469,831.50 to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Montana [Mr. HILL] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. HILL].

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

(Mr. HILL asked and was given permission to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, I rise in support of H.R. 976, the proposed Mississippi Sioux Tribes Judgment Fund Distribution Act of 1997.

Mr. Speaker, I note that this legislation would distribute judgment funds to the various Indian tribes in Montana, North Dakota, and South Dakota. I also note that all the Members of the House and all the Members of the Senate from these three States are sponsoring either H.R. 976 or the identical Senate version, S. 391.

H.R. 976 would provide for the disposition of judgment funds appropriated by the Congress in 1968, plus accrued interest to pay the Mississippi Sioux Indians for 27 million acres of ancestral lands which the Indian Claims Commission ruled were taken without just compensation.

A portion of these judgment funds would be distributed to the Spirit Lakes Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine Sioux Tribe of the Fort Peck Reservation in Montana, according to a formula included in H.R. 976.

Each of the aforementioned tribes would be required to establish a trust fund for the benefit of the tribe to be used for the purposes specified in the bill. Another portion of the judgment funds, approximately $1.47 million, would be distributed to the lineal descendents of the Sisseton and Wahpeton tribes of Sioux Indians.

In 1972, Congress passed a judgment fund distribution Act, Public Law 92–555, which allocated these judgment funds between the tribes and lineal descendants to the Mississippi Sioux Tribes. That 1972 law has spawned a series of suits which are still being litigated.

I am told that the administration refuses to negotiate a settlement to this litigation, in spite of Public Law 102–497 passed in 1992, which authorizes the Attorney General to do so. It is time to straighten out this mess. That is why H.R. 976 is before us today. This is a fair bill, a compromise for both the tribes and the lineal descendants which should be acceptable to all.

Mr. Speaker, I recommend that H.R. 976 be passed by the House.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, the gentleman from Montana [Mr. HILL] has done a very good job in explaining this bill. I shall be very brief.

The bill, the Mississippi Sioux Tribes Judgment Fund Distribution Act, will resolve a longstanding dispute over a 1967 judgment fund award by the Indian Claims Commission to three tribes in South Dakota, North Dakota, and Montana. These tribes are the Sisseton and Wahpeton Sioux Tribes, the Spirit Lake Sioux Tribe, and the Fort Peck Sioux Tribe. I have always enjoyed working with these great nations, and I am glad to count them among my friends.

The gentleman from Montana [Mr. HILL] has done a very good job in explaining the bill. The administration has expressed some concerns with it, but I think this committee has well addressed those concerns, and I certainly would urge passage of this bill.

This bill, the Mississippi Sioux Tribes Judgment Fund Distribution Act will resolve a longstanding dispute over 1967 judgment fund award by the Indian Claims Commission to three Sioux Tribes in South Dakota, North Dakota, and Montana.

The three Sioux Tribes won their case against the United States for 27 million acres of land illegally taken from them in direct violation of their treaty rights. The three tribes are the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Sioux Tribe, and the Fort Peck Sioux Tribe. I have always enjoyed working with these grant nations and am glad to count them among my friends.

In 1972, Congress provided for the distribution of the award for the three tribes but also set aside $1.5 million of the award for distribution to lineal descendants of Sisseton and Wahpeton Sioux Tribe. The $1.5 million, however, was never distributed and has grown to more than $14 million.

The tribes have historically opposed the award to the lineal descendants. Their position is that the award was based on the takings of lands from the tribes and that money should only be paid to tribal members. The Department of the Interior, however, recommended that the 1972 distribution legislation also include certain lineal descendants who were not enrolled with the tribes but were legitimate descendants of the original parties.

In the course of the past 10 years, the tribes have brought a series of lawsuits against the lineal descendants. Their claims were dismissed on a number of grounds.

In 1992, Congress passed legislation authorizing the Justice Department to conduct settlement negotiations between the tribes and the lineal descendants. The Justice Department has never acted. At the same time, however, members of the South Dakota, North Dakota, and Montana delegations have sought to encourage settlement between the parties, despite the Justice Department's refusal to assist.

The result is that the tribes and the lineal descendants have finally reached an agreement that divides the money by giving the lineal descendants their original $1.5 million and the three tribes the interest accrued, an amount that now stands at more than $12.5 million. All three Sioux Tribes strongly endorse this legislation and have agreed to forego any further legal action they might take against the lineal descendants. All of the parties are supportive of the plan, including the State Delegations.

The administration, however, opposes this plan. Assistant Secretary Ada Deer testified before the House Resources Committee in June of this year expressing opposition for two reasons. First, the administration noted that the time for appeal in one of the tribes' lawsuits had not run, and thus there was an outside chance that the tribes might ultimately win their case. As I stated earlier, however, the tribes have agreed to drop any future actions if this legislation becomes law.

Second, the administration recognized that if the lineal descendants were entitled to the original $1.5 million award, then they should get the interest. If on the other hand, they were not, then they should get nothing. Thus, they express concern that splitting the money might create a takings claim on the behalf of one of the parties. We believe, however, that Congress has the power to authorize this distribution plan and this view is supported by correspondence from the administration as well as their own testimony.

With respect to the administration's concerns that the makeup of the lineal descendants may not be fully clear at this time, the legislation today provides for a pro rata distribution, thus insuring that all participants who qualify will receive equal awards.

In sum, what we are doing is closing the books on a longstanding dispute between the three tribes and the lineal descendants, and bringing to an end the tribes' dispute with the United States. This is a sound and politically fair decision, one that is supported by all of the affected parties.

I urge my colleagues to support enactment of this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HILL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. HILL] that the House suspend the rules and pass the bill, H.R. 976, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AGUA CALIENTE REVENUE DISTRIBUTION ACT

Mr. HILL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 700) to remove the restriction on

the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians, as amended.

The Clerk read as follows:

H.R. 700

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

SECTION 1. REMOVAL OF RESTRICTION ON DISTRIBUTION OF CERTAIN REVENUES.

(a) IN GENERAL.—The fourth undesignated paragraph in section 3(b) of the Act entitled ''An Act to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes'' approved September 21, 1959 (25 U.S.C. 951 et seq.), is amended by striking ''east: *Provided,*'' and all that follows through ''deceased member.'' and inserting ''east.''.

(b) EFFECTIVE DATE AND AGREEMENT TO MAKE PAYMENT.—The amendment made by subsection (a) shall apply with respect to net rents, profits, and other revenues that accrue on or after the date of distribution of the payment, as provided in Tribal Ordinance 22 dated August 6, 1996, to those persons referenced in Exhibit B of Tribal Ordinance 22.

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from Montana [Mr. HILL] and the gentleman from Michigan [Mr. KILDEE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana [Mr. HILL].

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

Mr. Speaker, H.R. 700 would remove a revenue distribution restriction created in Public Law 86–339, a 1959 statute which related in part to the distribution of certain revenues to 85 members of the Agua Caliente Band of Cahuilla Indians.

The 1959 act exempted lands known as the Mineral Springs lots from an allotment process which had been developed to distribute the band's public lands to individual members. The Mineral Springs lots were set apart and designated as tribal reserves. Revenues generated by the Mineral Springs lots were designated in the 1959 act to be used to offset inequities in the allotments to 85 members of the band and their heirs created by the withdrawal of the Mineral Springs lots from the allotment process.

H.R. 700 would endorse a 1996 ordinance enacted by the band which would compensate those members of the band, or their heirs, entitled to a cash payment or equalization allotment in satisfaction of the requirements of the 1959 act.

The amount of the compensation for each of the 85 members, $22,000, has been placed into escrow by the band.

The provisions of H.R. 700 will take effect on or after the date of the distribution of the aforementioned compensation to the 85 members of the band.

This is a fair and equitable bill. It will have no impact on the Federal budget, contains no intergovernmental or private sector mandates, and would impose no costs on State, local, or tribal governments.

I recommend that H.R. 700 be adopted by this body.

Mr. Speaker, I reserve the balance of my time.

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

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, this legislation will bring an end to a longstanding problem that has affected the ability of the Agua Caliente Tribe of California to govern its own sovereign tribal lands.

H.R. 700 was introduced by our colleague, the gentleman from California, Mr. SONNY BONO. His legislation will allow the Agua Caliente Tribe to compensate allottees or their heirs who currently have exclusive rights to a parcel of land that is located at the site of the tribe's casino. H.R. 700 will simply allow the tribal government to use its gaming revenues to address the social problems facing the tribal members.

Mr. Speaker, I have personally visited this reservation and I have seen this problem firsthand. I know the tribal government has worked endlessly to ensure this plan was fair and equitable. I want to applaud Chairman Richard Milanovich and the Agua Caliente Tribal Council for the hard work they have put into this bill.

I also want to thank the gentleman from California [Mr. BONO] for introducing this important bill to help the residents of his district, and I urge my colleagues to support this legislation.

Mr. BONO. Mr. Speaker, I rise in support of this bill. Along with my colleague, Congressman DALE KILDEE, I am the proud author of H.R. 700, The Agua Caliente Equalization Act.

The Agua Caliente Tribe, located in California's 44th congressional district, has been suffering a dilemma for nearly 50 years. This bill seeks to resolve this dilemma.

This legislation provides the solution to a long standing problem that the tribe has already addressed within their governmental process and structure. This body must consider this issue because, in 1959, the Federal Government imposed restrictions on how the tribe was to resolve an internal issue.

This legislation has been reviewed by both the Justice Department and the Department of the Interior, and has passed constitutional muster. The administration has raised no objections, nor do I know of any opposition within this body.

This legislation virtually mirrors H.R. 3804, which I introduced in the last Congress and was approved under suspension. Had the Senate not adjourned, this bill, which has been cleared for floor action, would have been taken up in that body.

What this bill seeks to accomplish is to recognize the exclusive rights that were provided to 85 unallotted members of the tribe to a parcel of land owned by the tribe. The tribe, from its own revenues, would make a one-time payment to these 85 nonallottees or their heirs in exchange for the tribe to utilize any future revenues derived from this parcel of land for the benefit of the entire tribe.

This bill is a result of many meetings with the tribe and my personal knowledge of the Agua Caliente Reservation. I realize that there are many things that the tribal council need in order to assist their members. The council has informed me that they intend to provide health insurance and decent housing for their members. The council has also made commitments for both educational and employment opportunities for its members. This bill will provide the necessary mechanisms for the tribe to make these goals a reality.

The bill enjoys the overwhelming support of the tribe and the 85 affected allottees. Over 60 percent of the voting age members of the tribe have taken the time to write this committee expressing their support of this bill.

I want to commend the tribal council for its efforts to accommodate the concerns and interests of all members of the tribe. The final vote on support of this bill was unanimous by the council, illustrating the hard work and dedication of the council in addressing the needs of their tribe.

Finally, this bill reflects an agreement that the tribe and the allottees have reached themselves. As such, it reaffirms our commitment to furthering the Federal policy of self-determination and self-governance. This bill deserves the support of this body. I urge my colleagues to support this legislation.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. HILL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana [Mr. HILL] that the House suspend the rules and pass the bill, H.R. 700, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HILL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 976 and H.R. 700, the bills just passed.

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

There was no objection.

NEED-BASED EDUCATIONAL AID ANTITRUST PROTECTION ACT OF 1997

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill, H.R. 1866, to continue favorable treatment for need-based educational aid under the antitrust laws.

The Clerk read as follows:

Senate amendment:

Page 2, strike out lines 4 through 17 and insert:

SEC. 2. CONTINUATION OF FAVORABLE TREATMENT FOR NEED-BASED EDUCATIONAL AID UNDER THE ANTITRUST LAWS.

(a) AMENDMENTS.—Section 568 of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''TEMPORARY''; and

(B) by striking paragraph (4) and and inserting the following:

''(4) to exchange through an independent third party, before awarding need-based financial aid to any of such students who is commonly admitted to the institutions of higher education involved, data submitted by the student so admitted, the student's family, or a financial institution on behalf of the student or the student's family relating to assets, liabilities, income, expenses, the number of family members, and the number of the student's siblings in college, if each of such institutions of higher education is permitted to retrieve such data only once with respect to the student.''; and

(2) in subsection (d), by striking ''September 30, 1997'' and inserting ''September 30, 2001''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately before September 30, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

□ 1415

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House concurs in the Senate amendment to H.R. 1866, the Need-Based Educational Aid Antitrust Protection Act of 1997, which I introduced last June. Mr. Speaker, I want to pause here to give special thanks to Joseph Gibson of the House Committee on the Judiciary for his good work on this legislation.

Mr. Speaker, beginning in the mid-1950's, a number of private colleges and universities agreed to award institutional financial aid; that is, aid from the school's own funds, solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assess each student's need and to give essentially the same financial aid award to each of the students admitted to more than one member of the group.

From the 1950's through the late 1980's, the practice continued undisturbed. In 1989, the Antitrust Division of the Department of Justice brought suit against nine of the colleges engaging in this practice. After extensive litigation, the parties reached a final settlement in 1993.

In 1994, Congress passed a temporary exemption from the antitrust laws that basically codified the settlement. It allowed agreements to provide aid on the basis of need only; to use common principles of needs analysis; to use a common financial aid application form; and to allow exchange of the student's financial aid information to a third party. It also prohibited agreements on awards to specific students. It provided for this exemption to expire on September 30, 1997.

To my knowledge, there are no complaints about the existing exemption. H.R. 1866, as introduced and passed by the House, would have made the exemption passed in 1994 permanent. It would not have made any change to the substance of the exemption.

The Senate amendment provides for a 4-year extension of the exemption and makes some minor technical changes to the information-sharing provision of the exemption. I would have preferred that we pass this bill as originally introduced, particularly with respect to the permanency of the exemption.

Despite my disappointment with the other body's shortening of the exemption, I am encouraged that they kept the provision of the original bill that struck the word ''temporary'' from the heading of the provision. I believe this represents an understanding that we will make the exemption permanent if no problems are reported with it during this 4-year extension. It is with that understanding that I am willing to accept the Senate amendment.

Mr. Speaker, the need-based financial aid system serves social goals that the antitrust laws do not adequately address; namely, making financial aid available to the broadest number of students solely on the basis of financial need. Without it, the schools would be required to compete, through financial aid awards, for the very top students. Those very top students would get all the aid available. That would be more than they need. The rest would get less or none at all.

Ultimately, such a system would serve to undermine the principles of need-based aid and need-blind admissions.

No student who is otherwise qualified ought to be denied the opportunity to go to the colleges involved because of the financial situation of his or her family. H.R. 1866 will help protect need-based aid and need-blind admissions and preserve that opportunity.

Mr. Speaker, I urge the House to suspend the rules and concur in the Senate amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I congratulate the gentleman from Texas [Mr. SMITH], the chairman of the Subcommittee on Immigration and Claims. I agree with the legislation that the gentleman has introduced, and I share his regret that the Senate made it only a 4-year extension. There was no good reason for that.

But, Mr. Speaker, I also share the gentleman's view that the best thing for us to do is to concur, so we can at least keep it going. The colleges deserve to have been supported by the Federal Government, not interfered with when this first came up.

As the gentleman from Texas very accurately explained, what we are talking about here is an effort by the colleges to put their scholarship money where the need is the greatest. Absent this kind of antitrust exemption, there would be pressures on them to bid for a few students, regardless of whether or not need existed, and that would take money away in a limited-resource universe that we live in, from students in great need.

Mr. Speaker, I thought it was a serious error when the Department of Justice years ago interfered here. Congress did the right thing by stepping in to protect the right of the universities to do this. We should be making it permanent, and the gentleman from Texas has taken the lead here in a very good way. Given that the Senate did not want to go along with the permanent extension, this is the best we could do and so we should do it.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. FRANK] for his comments and for his support, since the gentleman was an original cosponsor of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion of the gentleman from Texas [Mr. SMITH] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1866.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to H.R. 1866 was concurred in.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. The Chair will recognize Members for special order speeches, without prejudice to the resumption of legislative business.

THE PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. HORN] is recognized for 60 minutes as the designee of the majority leader.

Mr. HORN. Mr. Speaker, I rise to speak on a bill that will improve the financial operations of the White House.

Last Thursday the Subcommittee on Government Management, Information, and Technology, which I chair,

marked up H.R. 1962, the Presidential and Executive Office Financial Accountability Act of 1997.

This bill will bring fiscal accountability to the highest office in the land. It received unanimous bipartisan support from the subcommittee and has been forwarded to the full Committee on Government Reform and Oversight for its consideration.

The vehicle for this essential reform is the Chief Financial Officers Act of 1990. The Chief Financial Officers Act was landmark legislation. It was bipartisan in nature, passed in a Democratic Congress by both Republicans and Democrats. It was inspired by the realization that billions of dollars are lost through waste, fraud, abuse, and mismanagement in the Federal Government.

Mr. Speaker, the waste stems in part from obsolete and inefficient financial management systems that fail to produce consistent and reliable information. Congress realized that this and related problems could be addressed through improved management and specifically through improved central coordination of internal controls and financial accounting.

The Chief Financial Officers Act was designed to help executive branch agencies improve their financial operations. It established leadership positions within the Office of Management and Budget, which is the President's management and fiscal responsibility agency to administer through the Federal Government his desires. The Office of Management and Budget dealt with these financial management issues, and included the Deputy Director for Management at that time.

The Chief Financial Officers Act also established the Office of Federal Financial Management within the Office of Management and Budget, and the position of controller to serve as the principal advisor to the Deputy Director for Management on financial management issues.

The act installed a chief financial officer and a deputy chief financial officer in every major department and agency. The chief financial officers oversee all financial management activities within their agencies and they report directly to the head of the agency on financial matters.

This high-level reporting is crucial. Financial management, like information technology, is a technical subject that many executives prefer to avoid. That is a bad habit that can lead to a wide variety of problems in any organization. The solution is to make certain that financial management has a place at the executive leadership table.

Mr. Speaker, chief financial officers are also charged with developing and maintaining an integrated agency accounting and financial management system, including financial reporting and internal controls. Furthermore, an agency's chief financial officer provides guidance and oversight of financial management personnel, activities, and operations. This ensures in-house expertise on financial management. It also establishes a point of responsibility for all financial operations.

The chief financial officers prepare annual management reports for their agencies that are transmitted to Congress. They also prepare audited financial statements. These are submitted to the Office of Management and Budget. Beginning next year, the financial statements will be compiled by the Director of the Office of Management and Budget and the Secretary of the Treasury, and distilled into a government-wide audited financial statement. This will be a first in American history. Not since 1789 have we had one financial statement that reflected what happens in the executive branch.

Although implementation of the Chief Financial Officers Act is not yet complete, the act has already proved effective. The Chief Financial Officers Act brings fiscal discipline to the 24 executive branch agencies affected by it. Several agency chief financial officers have stated that the benefits agencies gain by strengthening internal controls and applying private business sector approaches to financial management and reporting far outweigh the costs and difficulties involved.

Given the importance of the Chief Financial Officers Act, it might surprise some people to learn that the law was never applied to the Executive Office of the President. Americans look to the White House for leadership of the executive branch. Procedures in the Executive Office of the President ought to embody the best practices of the public and private sectors for the administration of the executive branch. We have the right to expect that the White House will set a model of excellence in this regard.

Regardless of administration or party, White House offices have not consistently met that standard. The White House pays for equipment it no longer needs. It has even paid for items that were never delivered. In the last Congress we learned of egregious waste and abuse due to inadequate accounting controls. The White House Communications Agency, for instance, paid only 17 percent of its bills on time. The taxpayers were stuck for penalties and interest on the other 83 percent of its obligations. This is a dismal performance.

Recent news reports confirm the impression that financial controls at the White House are weak. For example, it was reported last month that the White House has had to take extraordinary action to avoid exhausting its annual staff travel budget several months early this year. That had already happened once before, but it was not revealed.

The cause of the problem is very simple: People like to travel and no one is telling them not to. As the President's spokesman acknowledges, staff accompanying the President are increasingly bloated because ''people are taking seriously the inflated titles that they've been given.'' Those are the words of the White House spokesman.

The solution to this problem is to make certain someone in the White House has both the technical expertise to watch the books, and the authority to enforce limits on spending by working with the responsible executives in charge of the various offices that are part of the Executive Office of the President.

And that is the role of a chief financial officer. It is abundantly clear that the Executive Office of the President could benefit from the fiscal discipline imposed by the Chief Financial Officers Act. The Chief Financial Officers Act would bring accountability to the financial operations in the White House.

If there had been a chief financial officer in the White House, the unorthodox accounting practices that prevailed in the travel office and which were used by the White House to justify the firing of longtime, dedicated employees would not have been permitted. A chief financial officer would have provided the travel office manager with the guidance and expert advice that was sorely needed.

A chief financial officer serves as a control to prevent abuses of power, whether minor or serious—as in destroying financial records of national interest. The Presidential and Executive Office Accountability Act of 1997 would provide for the appointment of a chief financial officer in the Executive Office of the President. H.R. 1962 does so in such a way as to address White House concerns about the privacy of certain high-level information.

The Presidential and Executive Office Financial Accountability Act of 1997 would make the White House more accountable for its own operations. The chief financial officer would review and audit the White House's financial system and records. A system of internal control would be established to prevent and to correct errors. The chief financial officer would review and audit the White House's financial systems and records. This type of control has worked well in other Federal agencies, including the Department of Justice and the Central Intelligence Agency.

The substance of this bill passed the House of Representatives with overwhelming support last fall. It was the part of H.R. 3452, the Presidential and Executive Office Accountability Act, which passed the House by a vote of 410 to 5 on September 24, 1996. Unfortunately, as the 104th Congress raced to a close, the chief financial officer provision did not make it into law.

In the months since the House voted almost unanimously for this provision, its importance has become only quite clear. Many of the White House's financial systems are arcane. We are working with the relevant staff of the President in a cooperative, bipartisan way to increase this accountability. A good first step toward serious reform is to

hold the Executive Office of the President to the same standards of fiscal accountability as the various departments under the Chief Financial Officers Act. It is essential that the financial systems of the Executive Office of the President serve the President and his senior staff in an efficient and effective manner.

As the President and Congress work together to eliminate unneeded programs and make others fiscally more effective, it is essential that the highest public office in the land be an example of financial accountability.

□ 1430

I look forward to this legislation clearing the Committee on Government Reform and Oversight and coming before the House. I would hope that, as last year, this would be overwhelmingly passed on suspension.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 695

Mr. JONES. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 695.

The SPEAKER pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

TAX CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes.

Mr. NEUMANN. Mr. Speaker, I rise today to bring back information that I heard all over my district this weekend. We had a chance to travel and see my son who is a junior in college. I got a chance to talk to some of his friends at college as well as some of their parents. I thought I would come back today and relay some of the information regarding the tax cuts because they still seem to be generally misunderstood out there. They affect so many people in so many good ways, that this is good news that just plain needs to go out to the American people.

I would like to start today by going through the tax cuts, reminding all of my colleagues out there what is all in the bill as it relates to these tax cuts. And remember this is legislation that has actually passed Congress. This is now the law. The law has changed dramatically in terms of how much taxes are owed by families out there, by senior citizens out there. The tax laws have changed and they have changed dramatically.

I thought I would start today by revamping what is in the change in the Tax Code. Before I go into the specifics of this, I think it is important to also note that we are about to balance the budget for the first time since 1969. For all the folks out there saying how can you both cut taxes and balance the budget at the same time, let me explain very simply that by curtailing the growth of Washington spending; that is, Washington spending grows less, that leaves more money available and it is simply being returned to the American people. So we are both balancing the budget and lowering taxes at the same time.

Let me go into some of the things that I found that my families out in the First District of Wisconsin were talking about and found very useful for their information. Let me start with the simplest one that is the most straightforward.

Each family with children next year 17 or younger gets a $400 tax credit for each child. If we start there with the simplest one, what this really means is that in January of next year a family with children should go into their place of employment, they should lower the amount of tax dollars that are sent to Washington, DC, by $33 per month per child. This is literally a change of where the money that our workers are earning, where that money is going to. In the past that $33 came out here to Washington; now it should go into your take-home pay. But you have to go in and adjust the W–4 form in order to increase your take-home pay and decrease the amount of money that is coming out here to Washington.

The $33 per month per child is very simply $400, the tax credit per child, divided by the 12 months in the year. Starting with January of next year, a family with children should increase their take-home pay by $33 per month for each one of their children. So if you are a family of five like ours, you have three kids 17 and younger, for example, you should increase your take-home pay by roughly $100 per month starting next January. That affects approximately 550,000 Wisconsin families alone. But it does not end there.

Families saving up to send their children to college, there is a new education savings account and it works like this: A family with children can put $500 per year into a savings account that will then accumulate interest tax free until the children are ready to go to college, called the education savings account.

I found that a lot of the grandparents were talking about this because a lot of times a birthday will come or Christmas and they will not quite know what to get the grandchildren for a gift. This makes a wonderful gift. The grandparents can literally put this money into the education savings account, and it works like an IRA for the kids. When the kids get to college, education age, they simply take the money out and use it to go to college.

Another one for families with kids already in college. If you have a freshman or a sophomore in college, virtually all freshmen and sophomores in college paying $2,000 a year or more for room, board, and tuition will get a $1,500 credit next year on their taxes. If you have a freshman or a sophomore in college, it is a $1,500 tax credit next year.

It works like this: It is 100 percent of the first $1,000 of cost and 50 percent of the next $1,000, or $1,500 total out of a total cost of $2,000.

So for most of the families and most of the college students I was talking to over in New Ulm, MN, most of those families will get a $1,500 credit next year for the freshman and sophomore. If you are beyond the sophomore year, it is 20 percent of the first $5,000, or in most cases it is $1,000. So for freshmen and sophomores, the tax credit is $1,500. For juniors, seniors, and beyond that, the tax credit is $1,000.

And again, if you are not paying that much overall for your room, board, and tuition and total cost of going to college, it is prorated backwards. Freshmen and sophomores, virtually all of them that we talked to, would be eligible for the $1,500 per year credit. Junior, seniors and beyond, many of them are going to be eligible for the full $1,000, and some of them prorated amounts.

These are major changes in Tax Code policy that are going to allow our families with children and with college age children to keep more of their own money. Let me give you an example what we found.

Friends of ours from church, they have got one off in college, just started this year, is going to the same school as my daughter, Carthage College in Kenosha, WI. They have got two kids still at home. That family is eligible for $1,500 for the student enrolled at Carthage and $400 for each one of the two kids at home for a total of $2,300.

Let me translate that again. In January of next year, this family should literally start taking home roughly $200 a month more of their own money instead of sending it to Washington. Again, this is a family with a freshman who got $1,500 for the freshman college credit, $400 for each of the other two children still at home, for a total of $2,300 that they keep in their house instead of sending it to Washington.

It was really interesting because when I talked to some of the folks out there they said, I do not have kids and, therefore, I am not eligible for any of this. A lot of those families found that they had stock that had appreciated in value. They were going to sell that stock. Of course the capital gains rate has been reduced from 28 to 20 percent. Again, I pause in between. This is not Washington jargon. This is the law. This has been passed. It has been changed. The benefit is there. It is on the books. The capital gains tax rate has been reduced from 28 percent to 20 percent, if you sell stocks or bonds or whatever else it is you might have in that portfolio. I caution folks, take a good look at this, because there are time limits on how long you have to have held the investment.

Let me go to another one that a lot of folks did not realize. This affected

one family. We saw some friends of ours that had moved from Wisconsin to Minnesota. In fact, they had sold their home in Wisconsin.

As most people do that have been in their home for a period of time, they made a profit selling the home. That is the way it works. The change in the tax law now says that if you sell your home after you have lived in it for 2 or more years, there are no Federal taxes due.

I started explaining this to one family in Green Bay, WI. The caller on this radio show asked me three times if I was sure I had this right. If you have lived in your home for 2 years or more, principal residence for 2 years or more, and you sell the home and make a profit, there are no Federal taxes due.

The old age 55, where folks in their early 50's wanted to sell but waited for the 55 exclusion, the exclusion is gone. It is at any time during your life. If it is your principal residence for 2 years or more, there are no Federal taxes due on the sale of your home. A person in a situation of a job transfer, like our friends we saw in Minnesota this weekend, where they sold a home in Wisconsin and moved to Minnesota, they are no longer forced to purchase a home of equal or greater value to put off paying taxes. That is the way it used to be. It is not true anymore. If you sell your home, there are no Federal taxes due if it has been your principal residence for 2 years or more in virtually all cases.

I have not talked too much about the farmers. Ninety percent of all farms can now be passed on to the next generation because of this new tax change without paying Federal taxes on it as it is passed from one generation to another. Same thing on closely held family businesses.

Then I saw some union workers. Some of the union workers said, but my kids are all grown and gone and they are out of college; I do not qualify for any of those things you just described. In fact, I am in a pension plan where I work and therefore none of that stuff is applicable to me.

I said, did you think about the Roth IRA. People in their early 50s, kids grown and gone, they are out of college. They are no longer around and not eligible for any of these other tax cuts. They said, well, we are not thinking of selling our house. I said to them, why do you not think about the Roth IRA. The Roth IRA is a brand new account that is going to help allow millions of Americans prepare to take care of themselves in retirement.

The Roth IRA works like this: You can put up to $2,000 per year into the Roth IRA. The interest that accumulates or stock appreciation or whatever you put this Roth IRA into, as it appreciates in value, you reach retirement age, you take the money out. You do not pay taxes on it. The Roth IRA is sort of like the IRA of old only backward and open to a lot more people.

It used to be in the old IRA's, this is still available for those people that were eligible before, but in the old IRA you put $2,000 in, you wrote it off on your taxes this year. Under the Roth IRA, you do not get the tax deduction this year but when you take the money out in the future, the appreciated money, you do not pay taxes on it in retirement. It is a great way to save for retirement for millions and millions of Americans that virtually takes into account any of the other folks that were not covered or benefited by one of the other tax cuts that I spoke of earlier.

I talked to some young couples who were thinking of a first home or saving up for a future college education, maybe had a bachelor's degree and looking to go back to school, complete a master's or a doctorate. Under the new IRA's, they can also save up for their first home or for future education costs under the Roth IRA.

So the good news is these tax cuts, when we were all over and done discussing them, we found that virtually every American benefits in some way, shape, or form from the tax cuts. From families with $400 per child, to the $1,500 for college credit, to the $1,000 for those that are further on in college, to those that are saving for their own retirement, to those who are already in retirement and sold their home, virtually everybody across the board benefited from the tax cut package. It is just time that America understands what is in it.

My fear is this. My fear is that January is going to get here and those 550,000 families in Wisconsin that are eligible to keep $33 per month per child more of their own money in their own home, they are not going to do it. They are going to let that money keep flowing out here to Washington. When Washington sees the money, as hard as Members like myself are going to fight to stop them from spending it, it is going to be more difficult with the money out here in Washington than if the folks keep the money in their home themselves.

That money belongs to our families in Wisconsin and other families across America. Those families ought to keep their own money. Do not send it out here to Washington and hope you will get it back a year later. Keep it in your own home. You earned it. It is not a gift from Washington. Keep your own money and make the changes as soon as you can. You are eligible in January of next year and those changes should be put into effect immediately. If you have got a freshman in college, 125 bucks a month you ought to be keeping of your own money. If you have a child under the age of 17, 17 and under, $33 a month. Make the changes in your withholding immediately so that money does not get out here to Washington first. Good news for America.

I conclude this portion of what I have to say here today on the tax cuts in a very upbeat mode because we have not only lowered taxes, we did not do it at the expense of future generations of Americans. We have lowered taxes at the same time we balanced the budget, and we did it by controlling Washington spending. And I think that is what the change in 1994 was all about.

With that having been said, I think we should talk about what has happened in the past out here in Washington because it is pretty significant. There is a lot of people very concerned about it, myself included. It is really the primary reason I left the private sector.

What I have in this chart is the growing debt facing the United States of America. We can see that from 1960 to 1980 this debt grew in a very small amount, but from 1980 forward, this debt has grown right off the chart.

A lot of people look at 1980 and they say, that is when Ronald Reagan was elected. That is the Democrats, they blame the Republicans. And Republicans go, that is that Democrat Congress. They spent out of control and the Republicans all blame the Democrats.

The bottom line is that as Americans we need to understand what we are about here on this chart. If we keep fighting, Republicans and Democrats, the problem is not going to get resolved. This is an American problem. We need to look at this picture and understand the problem is real and start addressing the problem.

If you have not seen how much debt we are in as a Nation, it is almost scary to talk about it. The number is $5.3 trillion and the number looks like this. The people that were here in Washington before 1995 saw fit to spend $5.3 trillion more than they collected in taxes basically in the last 15 years.

Let me translate that into English. I used to teach math. We used to divide the total debt by the number of people in the country. Every man, woman, and child in America today is responsible for $20,000 of debt. If we divided debt up amongst all the people in the country, $20,000 for every man, woman, and child in America, and for a family of five like mine, it is $100,000.

Here is the kicker on the debt. That is real debt. And like all debt, you pay interest on it. A family of five today in America is literally paying $580 a month every month to do nothing but pay interest on the Federal debt.

Let me put this another way: The Federal Government is collecting taxes out of the paychecks of workers all across America, for a family of five in the amount of $580 a month, to do nothing but pay interest on the Federal debt.

A lot of folks are going, I do not have to worry, I do not pay that much in taxes. The reality is every time you walk in the store and you do something as simple as buy a loaf of bread, the store owner makes a small profit on that loaf of bread and part of that profit gets sent out here to Washington, DC. You guessed it. It goes to pay interest on the Federal debt. As a matter of fact, $1 out of every $6 that the Federal Government spends, remember,

when they spend money, they are collecting it out of your paychecks first, $1 out of every $6 that they collect out of your paychecks goes to do nothing but pay interest on the Federal debt.

□ 1445

I think it is reasonable to ask how it is that we got to this situation. I think to answer that question we ought to look back at what was going on out here before 1995 so we can see the difference.

In 1994 the American people said, we are not going to put up with this anymore, and they elected a new Congress. And I think it is important to look at the difference between the past and what is happening now and understand that there has in fact been a very significant change.

This is the Gramm-Rudman-Hollings bill of 1985 and the blue line shows how they were going to decrease the deficits and get a balanced budget in 1991. The red line shows what they actually did back then. They did not meet those targets. They left the blue line literally after 1 year and they never came close to hitting the targets again.

Well, they did what Washington does pretty well. When they saw they could not make the first projections, they gave some new promises out of this city, and the new promises went like this: Well, we will balance the budget by 1993. We see we cannot keep the old promises, so we will make some new ones.

But what happened is after a year and a half they quit honoring their promises again. And in 1993, the year they were supposed to have the budget balanced, based on all those promises again, instead of balancing the budget, they raised taxes.

The thinking went like this: Well, we understand we cannot control Washington spending. So what we will do instead is we will simply reach into the paychecks of American workers and take more money out here to Washington, because if we get more money out of their paychecks, we can maintain our Washington programs, keep spending money out in this city, and eventually we will get to a balanced budget because we will keep taking more and more money out of their paychecks.

That was 1993. The biggest tax increase in American history was passed in that year.

That has led to the problems of today. Raising taxes did not and does not work to balance the Federal budget. That is not how to go about balancing the Federal budget.

Well, in 1994 the American people looked at this situation and said broken promises, higher taxes? That is not what we want going on in Washington, DC. We want a group of people out there who will promise us a balanced budget, keep their promises and, at the same time, lower our taxes.

That was 3 years ago. And I think it is reasonable that the American people start asking what has happened since 1995 when we put the Republicans in control of the House of Representatives and we put the Republicans in control of the Senate. Has it been different?

Let us be fair about this. They left a Democrat President in control out here. So the American people have a right to ask, with Republicans in control of the House and Republicans in control of the Senate and, in all fairness, a Democrat President, what is going on?

Well, in 1995, we laid a plan into place to balance the Federal budget, too. We inherited this. If we had done nothing when we came here, if we had done absolutely nothing when we got to Washington, this was where the deficit was going to. As a matter of fact, it would have grown to $350 billion. When we got here in 1995, if nothing would have changed, we would have played golf, we would have played basketball and not done our job, the deficit was growing and it was going to keep right on growing.

After 12 months, and many people remember the hassles of the first 12 months of 1995, in those 12 months we went through battle after battle after battle to change what was going on in Washington, DC. By the end of December, if we had quit at that point, the yellow line shows where the deficit would have gone.

But we had this plan in place, and the plan was the green line. This green line is much like what we saw in the Gramm-Rudman-Hollings promise of the past chart. The only difference is, instead of missing our targets, we are not only on track but ahead of schedule.

Remember, this is the promise. Much like the promises made under Gramm-Rudman-Hollings, but instead of being above that target we are below the target. We are not only on track to a balanced budget but we are significantly ahead of schedule.

Is there anything different from pre-1995 to post-1995? You bet your bottom dollar there is a lot of difference out here. Instead of missing our targets, we are on track and ahead of schedule, and we will deliver to the American people a balanced budget, literally by the year 1999, at the latest, maybe even 1998, 3 years ahead of schedule. No more broken promises.

We are not doing it with higher taxes but by controlling the growth of Washington spending.

When I am home in my district and I am telling this, a lot of people say, yes, but the economy is strong. It is all the economy that is doing it. And in all fairness, the economy is strong. But we have had strong economies in the past, and when we have had strong ecomomies in the past, and Washington slides to revenue, Washington simply increases their spending to match that increase in revenue and the deficits kept going up.

Washington is different since 1995, and I think the people have a right to know. Before 1995, when we got here, this red column shows how fast spending was going up. It was going up 5.2 percent annually. When we got here in 1995, we slowed the growth of Washington spending. Instead of going up at 5.2 percent it is now going up at 3.2 percent, frankly, faster than some of us would still like to see it. We would like to see this even smaller yet.

But let us be real about this. We had a 40-percent drop in the growth of Washington spending in a 2-year period of time. We have a strong economy, extra revenues coming in and, at the same time, we have slowed the growth of Washington spending.

The result? The result is we can both balance the budget and reduce taxes at the same time. That is great news for the future of this country.

I brought a chart to help explain this a little better, because it gets reasonably simple to understand how that changes the impact of what is going on out here and why we are actually at a balanced budget sooner rather than later, and why we can both reduce taxes and balance the budget at the same time.

This red line shows spending growing at 5.2 percent, just like the last chart I had up here, and we will notice when we get to 1995 the red line starts going up at a slower rate. Well, since the red line is going up at a slower rate and the blue line shows revenues, and the blue line keeps going up at a very strong rate, well, if the red line goes up slower and the blue line goes up faster, we reach a balanced budget ahead of schedule.

That is, in effect, what has happened. We can see from this picture that as the revenues grow at a faster rate, and spending, instead of growing at a faster rate to keep up with that, grows at a slower rate, we get to the point where the two lines cross each other and, in fact, we have a balanced budget not only in the year 2002, as promised, but significantly ahead of schedule, perhaps 1998 or 1999.

It is also interesting to note what happens next. With the revenues continuing to grow and the spending growth slow, we actually create a surplus out here where we can look at having more Federal dollars coming in than what we are spending.

Now, I do not think we should negate our obligation and responsibility here. With more Federal dollars coming in than what we are spending, we certainly have a responsibility to return some of those dollars to the American people, but we also still have that $5.4 trillion debt staring us in the face, and that has to be paid down.

But the point here is that as revenues keep going up and spending growth is slowed, we get to a balanced budget not only on track, but ahead of schedule and we actually start developing surpluses as early as the year 1999. This is phenomenal news for the United States of America, and it is a phenomenal change from where we were before 1995.

The credit for all of this? The credit should go to the American people because, after all, it is the American people that saw fit to change who was in control of Washington, who saw fit to send a group out here that would in fact control the growth of Washington spending as opposed to spending more in the face of a strong economy.

I have one other chart up here that just helps us also to see just exactly what is going on and how much we are keeping our commitment to the American people. The red columns here show the promises made by the new Congress in 1995 when we got here. And these are easy to check; these are actually down in law.

This is the deficit projection that we said, in order to reach a balanced budget, we had to achieve. Well, in 1996 we said the deficit had to be $154 billion, as we laid out our path to a balanced budget. It came in actually not only on target but ahead of schedule at $107 billion.

The second year, 1997, we had projected it had to stay at least at $174 billion in order to keep us on track. Actually, it is coming in, the chart shows $67, it is actually coming in at $34 billion.

I want to talk a bit about how this helps the economy and why we are seeing such a boom even though we are at the end of what might be considered a normal business cycle. This means the Government spent $100 billion less than everyone expected them to spend. When the Government spends $100 billion less, and that means they borrow less out of the private sector, that means there is $100 billion more money available in the private sector.

This is kind of the law of supply and demand. If there is more money available in the private sector, needless to say, the interest rates will stay down. With the interest rates down, of course, the natural things happen: People buy more houses, they buy more cars, they buy more things. And when people buy more houses and cars, because the interest rates are down, that of course means there are job opportunities because people have to build those houses and build those cars and build those washers and dryers and all the other things they are buying to go into those homes.

So it works pretty much like this. The Government not only hit their target but they are way ahead of schedule, $100 billion. Since they borrowed $100 billion less out of the private sector, that left $100 billion more available in the private sector. Well, banks had to lend that money out, so they kept the interest rates down so people would buy more houses and cars, people bought more houses and cars, and when they did that, of course other people went to work and started paying taxes instead of drawing off the welfare roll.

That was our theory back in 1995. This picture shows how well that theory works. It is kind of a self-fulfulling prophecy. As the Government borrows less, there is more money available, the interest rates stay down, and when the interest rates are low and capital is available, that means people buy houses and cars. When they buy houses and cars, we expect the unemployment rate to stay low, and that is actually happening all around us right now.

So I contend the picture we are looking at is not really not to be expected; it should be expected, because the theory is now a reality. It is not a theory any longer; it is now a working model. And in fact we see in this picture our working model is very effective and works pretty well.

Now, having said all that, I go back to the first chart we had up here. It is the chart that shows the growing debt. Because as positive and optimistic and upbeat as all this is, we have talked about the fact that it has changed since before 1995. In the past we had the broken promises of Gramm-Rudman-Hollings; in the past we had the tax increases of 1993, and in 1994 the American people changed that. They put the Republicans in control of the House and the Republicans in control of the Senate and, in all fairness, they have left a Democrat President in charge, so let us keep it as bipartisan as we can. But the reality is, it changed dramatically in 1994.

So, with this change, we have reached a balanced budget for the first time in a generation and lowered taxes for the first time in 16 years, but we have still got this problem that we are right here on this debt chart. So I think the remaining question that has to be asked is, if this group that is now in charge out here is actually going to solve the problems facing this Nation, balancing the budget for the first time since 1969, lowering taxes for the first time in 16 years, restoring Medicare, what about that debt that is still out there facing the American people? Are we really willing to leave that as the legacy that we pass on to our children?

If nothing is done about it, we keep the budget balanced so we do not borrow more money, we will still pass that $5.3 trillion debt on to our children. That is the remaining question that needs to be answered.

I am happy to say that we have developed a plan that specifically addresses that question. It is called the National Debt Repayment Act. Now, under the National Debt Repayment Act, of course our ultimate goal is to pay off the Federal debt to pass this Nation on to our children debt free. When we think of the benefits of passing this Nation on to our children debt free, it would be nice if, a generation from now, a family of five did not have to send $580 to Washington to pay nothing but interest on the Federal debt.

Here is how the plan works. After we reach a balanced budget, and again it has to do with the revenue line climbing faster than the spending line, after we reach a balanced budget, we cap the growth of Washington spending at a rate 1 percent lower than the rate of revenue growth.

Now, a lot of folks will look at this red line, which is the spending growth, and say, wait a minute, I have been hearing about these draconian cuts that are being made in Washington, but how come that spending line is still going up there?

Well, it is time the American people get to know the truth. Even when Washington slows the growth of Washington spending, the spending line is still going up. They are still spending more money each and every year. Many of us would like to see this red line much flatter than what it is.

I have made a reasonable projection here as to what can be accomplished in this community, even with all the pressures to do all the different things being leveled on the many people out here in Washington.

So what our bill does is, it says, we will let spending go up but at a slower rate than the rate of revenue growth. If revenues go up faster than the rate of spending growth, that creates a surplus. That surplus is used to two ways: First, we use one-third of it to further reduce the taxes on the American people.

And let me address further reducing the taxes on the American people. Our Tax Code is so complicated that virtually no one out there can understand it. Our tax code is so complicated, and I was so frustrated this morning, I about threw one of our staff members out the window, and I owe him an apology, because I was so upset, because as we started going through the tax rules, they are so complicated it seemed like nobody was willing to write down what the actual answer to our question was, because nobody was 100 percent sure because the rules are so complicated.

So as we look at this picture and realize that we can, in fact, create these surpluses by controlling the growth of Washington spending, one-third of those surpluses dedicated to additional tax cuts, let us start by looking at opportunities to reform the Tax Code in its entirety, maybe throw out the IRS as we know this complicated monster to be today, and start with something newer and simpler that people can in fact understand. So I would suggest we use the additional tax cuts for across-the-board tax cuts.

And the other thing I think needs to be eliminated is the marriage tax penalty, and it is important to get to that in a hurry.

□ 1500

In America today, if four people all work at the same job and all earn exactly the same income but two of those people are married to each other and two of those people are living together, forget the social evaluations on what you think of that, the facts are that two people that are married to each other pay more taxes than the two people that are living with each other, and that is not right in this Nation. That is promoting exactly the opposite of what many of us would think we should be

promoting in this country. I would say we need to eliminate the marriage tax penalty and look for across-the-board tax cuts, and with that one-third let us look to revamp the tax system in its entirety and get to something that we can understand.

I have another example of how frustrating it is. My 14-year-old son who mowed lawns and made $900 mowing those lawns owed $128 into the Social Security system, but because he was self-employed, filling out the forms is complicated enough that you need an accountant to do it. That is how ridiculous our tax system is today.

As we look at this picture, and we realize that simply slowing the growth of Washington spending will allow us to develop this surplus and one-third of the surplus goes to additional tax cuts hopefully revamping the tax system, the other two-thirds goes to paying down debt. Let us make this very, very clear. If this program is put into place in 2026, the entire debt, all of it, would be repaid. That is to say, we could pass this Nation on to our children debt-free. Think about the difference and the contrast in these legacies. As we look before 1995 we were looking at passing on a legacy of trillions and trillions and trillions of dollars of debt to our children. We can now look forward to a bright future in America where instead of passing on a $5-plus trillion debt we could literally be on track to pay the Federal debt off in its entirety and instead leave our children a legacy of a debt-free Nation. What a wonderful opportunity we have staring us in the face in understanding that if we simply control the growth of Washington spending we can literally repay the Federal debt. Two-thirds of that surplus then is allocated toward repaying the debt.

I would like to go into one other thing as we are paying down the debt that is very important. The Social Security trust fund plays into this picture very prominently. In Social Security today, we collect more tax dollars than what we are paying back out to our senior citizens in benefits. As a matter of fact, this year alone the Federal Government will take out of paychecks taxes that equal $70 billion more than what is paid back out to senior citizens in benefits. If you collect more money than you are paying out to seniors in benefits, the question is what happens to that $70 billion? It is supposed to be sitting out here in Washington in a savings account on reserve so that when the baby boomer generation hits retirement and starts drawing Social Security, the savings account is there, you get the money out of the savings account and make good on the Social Security checks.

I suspect this will come as no great surprise to anyone when we acknowledge the fact that there is no savings account. All of that money that has been collected that was supposed to be put on reserve for Social Security has been spent on other Washington programs. It is all part of the $5.4 trillion debt. Again I say $5.3 trillion and $5.4 trillion sometimes. The debt is rapidly growing almost as we are on this floor speaking. The debt is growing at roughly $10,000 a second even as I speak here today and even as it has been slowed. That is why it is so important we keep this on track. The Social Security trust fund is collecting more dollars than it is paying back out to seniors in benefits. It is supposed to be sitting in the savings account; it is not, it has been spent on other Government programs, all part of the $5.4 trillion debt.

That brings us back to this picture. As we develop these surpluses by controlling the growth of spending, as we drop those surpluses and we start paying off the Federal debt, one thing we are doing is putting the money back into the Social Security trust fund.

Again, let me make this clear. The money that is being collected today for Social Security over and above what is being paid back out to our senior citizens in benefits, it is currently being spent on other Washington programs. That is wrong. That needs to be stopped. Under the National Debt Repayment Act, all of that money that has been taken out of the Social Security trust fund would be returned to the Social Security trust fund and Social Security would once again be solvent for our senior citizens.

Where are we going with the National Debt Repayment Act? Under the National Debt Repayment Act for seniors the Social Security trust fund would be restored. All of the money that has been taken out of Social Security would be put back into the Social Security trust fund. For people in the workforce today and for anyone who has ever been frustrated filling out their tax forms, under our National Debt Repayment Act, one-third of the surplus is going to additional tax cuts each year, which could then be used to revamp the IRS and make a simpler system overall. Most important for our children, most important of all for the children of this Nation, we can give them a legacy of a debt-free country instead of passing on a $5.3 trillion debt from our generation to theirs. Once again, the next generation in America can look forward to a stronger and a better America like we could when our parents passed this Nation on to us. That is what this is all about and that is what it should be all about.

I would like to kind of summarize today by going back through the tax cuts just briefly and then summarizing the past and the present to wrap up my hour on the floor today. Tax cuts I found to be the most nonunderstood package out there in America today. I am going to run through them quickly. If you have got children 17 and under, most folks are going to get a $400 credit or $33 a month. Starting in January next year, workers should start keeping $33 more a month in their paychecks. You do that by adjusting your W–4 forms. If you have got a college student who is a freshman or sophomore, you get $1,500 starting January of next year, again adjust your paychecks so you keep $125 a month of your own money instead of sending it here to Washington. After all you earned it. It is not a gift from Washington. You earned it. Please keep it starting in January of next year. If you have got children noncollege age 17 and under, it is $400. $400 divided by 12 is $33 a month. Start keeping it in January of next year. If you have a freshman or sophomore in college, it is $1,500 a year, $125 a month. Keep it in your paycheck. Do not sent it out here. For juniors and seniors in most cases it will be $1,000 a year. Again, it is based on 20 percent of the first $5,000 of cost.

Young couples, if you want to save up to buy your first home, you can do that in the tax-free savings account, called the ROTH IRA. Farm owners, if you want to pass your farm on to the next generation, in 90 percent of the cases you will be able to do it without paying taxes. Same thing for all businesses. For the small business owner, and I did not mention this before, the deductibility of health insurance is going up to 100 percent over the next 10-year period of time. Homeowners, perhaps the most significant change in the Tax Code, if you own your home and it was your principal residence for 2 years or more, and you sell that home, there is no Federal taxes due on this. To the young lady in Green Bay, WI, who called me three times to make sure I had that right, yes, I have that right. If you sell your home and you are in your principal residence for two years or more, you do not owe the Federal Government taxes on the sale of that home. For many of the senior citizens who bought at $22,000 and are selling their home for $70,000, this is a huge change. For many people in America who have had a job transfer and in the past gone into the new city and felt obligated to buy a house as expensive or more expensive than the one they sold, from now on that is your choice. There are no Federal taxes due on the sale of your home if it has been your principal residence for 2 years.

Again to the young woman in Green Bay who called and asked three times, we do have it right. There are no taxes due on the sale of your home. The capital gains tax reduction is from 28 percent down to 20. It goes to 18 even later on in the tax bill. Capital gains, depending on your income level, if you are earning $41,000 a year or more, your capital gains tax rate will go to 20 percent, it used to be 28 percent, that is $8 for every $100 you make on the sale of a stock, bonds or that sort of entity. If you are in a lower income bracket, it goes to 10 percent. Capital gains is another reduction.

How is all of this possible? This is all possible because the people that you all, the American people, sent to Washington, the people that you sent to Washington have restrained the growth

of Washington spending. Instead of Washington spending more money, we are able now to let you keep more of the money you earn in your own home instead of starting new Washington spending programs out here, and the programs are not working. Spending was going up by 5.2 percent before we got here. We have slowed the growth by 40 percent. It is now going up by 3.2. It is still going up too fast for many of us.

I have talked to a lot of my constituents out there who are very concerned about the fact that Washington spending is still going up too fast and I have to tell all of those folks I agree with them, it is still going up too fast but it is going up at a much slower rate than it was before. Because we have a strong economy coupled with a slower growth of Federal spending, we are now able to balance the budget for the first time since 1969, lower taxes for the first time in 16 years, and restore Medicare all at the same time. This is good news for America. This is what we got sent here to do in 1995, and I am happy to report back to the American people that with the Republican-controlled House and Republican-controlled Senate and in all fairness with a Democrat President, we have gotten to the point where we have literally balanced the budget for the first time since 1969, when I was a sophomore in high school, lowered taxes and restored Medicare.

The future, even after the budget is balanced, we have still got that $5.3 trillion debt staring us in the face. The Social Security money is part of that $5.3 trillion debt. I am happy to report that we have a bill on the table today that will in fact pay off the entire Federal debt by 2023, restore the Social Security trust fund for our senior citizens and lower taxes each and every year as far as the eye can see, giving us the opportunity to dump the IRS as we know it today and get in a system that is easier, simpler, and fairer to the American people. That is a complete picture of an entirely changed Government in Washington, DC. The past of broken promises and higher taxes changed in 1995 to a Government that is going to do the right thing, balance the budget, lower taxes, restore Medicare, and a group of people that are actually looking forward to the future and acknowledging that we still have these problems that must be addressed. We are going to pay off the Federal debt, restore the Social Security trust fund, and lower taxes even further and reform the IRS. That is what the future holds, and for a change we should be looking brightly to the future and to bright, wonderful opportunities of growth and hope and prosperity for our children for the next generation. That is what this is all about and that is what the American people as well as my colleagues here in Washington need to know has changed out here. It is a phenomenal change. More important than any of the people here in this city is what it means to the future of this great Nation we live in. Once again our generation has a chance to look forward to the next generation and say in fact that we are able to pass America on to the next generation in better shape than we received it in.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The Chair would remind all Members to direct their remarks to the Chair and not to the television audience.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1805

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COBLE] at 6 o'clock and 5 minutes p.m.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the further consideration of H.R. 2264, and that I may include tabular and extraneous material.

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

There was no objection.

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

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 31, 1997, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2264.

□ 1805

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1998, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, September 5, 1997, the bill was open for amendment from page 11, line 1, through page 25, line 8, and pending was the amendment offered by the gentleman from Missouri [Mr. BLUNT].

Is there further debate on the amendment?

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Blunt amendment to increase Federal spending for vocational education programs by $11.25 million. Mr. Chairman, earlier this year the Committee on Education and the Workforce worked very hard to improve vocational education opportunities for our country's youth so that the vocational education system will provide quality vocational education for students. These improvements will ensure that our students are equipped to thrive in today's business world.

We worked to streamline and modernize this system because recent trends prove that about three-fourths of America's youth do not complete a 4-year college degree. All of America's young people should receive a high quality education regardless of whether they are bound for college, military service, or directly into the work force. This is even more true today than it was a few years ago as we focus on moving people off the welfare rolls and into work environments, many of whom will not go to college.

We should empower our youth by giving them the vital tools they need to be productive wage earners. We should empower adults to go back and get the education they need to supplement and advance up the work force. We should work through vocational education to look at prevention and not just harassment of businesses as in many cases we find in OSHA. In contrast, in spending dollars on OSHA, the Occupational Safety and Health Administration, to the tune of $336 million, we are funding an agency to issue rules that are not only silly but in some cases detrimental.

Let me give an example. OSHA specifically disregarded clear evidence that their recent requirements changing brake composition would double the stopping distance for cars. Their best estimates, using bad science, indicated they might save three to five workers' lives every few years. By changing the composition of brake pads they increased stopping distance of vehicles by 20 feet. This, according to clear scientific studies by the National Safety Transportation Board, will cause at least 150 more deaths each year and thousands of unnecessary injuries. This was done despite the fact that auto accidents are still a major cause of fatalities among American workers. There is no data that asbestos brakes causes hazards to anybody but there is data that shortening the time it takes to stop a car causes deaths. Why would we as a Republican Congress increase funding for OSHA where

we have no scientific evidence that it has a reduction in the number of worker accidents? When funding increases for OSHA, we actually had a decline in rate of accidents. When we decreased funding for OSHA, we had a further decline in the rate of accidents. When we kept it level, we had a decline in rate of accidents. There is no corollary to the funding for OSHA and the accident rate. Yet when we spend the money on vocational education particularly at a time when we are looking at moving so many people off of welfare and into the work force, we can see substantive returns particularly now with the reforms that we had in a bill that moved with such high numbers of support through this Congress. If we put the money in vocational education, we are likely to see some actual results, when in fact to some degree the OSHA laws have been counterproductive. Nobody is proposing here to gut OSHA. If we eliminated OSHA, there would be a danger to employees all over this country. That is not the argument here. The question is should we increase OSHA or should we increase vocational education. Some Members do not like this choice. But that is in fact what we are going to be debating over the next few days, possibly the next couple of weeks as we go through this bill. We pretty much realize that we are going to spend more money. Not a lot of us are thrilled about that but we are going to spend more money. We pretty much realize we are going to grow the size of government. We may not all agree with that but it seems to be there. Now the question is which government are we going to grow? Which parts are we going to say deserve more funding and which parts do not? That is what this debate is going to be about. Are we going to support new Federal education programs without even hearings that expand the Federal bureaucracy and control in Washington over local standards and schools? Are we going to spend more money on abortions out of Washington, even distribute abortion information, birth control information, and other things without even telling the parents? Are we going to put more money out for needles for drug users? Or are we going to put it into programs like IDEA for developmentally disabled students and handicapped students? Are we going to put more money into vocational education? If we are going to spend the money and if we are backed into a corner where we have to spend more money and grow the size of government, the question is where are we going to spend this money? That is a debate we are going to be having on these amendments. The Blunt amendment before us tonight offers a clear choice. Do we as Republicans favor, and Democrats, and there are many moderate Democrats who hear from small businesses around this country about the problems with OSHA. I know Mr. Dear has tried to make changes but we still hear those problems. There is no scientific evidence that these marginal expenditures work, so are we going to give OSHA more money or are we going to give the money to vocational education? Are we going to do illogical things like force asbestos out of brakes because somebody decided that was the thing to do regardless of scientific evidence? Or are we going to put it into actual prevention of accidents by teaching people in vocational education and putting it into educating America's workers as opposed to just harassing and costing them jobs?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. SOUDER] has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. Mr. Chairman, Members do not like tough votes but that is in fact what a budget is. As we go through this appropriations process, we are going to have to make some priorities. This vote is do you want to increase spending for OSHA? Or do you want to increase spending for vocational education? It is a choice and it is a choice that I believe the preponderance of evidence goes to vocational education.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this evening to support this amendment and the question that I think is before us is not workers' safety versus education. The question before us is, Can we be efficient and prudent with the tax dollars that the taxpayers of this country give us and demand that the bureaucracies in Washington expend that money in an efficient and proper manner?

When we talk about putting money into vocational education and in light of the new welfare bill, it seems prudent to me that we would want to put as many dollars into vocational education as we can, especially as we reach down to those who do not have an education, who do not have a high school education.

I want to share what happens in Oklahoma with vocational education. We have had a marked reduction of those number of people that are on our welfare rolls, those people who are getting supplements. One of the reasons that we have is because we have a vocational education department and system in Oklahoma that makes a difference for people. If somebody does not have a high school education, our vocational education gets them a GED and then teaches them computer skills. It teaches them a job skill and then lands them in a job. We take those dollars for people who would have been receiving dollars from the Federal Government and make them into productive, tax-paying citizens.

□ 1815

The other thing that we ought to talk about is in 1969, I believe that is correct, when OSHA was created, the annual death rate per 100,000 workers was declining. It was 18. The rate has continued to decline, but it has declined much more slowly since OSHA was implemented than beforehand.

No one on this side of the aisle and no one supporting this amendment thinks we should do away with OSHA, but we do think there ought to be a redirected purpose to do what OSHA was intended to do, and that is to preempt and secure workplace safety. That ought to be done in the most straightforward, comprehensive, and collaborative manner that we can secure.

I would like to give you a few examples of some of the things that OSHA is doing currently and see if, in fact, we all agree that maybe OSHA might spend their money in a more prudent way, and, therefore, not need increased funds from the Federal Government to carry out their job.

Just for example, OSHA fined a roofing company in California for failure to have a fire extinguisher in the proper place, in spite of the fact it had been moved to prevent it from being stolen by passersby as three other fire extinguishers had been done in the three previous days.

Each day they would put a new fire extinguisher out there; it was stolen. Each day they would put another one out; it was stolen. So they put it in a place where everybody knew where it was but could not be stolen, and yet they were fined for trying to conceal the fact there was a fire extinguisher.

North Carolina, a construction site was inspected by the State OSHA. Citations were subsequently issued for unprotected rebar, the steel that reinforces concrete, to have a rubber cap on the end of that. All of it was covered, except where they were pouring the concrete, which had inadvertently been knocked off as they poured the concrete. Never mind. They were fined for not having a rubber cap on the end of two or three pieces of rebar.

Pennsylvania, an apparel maker was recently inspected by OSHA. At the conclusion of the inspection, the OSHA official told the company that they had an excellent record, they did a great job, they found two minor infractions.

The company immediately corrected the minor infractions, sent the picture to OSHA demonstrating they had corrected the minor infractions, and, instead of congratulating the company, OSHA sent them a fine of $3,895.

They spent their money on things that do not have anything to do with workplace safety. Their fines had been increased sevenfold to increase revenues to the Federal Government, not to enhance workplace safety.

Florida, a company in Florida stated OSHA has a antibusiness attitude and is using its Agency power to lower its cost of operation through levying unfair citations and fines completely out of line for the violation.

Here is the example: A company in business for 25 years without one violation received a fine of $1,715 because

out of 352 electrical outlets in the building, one had a broken plastic faceplate on it. One. The citation also noted that the outlet box was near a varnish dip tank.

The owner of the company noted the outlet box was hidden from view and protected by steel plates to protect it from potential electrical spark.

In addition, the outlet was near a varnish tank. This type of varnish had no explosive nature whatsoever. It did not matter that it was not really a significant thing to change it. They fined them anyway.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. COBURN] has expired.

(By unanimous consent, Mr. COBURN was allowed to proceed for 30 additional seconds.)

Mr. COBURN. Mr. Chairman, what we are talking about is not eliminating OSHA. We are asking OSHA to do it better, more efficiently, and properly, and to do it with some common sense that really enhances workplace safety. Instead of giving OSHA this kind of increase, let us spend the money on putting people in the workplace.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the amendment that is pending.

First, because we are starting a new week, there should be no one who is confused by what is happening. We have a filibuster by amendment going on on the floor. We understand that. This particular one is about vocational education, $11½ million out of here into vocational education.

My side of the aisle are very strong supporters of vocational education. Under the Contract With America, in 1995, I dare say every Member on the ''mental'' side of the aisle there voted for this, perhaps I am wrong, I have not checked the specific record, and if I have mischaracterized, you will tell me, I am sure, in 1996 the rescission for vocational education was $119 million. You wanted to cut from vocational education. It was one of the first acts you did in 1995 when the Contract With America came on line. It was in the rescission bill.

Then, my friends, you had the fiscal year 1996 bill available to you. The Contract With America proposed that bill, cut Government, $326 million cut in vocational education.

I dare say all the previous speakers tonight voted for that bill. Maybe not. I have not checked the record. I am just speculating on that.

The overwhelming majority of Republicans voted for that bill, sent it to the President, he vetoed it, and they lamented the fact he vetoed it.

Mr. Chairman, I rise this evening in opposition to the Blunt amendment. We need OSHA to assist in ensuring the safety and health of more than 90 million people working in more than 6 million workplaces.

The statistics are staggering. Every day in this country an average of 154 workers lose their lives as a result of workplace injuries or illness. One worker is injured every 5 seconds. Within its current budget, OSHA has only 900 inspectors to oversee 6 million sites.

The compliance assistance program, and that is what we are talking about in this amendment, we are not talking about the examples that you bring up. Everybody has a horror story about OSHA, and, frankly, I think there are some horror stories and we ought to get on that. As a matter of fact, as the gentleman from Illinois [Chairman PORTER] so correctly observed, Joe Dear was brought in by the Clinton administration to overcome those horror stories.

What we are talking about in this instance is not inspections, but compliance assistance, going in and assisting businesses in making their places more safe, less risky; not to cite, but to assist.

As a result of workplace injuries or illnesses, as I said, one worker is injured every 5 seconds. The compliance assistance program, which the Blunt amendment would cut, has received overwhelming support from the business community. There are long waiting lists for compliance assistance visits. People are asking this unit to come out and assist them so their workplaces will be safer.

I want to tell my friends, in Calvert County, which I have the privilege of representing, there is an extraordinary place of business, produces some of the trash cans you see around here that will last for 20 or 30 years, a small company, and MOSHA has been by and they have told me how helpful MOSHA, which is the Maryland Occupational Safety and Health Agency, how helpful they have been in terms of compliance, and not confrontational, but positive and assisting in their attitude. I have heard that with respect to OSHA as well.

As I said, there are long waiting lists for people to get this assistance. It saves businesses large fines imposed during inspections by working with businesses to identify safety problems before inspections and before injuries occur. Employer and employee interests are protected by this program.

OSHA, of course, is required by law to perform inspections, and, therefore, cannot choose if this amendment passed to take $11.5 million from inspections, which clearly much complaint has been made about, and switch that to compliance assistance. The reason being because they do not have sufficient resources to do the inspections.

OSHA cannot choose, therefore, to simply shift this money. The Blunt amendment would undermine OSHA's ability to enforce and to assist businesses with complying, and to enforce the very worker protection laws that Congress implemented.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, as my colleagues know, I am a strong supporter of vocational education. Tonight, I would say to my colleagues that this amendment is being used not to help vocational education. If that were the case, then the $119 million cut in 1995 and the proposed $325 million cut in fiscal year 1996 would never have occurred.

Frankly, last year essentially you took the President's number. My opinion is you took the President's number because you did not want to shut down Government. You thought that was bad politics. I agreed with you.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. SOUDER. My question is, the gentleman attempted to explain why he felt it would come out of compliance assistance as opposed to enforcement, but in fact, now all the enforcement dollars are mandated by law. Could it not also come out of administrative overhead? Compliance assistance is only a small portion of this bill.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(On request of Mr. SOUDER, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, the gentleman is correct, the amendment is generic in a sense. But because you have really two components, the compliance component and the inspection component, yes, they can take from other parts of their budget.

There are some of us who have read statistics in terms I am sure the gentleman is familiar with where in some cases to get to some businesses in some States, it would take 90 to 100 years to inspect just once with the number of inspectors that you have to get to the requisite number of businesses.

In other words, what I am saying is that currently in inspections now they do not have sufficient resources to do the job that we have mandated by law be done.

Mr. SOUDER. Mr. Chairman, if the gentleman would yield further, the gentleman is saying the increase in the OSHA budget this year is an increase in the compliance or training section, as opposed to the other sections?

Mr. HOYER. Mr. Chairman, reclaiming my time, the increase is directed in part to beef up the compliance assistance component of OSHA, yes.

Mr. SOUDER. Mr. Chairman, if the gentleman will yield further, if I am incorrect, and feel free to correct me, but I feel that is probably, at most, if any, 20 percent of the additional increase in funds, and we can address that through another amendment.

Our attempt is not to get at the compliance and the working with businesses, but, rather, a lot of the horror

stories and other things. I am on the subcommittee on oversight and on the Committee on Education and the Workforce where we have worked with these issues, and I do not believe that Mr. DEAL has been able to correct all the problems.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply point out the committee bill raises compliance assistance by, I believe, 12 percent. It raises other portions of their budget by about 1 percent. So, obviously, the give that they would have would be in the compliance assistance area.

We would not want to see that happen, but I doubt very much that you could expect an agency to take a cut in an area where we did not provide an increase in the first place.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I think that is a very good point and we will look at addressing that. Our intent is not to get at compliance, but rather at the nonmandated parts of the law where we disagree with the expenditures. We will work with the minority to try to make sure compliance stays funded.

Mr. HOYER. Reclaiming my time, Mr. Chairman, quite obviously there is a strong feeling among some that OSHA ought to be cut very substantially. In fact, in committee we have had amendments suggesting cuts of 25 percent across the board and higher.

We believe that would be very deleterious to the health and welfare and safety of the workers of America, not to mention to the cost of businesses, which, in my opinion, have been advantaged by lower insurance rates as a result of working with OSHA and its State complementary agencies to make their workplaces safer.

Mr. Chairman, I would hope this amendment would be rejected, because, again, I do not really think, not withstanding the debate, that it is directed at vocational education, lest we would not have had the guts we talked about earlier, but at getting at OSHA and some of the problems that folks believe exist with respect to OSHA.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SOUDER. Mr. Chairman, I would like to briefly respond to the initial comments of the distinguished gentleman from Maryland [Mr. HOYER].

Quite frankly, I am not sure, but I assume I did vote for the Contract items and some of the Republican budget votes of the first year.

As I said in my opening statement tonight, and which you will hear over the next few days from many of us, it is that we agree with this basic premise. We did not come here to really increase most programs in the Federal Government; but, whether I am not one who believes that the government shutdown was the House Republicans' problem as much as it was the President's problem for vetoing the bills and we did a lousy job of working out a compromise.

□ 1830

But regardless of how Members view that, we clearly have changed a lot from where we are coming from on this side of the aisle. Some of us would not have changed this much, but to some degree we have all changed our rhetoric. We clearly are not reducing the size of the Federal Government in this bill when we are increasing agencies that at one point we were proposing to radically transform.

Vocational education in my opinion would be best handled by local and State governments. But the Federal Government has for a long time been involved in this, and helping with supplemental funding. Given a choice as to whose budget is going to increase, which is the choice we have in front of us today, whether I would increase the OSHA funding or increase the vocational education funding, I go with vocational education funding.

If my choice is whether the taxpayers get to keep the money and the local communities and State communities raise funds for education and make the decisions in education, I favor that choice. But that is not the choice. I voted for the budget agreement. I understand that at times politics requires compromise even beyond where some of us would like to go.

At the same time, in the context of these spending bills, we still should have a debate over which category in these spending bills should get the increase in funding and where it should go. From what I have seen sitting on the Committee on Education and the Workforce and also on the Committee on Government Reform and Oversight, with jurisdiction over the Education Department and the Labor Department, I realize there have been attempts to improve OSHA.

I do not think they have been as successful, and by the way, I also need to point out we have passed a vocational education authorization bill since the first vote when we came here where we made a lot of changes in how vocational education works. We knocked out a lot of programs that we did not feel were effective; we improved a lot of programs. That bill is now pending in the Senate.

If we can get our authorizations going with our appropriations, some of us will not necessarily oppose every spending bill that comes up in some of these categories, although I grant, up front, that we tend to favor more State and local as opposed to Federal.

But now that is not our choice. Our choice tonight is whether we are going to vote for more money for OSHA, an increase this year in OSHA, or more money for vocational education. Our intent is to take it out of administrative and other areas.

We are fully prepared and have an amendment to offer to make sure that the compliance funding inside OSHA gets funding, and we will transfer it from the other agencies. We have been planning that amendment for later tonight. I agree, as we work through OSHA reform, that our goal on OSHA reform was to try to have OSHA come in and identify and work with businesses on real health threats to the workers.

Nobody wants an unsafe working environment. As somebody whose family has owned a small business for many years, and I have worked in the private sector for most of my life, I do not want parents at risk and kids at risk in working environments any more than anybody else. But there is no possible way to understand all the different regulations, and there are so many counterproductive regulations that the way to do it is to go in, identify and work with the businesses, most of whom do not want to have health problems for their employees either, because nothing is more expensive in today's competitive economy than losing good employees to downtime injuries, to even more serious accidents, or bad working conditions, where employees want to move to another company. It is in the business' best interest to have a safe, healthy, and pleasant working environment. We need to work with businesses to do that.

We ought to focus on the grievous offenders and the large offenders. Everybody has horror stories about, we know this is happening over here and this is happening over here; that we have these crazy stories about ladders and asbestos breaks and so on that are taking tremendous amounts of time out of this agency.

As we proceed, we are not proposing to abolish OSHA nor even to cut OSHA; what we are proposing is not to increase OSHA, and later we will be proposing to switch funds inside OSHA. But this particular amendment says we do not need the increase in OSHA, it should move to vocational education.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is offered by those who apparently have no interest in producing a bipartisan Labor-HHS appropriations bill. It is a sad and ironic commentary that many of those who now claim they support additional funding for vocational education are the same people who want to eliminate the Department of Education and the Federal role in education altogether.

It should come as no surprise that these born-again devotees of vocational education choose worker health and safety protection as their sacrificial lamb. After all, many of the supporters of this amendment tried in vain last year to pass legislation to gut the Occupational Safety and Health Administration. Since they failed to decapitate OSHA with a single blow of the axe, they now apparently have decided to try to kill OSHA cut by cut, dollar by dollar.

Mr. Chairman, I will match my support of vocational education against that of any other Member of this House. But I will not support this insulting effort to pit worker safety against vocational education. Seventeen workers are killed on the job every day in this country. A recent comprehensive study of occupational injury and illness found that workplace illnesses and injuries cost this country at least $171 billion a year. Yet, OSHA has only enough inspectors to inspect each workplace for which it is responsible once every 167 years. Six thousand five hundred workers die every year as a result of occupational injuries. Sixty thousand more workers are killed every year as a result of occupational illnesses. The cost of AIDS, Alzheimer's, and cardiovascular diseases are less than the cost of occupational death and illness.

Mr. Chairman, since 1970 the job fatality rate in this country has been cut in half; since passage of OSHA, at least 140,000 lives have been saved. But we can do better. Let me remind the sponsor of this amendment, my colleague, the gentleman from Missouri [Mr. BLUNT] that 125 workers in the State of Missouri were killed in workplace accidents in 1995. Another 170,000 Missouri workers were injured on the job. There was only enough money to employ 37 OSHA inspectors for our State, and it would take these inspectors 339 years to inspect each workplace one time.

Mr. Chairman, this amendment is not in the best interests of the health and safety of Missouri workers, as well as millions of other workers across this Nation. I urge defeat of the amendment.

Mr. McINTOSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. For 3 years now my subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs has held field hearings all over this country. We have talked to Americans outside of Washington about what works in our regulatory system and what does not work.

Time and time again we heard from people that OSHA fails to perform its mission. Rather than protecting the safety of workers, it spends time playing ''gotcha'' with America's small businesses. Time and time again we heard from people about how OSHA inspectors were supposed to come and tell a small business how they can be safer at their workplace, but instead, they come and they harass them because they failed to fill out the paperwork.

We have found out in these subcommittee hearings that 8 out of 10 of the top OSHA citations are for paperwork, not real safety concerns; not efforts to protect America's workers, but gotcha, because the businesses failed to fill out a Federal form.

I had one gentleman come and talk to me in Minnesota who explained that he purposely keeps his employee work force below 50, so he does not get caught up in what he views as an even larger web of Federal regulations.

I want to share with the Congress a couple of examples we heard from people, real Americans, outside of Washington about whether OSHA works for them or not. One gentleman named Rod Stewart owns and operates a small manufacturing company in Union City, IN. He makes brooms out of corn husks, and cotton mops.

He found out that when OSHA came and inspected his plant, they did not want to give him advice about how to help those workers. He did not have any help from the Government. The Government did not find any safety concerns. But nonetheless, they fined Mr. Stewart $500 because he did not have the paperwork warning people about the grave danger of WD–40.

When we have a bureaucracy that has to go and talk and harass the American small businesses about the grave danger of not having a form about the dangers of WD–40, and, Mr. Chairman, for those who are not that mechanical, this is something you can buy at any hardware store in America, and OSHA is fining this small businessman $500 because he did not have paperwork warning of the grave dangers of this common household substance.

Mr. Chairman, we also heard from people who said that they had similar fines because they did not have the right paperwork for Dawn dishwashing liquid, again, an item that you can buy in every supermarket in America. Yet OSHA has so much money that they can hire people to go out and harass America's businesses and give them fines because they do not have paperwork warning about the dangers of Dawn dishwashing liquid.

Mr. Chairman, I support this amendment because this amendment will send a message to OSHA that we want safer workplaces, but we do not want a bureaucracy that plays ''gotcha'' with the American small businessman. We want an OSHA that will do its job, that will look for real safety concerns, that will help American businessmen who want to have a safer workplace know what to do with new technology. We want an OSHA that will redirect its priorities to helping all of us work together to have a safer workplace for American workers.

Mr. Chairman, many of us, when we envision a workplace, we think, gosh, it is going to be unsafe because there are these machines, and it is a very dangerous place to work. We do not realize that OSHA also is in charge of inspecting doctors' offices, a very dangerous place for people to work.

In fact, a good friend of mine, Dr. Probst, from Columbus, IN, a dermatologist, explained that he had been fined because he did not have a 260-page manual that detailed how to change the light bulb in his microscope in his laboratory. Once again, Mr. Chairman, we have to ask ourselves the common-sense question: Is OSHA really helping America's workers be safe when they fine doctors for not having the instruction manual to change the light bulb in their microscope? I think not, Mr. Chairman.

I think we have an agency that has failed in its mission. I think we have an agency that does not deliver a safer workplace. I think we have an agency where even President Clinton has acknowledged that we have to change the direction and stop playing ''gotcha,'' and start helping American workers be safer in their workplace.

Mr. Chairman, I support this amendment and urge my colleagues to vote yes.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I understand the frustration of the people who have offered this amendment, because this is an appropriations process, and more and more during the appropriations process, we seem to be legislating and taking away the function of the authorizing committee.

Some members of the authorizing committee have spoken in favor of this legislation, and they know very well that we have been having hearings and discussing OSHA and various OSHA reforms for some time now. I wish they would be kind enough to yield today and take this amendment off the floor, and go back to the authorizing committee to continue that debate, because this is a dangerous game. It is guerilla warfare. They are ambushing OSHA from the floor on an appropriations bill, but it is a very serious place that they have chosen to conduct their ambush.

OSHA saves lives. We do not want to improve the education of children at the cost of their parents coming home in some way crippled or even coming home as a corpse.

The figures speak for themselves. The American Medical Association recently had a study which confirmed the figures we have been quoting for some time now. We have an estimated 30,000 people with various illnesses every year that are contracted in the workplace. We have another 20,000 who suffer from various cancers that are related to the workplace. That is more than 50,000 people. Then we have 6,588 deaths.

Members might dispute the other two figures I mentioned, but we have the

proof, we have the corpses, we can document it with dead bodies, 6,588 in 1994. That is generally what the level has been for some time now, large numbers of deaths in the workplace as a result of unsafe workplaces. This is a very serious business.

If Members want to attack organized labor, if they want to go after the American workers, as they have been for the last 2 years, then I do not think OSHA is the place to do it. There are a lot of people out there, in fact, the vast majority of people out there, who benefit from OSHA. They are not members of labor unions, they are ordinary American people, workers who do not necessarily belong to unions, as well as those who belong to unions. They need the protection.

Members have been giving one anecdote after another, one isolated anecdote after another, about the horrors of OSHA and what they are doing to the American people. Why do these Members not level with the American people and tell them how many inspectors there are, and what the ratio of inspectors to job sites would be in their particular State?

□ 1845

I think the gentleman from Missouri [Mr. CLAY] mentioned that in the State of Missouri, it would take the number of OSHA inspectors, when applied to the number of job sites in the State of Missouri, it would take them 339 years, 339 years, to inspect each job site once.

If we go to the State of Indiana, they are a little better off. The ratio of inspectors to job sites is such that the OSHA inspectors would inspect once every 50 years. And of course the greatest extreme is in Kansas where the ratio of OSHA inspectors to job sites would require that we have 421 years, 421 years would be necessary to inspect every job site.

Mr. Chairman, does this sound like a hoard of inspectors, highly paid Federal employees, swarming over the American business community making life difficult for them for no reason, when we have this kind of ratio? Yes, my colleagues on the other side of the aisle can have their isolated anecdotes, but they are isolated when we consider the number of inspectors available versus the number of job sites out there.

OSHA's record, of course, has been a tremendous one, especially in those areas where we had the largest amount of injuries before OSHA was created. In the construction industries, and industries where heavy duty equipment is used, there is an outstanding record in reducing the number of deaths.

Mr. Chairman, since 1970, when the OSHA Act was passed, the rate of workplace fatalities has been cut in half; over 140,000 lives that would have been lost were not lost. Workplaces where OSHA inspected and penalized employers for violations has an average of 22 percent reduction in injuries. They were not frivolous; they saved lives.

Mr. Chairman, let us stop the game playing with the lives of the American workers. If my colleagues want more money for vocational education, we can take it from the B–2 bomber. It does not fly when it rains.

Mr. BLUNT. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN [Mr. GOODLATTE]. Is there objection to the request of the gentleman from Missouri [Mr. BLUNT]?

Mr. OBEY. Mr. Chairman, reserving the right to object.

Mr. Chairman, we obviously have a filibuster by amendment going on here. We have had a succession of occasions on which sponsors and supporters of these amendments ask to speak repeatedly on the House floor. I am not going to object in this instance, but I have to say that we are not going to sit by and allow Members to routinely engage in a convenient filibuster by continuing to ask for the privilege of addressing the House more than once on an issue.

Mr. Chairman, we have 435 Members in this House and if each Member of this House successively asks for this privilege, we could be here until next Christmas. I understand what is happening. There is a small band of Members on that side of the aisle who are determined that this bill never see the light of day. That will bother me substantively but, frankly, politically it will make my day. It will make it a whole lot easier for us to explain in the next election just why it is that the other party ought not to be entrusted with control of this House after the next election.

I would prefer that we not get into that, and I am not going to object in this instance. But it just seems to me that we have exercised this issue well enough Friday and today. There are no new thoughts being expressed and at some point, it seems rational to me to expect people to quit repeating themselves and move to a vote.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. SOUDER. Mr. Chairman, reserving the right to object.

Mr. Chairman, my reservation, too, is I could understand we could be here forever if we do this. The gentleman from Missouri [Mr. BLUNT], the sponsor of this amendment, has not had a chance to address the House tonight. He did last Friday. Therefore, I am not going to object.

But, Mr. Chairman, I also do not believe that the House should be subjected to the maligning of the motives of different Members. I do not intend to try to filibuster this bill. We are trying to have a debate on amendments. We are going to extend the debate longer than some Members would like, but we are not trying to avoid final passage.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BLUNT. Mr. Chairman, I appreciate the comments of the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Indiana [Mr. SOUDER]. I ask to speak to the House today only because we have carried the debate on this amendment over the weekend, from Friday to today.

Certainly, the gentleman from Maryland suggested that there were people who would be supporting this amendment who had voted one way or another in 1995. I know many of my friends will support this amendment who are friends of vocational education and would not have been voting the way he suggested in 1995. I know for sure I did not vote that way in 1995, since I was not here in 1995.

Mr. Chairman, this is an amendment about whether we are going to increase funding for OSHA or increase funding for vocational education. It is $11 million, the increase in the OSHA bill. Apparently, the vocational education, adult education appropriation had no increase.

At one time, in the early information that we received, it said that there was an $11 million decrease in vocational education. That got me to thinking about why at a time when we are focusing on welfare reform, when we are focusing on getting people to work, when we have just made the significant steps we made to encourage education beyond high school with the tax bill that many of the people who are speaking against this amendment were appropriately and actively for, we would want to just leave vocational education in place and perhaps even cut vocational education, as the early analysis of the bill said we were going to do.

Mr. Chairman, assuming vocational education is where it was last year, and we have $11 million, the question that this amendment really brings to the floor is whether we take that $11 million and spend it for more OSHA or we take that $11 million and spend it for more vocational and adult education.

This process is about choices. This amendment proposes a different choice than the choice presented by the committee. I am a believer in vocational education. I think vocational education may very well, one could argue, be more important than it has ever been as we try to move people to the workplace that have not been to the workplace.

Clearly, OSHA is not achieving the results in the workplace that we want to achieve. The gentleman from Missouri [Mr. CLAY], who mentioned the numbers of deaths appropriately, we should be concerned about those numbers of deaths. But the gentleman also mentioned that there are inspectors in OSHA that would allow every business to be inspected only once every 167 years.

Mr. Chairman, I think a better way to provide workplace safety, even these two choices, is to train people before they go to the workplace so that they

are better prepared to be there. I think that is a better effort to get workplace safety than an $11 million increase in OSHA would be.

Certainly, the vocational education reforms that this Congress will approve spend money more nearly at the local level. I think that is a good change in vocational education. Ninty percent of the money will be spent for the first time under these new guidelines at the local level. This will be money that is spent to strengthen academics, to broaden opportunities after high school, to send more dollars to classrooms for people who are not headed to college.

Mr. Chairman, 75 percent of American youth do not complete a 4-year college degree. Those people are very much in need of additional beyond-high school training.

Mr. Chairman, it is clear that more than half of the new jobs that have been and will be created in the decade of the 1990s will take education beyond high school. Well, 25 to 35 percent of the people going to high school are not graduating from high school to start with in virtually any State. The 75 percent that do not graduate from college need that additional training to fill the jobs that are created in this decade, for many of them their first decade in the workplace.

I think vocational education is important. I think adult education is important. By the way, this amendment does not say to take the money out of compliance or even to take it out of inspection. It takes the money out of OSHA and puts money in the Perkins bill vocational education.

Mr. Chairman, 75 percent of that money goes to vocational education; 10 percent goes to programs for single parents; 8 percent to State level programs and activities; and 5 percent for State administration. Ninty cents of these dollars are getting directly to individuals.

This is about choices. I am encouraging the choice that this amendment proposes and appreciate the opportunity to get to address the House on this day, the second day that we deal with this legislation.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, for the edification of Members, I just want to repeat something that I said early in the debate. Funding for OSHA in this bill, Mr. Chairman, is $11.6 million below the President's budget request. Yet, it is still an increase of 3.5 percent over the last fiscal year. When cost increases and Federal pay raises are factored in, the amount provided is actually a reduction from last year's level.

In the bill, Federal compliance assistance activities is increased by 22 percent. Compliance assistance includes such activities as technical assistance to employers, outreach to small businesses, development of voluntary protection programs, and training for employers and employees. While compliance assistance increases by 22 percent, enforcement activities, including the cost of paying for OSHA inspectors, increases only 1 percent above fiscal year 1997.

The House bill continues to encourage OSHA to redirect its efforts toward compliance assistance and regulatory review, and OSHA is actually achieving change in this direction. We should be giving them every encouragement possible, because OSHA is definitely a changed organization; changing in the way Republicans would like to see it changed. I am afraid that if we do not give them some encouragement to continue in that direction, we will end up with an OSHA similar to the one of the past one that none of us wants.

So, Mr. Chairman, I think the amendment, while it has good intentions, would do harm to the priorities that we have set in the bill. They are the proper priorities and I would urge Members to oppose the amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was pleased to hear the gentleman from Illinois [Mr. PORTER], the distinguished chairman of our subcommittee, defend his bill and the appropriation in it for OSHA. Indeed, the new OSHA, under the leadership of Joe Dear, the former administrator, and under the leadership of the Clinton administration, is a new agency.

Mr. Chairman, the old OSHA was often seen as adversarial, as some of our colleagues have pointed out, because it relied heavily on regulatory enforcement. But the new OSHA offers employers the choice between partnership and traditional enforcement. The new OSHA, under the leadership of President Clinton, focuses on serious hazards rather than technical violations.

While the old OSHA frequently cited employers for paperwork violations, the new OSHA has seen an 82 percent decline in paperwork violations from fiscal year 1992 to 1996. And under the old OSHA, employers and workers may have had to hire consultants to comply with complex OSHA rules, but the new OSHA created interactive computer programs, called Expert Advisors, which have been commended by employers, and the media, for providing them with expert compliance advice in an easy, step-by-step process.

I mention this, Mr. Chairman, because some of our colleagues have addressed the old OSHA as a justification for the cut that they are proposing. It is refreshing, frankly, to hear our Republican colleagues talk about the importance of funding vocational education. We all support that, and most of the Republicans who were here at the time voted for a large cut in vocational education, so hearing their defense of it this evening is a change and a refreshing one.

□ 1900

But I fear that it may just be an excuse for them to do, once again, on this amendment what they attempted to do on the previous amendment, where they find a benign program which we all stipulate is important and that we support, vocational education, and we agree with all the merits and benefits of supporting vocational education and wish that our Republican colleagues were with us when the major cut was proposed and passed in vocational education.

They take a program like vocational education and then take money and say, OK, we all support that and then go to take the money to make the increase in vocational education from enforcement of workplace safety rules and regulations.

Last week they took the money from the Wage and Hour administration, again, saying it was for the children, but, indeed, the economic security, the work safety of the workplace for the families of America in this amendment would be threatened and, in that amendment, family and medical leave, wages and hours, all of those other considerations were under assault.

This is about a pattern that we see here in this legislation where our Republican colleagues are trying to hide behind the children of America or people who are in need of education in America and do so by nipping away at worker protections, whether it is in OSHA or in other parts of the Department of Labor which are there to advance wages and benefits for the American worker. That is why I urge our colleagues to vote against this amendment.

Do not be misled by where the money goes. We all agree more money should be there, but that was a fight that was fought at the Committee on the Budget. Again, we should be putting our hand in the pocket of the defense budget or not giving big tax breaks to the wealthiest people in this country who do not need them, if we want to talk about finding more money for vocational education but not taking it from safety in the workplace.

Another argument that is used in the argument against OSHA is about ergonomics. I want to call to the attention of my colleagues this recent GAO report that just came out, August 1997, worker protection, private sector ergonomics programs yield positive results. Simple ergonomic programs can reduce worker compensation costs and injuries, improving employee health and morale and boosting productivity and product quality, this report says, and I quote, Most importantly, we found these efforts do not necessarily have to involve costly or complicated processes or controls, says the report.

So the issue of ergonomics is not any justification for cutting OSHA. Indeed,

it is a justification for increasing the OSHA budget. Freezing OSHA at the 1997 level, which is what this budget does, means significant cuts in the new OSHA's partnership and compliance assistance efforts aimed at helping businesses, especially small businesses, to achieve compliance results in the workplace.

I urge our colleagues to vote against this amendment because the funding for OSHA in this bill is still less than the appropriation for OSHA in 1988, 10 years ago, and there are fewer OSHA employees in 1998 than 10 years ago, thanks to the Clinton administration. I urge my colleagues to vote ''no.''

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight in strong opposition to this amendment which cuts funds from job safety and health. I want to congratulate the gentleman from Illinois [Mr. PORTER] again and our ranking minority member for the important work they did in trying to balance the priorities, and there are so many important priorities in this bill.

What this amendment does is pit one program, assisting hard-working families, against another. Mr. Chairman, I hope my colleagues join me in seeing the irony in an amendment which adds funds to a program training high school students for the workplace by taking away funds from the very program which will ensure that they will be safe from job-related accidents once they are old enough to go to work.

I am also outraged at this amendment. Mr. Chairman, there is a reason why OSHA was created 25 years ago and my colleagues have clearly stated the improvements that we have seen made in OSHA by Joe Dear and the other administrators of that department.

Workplaces can be dangerous. While most employers do act responsibly, there are those who simply do not. I will never forget one, because in 1991, just shortly after I was elected, a tragic fire took place in a chicken processing plant in Hamlet, NC. Twenty-five workers lost their lives and 50 were injured. It was a tragedy on par with New York's Shirtwaist Triangle fire 80 years before.

When the Hamlet fire broke out, workers were trapped in the building because the fire doors were locked. In the aftermath of this tragedy, it was like Dante's Inferno, when we hear from the witnesses. I sat on the Education and Labor Committee at the time. Survivors of the Hamlet fire testified before us and, frankly, I will never forget their heartrending words.

For the viewers who are listening, they are hearing about OSHA, and sometimes the initials may sound like gobbledygook to many of our viewers, but what they have to understand is OSHA is real and it has a real impact on people's lives.

Let me quote: ''I was in the trim room,'' one female witness told us. ''I saw ladies running, running, and they were just screaming and hollering. So I said, I am going with them. And I started running. When we got to the door, one of them stated that the door is locked. So we are trapped in here. So we are going to burn up. And when I look around, I see a big fire and then it was just pitch dark and you couldn't see anything because 50 to 60 of us are running into the area. Some of them were close enough to the door to knock and bang and beat on it. The next thing I know, they were still hollering at the door, stating, somebody let us out of here. Get us out. We are going to die. We are going to die.''

Finally, our witness was able to escape when a bulldozer was used to knock the door open. She told us, ''I was coughing up black soot, big balls of soot. They were beginning to bring Mary Lillian Wall out, who was standing next to me. When they brought her out, she was already dead. They brought Bertha Jarrell out who I grew up with as a child. She was dead. Then they brought Mary Alice Quick out. I grew up with Mary Alice Quick. She was dead. Then they brought Brenda Kelly out who was a friend of mine who worked in the packing room. She was dead.''

Mr. Chairman, government must ensure that hard-working Americans do not have to fear for their lives or their health on the job. OSHA must have the funding to enforce our health and safety laws or, frankly, I worry that we will see more tragedies like the Hamlet chicken plant fire.

On an average day, 154 workers lose their lives as a result of workplace injuries and illnesses and another 16,000 are injured. In my home State of New York, the most recent statistics show us that 300 workers died in 1 year while 270,900 faced on-the-job injuries and illnesses. Yet OSHA only has enough inspectors to reach every workplace once every 87 years. OSHA has 100 less staff than it did 10 years ago.

So, Mr. Chairman, again, as we said last week, these are shameful and cynical amendments. I have been, throughout my whole years in Congress, and long before that, a strong supporter of vocational education. OSHA needs more funding, not less. Let us not pit one good program against the other. I urge my colleagues to vote against this shameful and cynical amendment.

Mr. McINTOSH. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MCINTOSH. Mr. Chairman, I do not anticipate needing to use the entire time. The gentlewoman has just told us about one of the tragic episodes in this history of an industrial accident and a fire that did take several people's lives. But I doubt that the gentlewoman knew that when the administrator of OSHA came to my subcommittee and testified, he, too, mentioned this and I asked him, what had you done before the accident to protect those workers. Well, it turned out that OSHA had been notified of the dangerous working conditions in that plant and that they had failed to ever inspect that facility. Those people died, I would submit, because OSHA failed to look for real safety concerns. Perhaps because they are spending all of their time looking for paperwork violations for our Nation's small businesses.

When we have an agency that will put paperwork concerns, and I talked earlier about Dawn dishwashing liquid and WD–40, when we put those above the real safety concerns like those workers that the gentlewoman mentioned and OSHA fails to ever inspect that plant, even when employees in that plant notify them of dangerous working conditions, this is an agency that is failing to do its job.

This administrator was in the Clinton administration. This failure he had to acknowledge came about on an OSHA that he was the administrator for. I think this amendment is a good amendment because it does set the correct priorities. I would urge all of my colleagues to vote for it.

Mr. Chairman, I yield to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I wanted to take the opportunity to speak in favor of this amendment. I have worked with members of OSHA in Kansas in my home district. I found out that the members of OSHA and the business community, the small business community, the construction businesses had common ideas, common goals. They all wanted to have a safe work environment. But they were having a hard time achieving that safe work environment with the way they were being treated by OSHA. It seemed as though every time a representative from OSHA would come to a job site, the employer had to reach for their checkbook because they knew they were going to get fined, and in most cases they were.

In several instances they had trouble being harassed by losing contractors in a job where more than one contractor would bid, one would lose and then call OSHA with alleged violations and then the winning contractor would have to go through all kinds of contortions trying to prove that there was no violation, that it was unjustified.

And in another case, I met with members from a union, a business manager who said that he went around the area and found nonunion employers and would then call OSHA with alleged violations and have OSHA go out and harass these nonunion employers. He admitted it openly. So when you have an agency that allows itself to be abused and allows small businesses to be abused, then it is a wonder that we should not maybe give this money to a higher priority.

This does leave funding at fiscal year 1997 levels. It does not take out the

program at all. It merely stays it at the current level that it is funded. Instead, it takes this small amount of money, $11.25 million, to vocational education, or vo-tech, which is, by the way, funded below the President's request, some $79 million.

So what we are doing is taking money from big government and we are giving it to people who have an idea that they can capture the American dream and do so by getting not a college education but get educated in the building skills, electronics, masonry, carpentry, something of that sort.

In Kansas, we have some very good examples of how vo-tech schools have worked with Wichita State University, the local community colleges like Butler County Community College, and come up with programs that not only give students skills to walk into a trade job, but also if they choose to pursue their education, they have an open avenue of transferring credits to these higher universities and can go on and get engineering degrees, degrees in the construction trades.

So what we are doing is taking, diverting a little money away from big government to the American dream for these children. I think that is an admirable goal, something that we should all pursue, the American dream.

But getting back to OSHA, I think what I would like to see, and I think many in America would like to see, is the common goals that we have being pursued, making a safe work environment but also doing it by working together.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. LOWEY. Mr. Chairman, I would like to respond to my colleague from Indiana. I would like to make three points. First of all, it was during the Bush administration in 1991, and for those of us who have been on the Committee on Appropriations serving with the gentleman from Illinois [Mr. PORTER], we were very privileged to hear Joe Dear speak to us and tell us about the major changes that have been made with the Clinton administration to OSHA, and we understand there have to be more changes, but I think it is important to know that there have been important changes made.

□ 1915

Second, in North Carolina, where this tragic fire took place, there were 119 inspectors for 175,000 businesses covering 3.3 million workers.

And, third, perhaps the gentleman and I have a different view of government. I really believe that although government is imperfect, that it has an important responsibility to help people's lives, to improve their lives. And, frankly, if the changes Joe Dear has made are not sufficient, then I would like to reach out to my colleague from Indiana, work closely with the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] and make sure they make continuing changes to improve the lives of workers.

Again, most of the employers are doing this on their own. We are talking about a small number. But it seems to me cynical and, in fact, shameful to say that the way to improve working conditions, to make sure that plants such as Hamlet and others, where terrible tragedies have taken place, do not occur again, to make sure that our workers are covered, the way to do it is to cut money from the OSHA program.

I would think that my colleagues who do not like OSHA, who feel that OSHA is not working and not helping people, should just put in an amendment to repeal OSHA. I would respect that, and I am sure some of my colleagues may think that is the best way to go. I disagree.

Mr. McINTOSH. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, let me say that I would love to take the gentlewoman up on that offer, very seriously, because there are some good proposals out there that have been tried in some of the States where they create incentives for the worst employers, with the worst records of safety, to come forward and change the habits and the working conditions without being fined. And then if they do not do it, they come down on them with a big hammer afterwards. So there are some good ideas we could work together on.

But let me reassure my colleague that the purpose of this amendment is not only to assure that OSHA, but also, as the gentleman from Kansas [Mr. TIAHRT] said, we do believe the funds would be very well used in trying to take the vocational education program up to the full level that the President had requested.

And so it is a sincere effort to have those funds redirected, not eliminated from the budget but redirected in a way that we think will help workers and give more opportunity for people to find better jobs in industries that are suffering dislocation.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I want to accept the gentleman's offer to work together to continue to make sure that OSHA continues to serve the people whom it was intended to serve. And I would be delighted to work with the gentleman, with the constraints that I know that the gentleman from Illinois and the gentleman from Wisconsin and the committee worked under, to improve both vocational education funding and OSHA funding, because we want to be absolutely certain that another Hamlet does not take place; and we also want to work to help our young people enter the workplace and get a job so that they can raise a family and feel an important part of this great country of ours.

So let us work together, and I would like to work with the gentleman to increase vocational education and OSHA funding because both have an important place in this bill.

Mr. McINTOSH. Mr. Chairman, if the gentlewoman would continue to yield, let me just say that I look forward to working with her.

Mr. PAYNE. Mr. Chairman, I would like to inform the supporters of this amendment that by cutting the appropriation levels for the Occupational Safety and Health Administration you are sending a message to hard-working Americans that their health and their safety are not worth the money. While I certainly see the merits in increasing funds for the vocational education, I cannot support this amendment because it places too many people at risk. I agree vocational education will increase the number of trained workers. However, I cannot see how, as some of my colleagues have suggested, an increase of funding for vocational education will result in a large decrease in occupational hazards. These hazards are many times not the result of unskilled workers but the result of companies and businesses who choose not to comply with OSHA standards because of the cost. For example, in Newark, NJ, three workers died in a plant fire in 1992 because the plant did not comply with OSHA regulations. Also, we must take into consideration that some jobs are quite simply dangerous and need regulations to prevent accidents from occurring. Here in Congress, I think we forget that a majority of Americans count on OSHA inspectors and requirements to protect them from the daily dangers of their occupation. Therefore, I implore my colleagues to recognize the need to ensure the safety of our workers by not voting for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BLUNT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLUNT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 237, not voting 36, as follows:

[Roll No 369]

AYES—160

Aderholt	Buyer	Doolittle
Archer	Callahan	Dreier
Armey	Calvert	Duncan
Bachus	Camp	Dunn
Ballenger	Canady	Ehlers
Barr	Cannon	Ehrlich
Barrett (NE)	Chabot	Emerson
Bartlett	Chambliss	Ensign
Barton	Chenoweth	Everett
Bass	Christensen	Foley
Bereuter	Coble	Fowler
Bilbray	Coburn	Ganske
Bilirakis	Collins	Gibbons
Blunt	Combest	Goode
Boehner	Cook	Goodlatte
Bonilla	Cox	Goss
Bono	Crane	Graham
Brady	Crapo	Granger
Bryant	Cubin	Gutknecht
Bunning	Cunningham	Hall (TX)
Burr	Deal	Hastert
Burton	DeLay	Hastings (WA)

Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kingston
Klug
Kolbe
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McIntosh
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Skeen
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Young (AK)

NOES—237

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Tauzin
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—36

Baker
Barcia
Bliley
Capps
Carson
Cooksey
Dellums
Dingell
Forbes
Frelinghuysen
Gallegly
Gephardt
Gonzalez
Hansen
Hilliard
Jackson-Lee (TX)
Jefferson
Kasich
Kennedy (RI)
Klink
Knollenberg
McCarthy (MO)
McInnis
Miller (CA)
Murtha
Pickett
Quinn
Rangel
Schiff
Serrano
Shuster
Towns
Velazquez
Weygand
Whitfield
Young (FL)

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Chairman, because of a delay in transportation, I was regrettably absent for rollcall vote No. 369, concerning the Blunt amendment. If I had been present for that vote I would have voted ''no.''

PERSONNAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Chairman, on rollcall No. 369, the Blunt amendment to Labor-HHS-Education Appropriation, I was unavoidably detained in transit. Had I been present, I would have voted ''no.''

□ 1938

Messrs. KIM, FRANKS of New Jersey, SHIMKUS, and Ms. WATERS changed their vote from ''aye'' to ''no.''

Mr. WHITE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the parliamentarian has informed me that my amendment No. 45 to the Labor-HHS appropriation bill that addresses the substance abuse and mental health funding formula in all the States is not in order but, Mr. Chairman, this issue needs to be addressed.

The Substance Abuse and Mental Health Service Administration is currently obligated under law to revise the formula that allocates money under the Substance Abuse Prevention and Treatment Program as well as the Community Mental Health Services block grants. My own State of Michigan will lose over 19 percent in one year of its funding for this 1998 program. Many other States will lose large amounts as well next year. The department has suggested that an alternative to a 1-year drastic change is that Congress provide for a phasein.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Illinois.

Mr. PORTER. I thank the gentleman from Michigan for raising this important issue before the House. When such formulas are altered, it should be in a manner that allows the States to adjust. I agree that no State should be forced to absorb huge losses at one time. I agree with the gentleman that this is an issue that should be resolved to ensure that all States are treated as equitably as possible.

Mr. SMITH of Michigan. My amendment, Mr. Chairman, would have delayed the implementation of the new formula so that the appropriate authorizing committees would have an opportunity to address these issues properly. I would ask the gentleman from Wisconsin [Mr. OBEY], the ranking member of the committee, if he agrees there is merit in some kind of a more gradual phasein for dramatic funding changes.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would simply say that it certainly would be disruptive for many States. If dramatic changes are implemented in 1 year, States will not only lose large amounts of funding but would lose them overnight. It would seem to me that certainly for the effectiveness of State programs there should not be major disruptions in funding. Those changes should be gradual.

Mr. SMITH of Michigan. I thank the gentleman. I call to my colleagues' attention that the Department of Health and Human Services agrees that States should not have major disruption. The National Association of State Alcohol and Drug Abuse Directors have just passed a resolution saying that we should use the current funding base.

I thank the chairman of the committee and ranking member and hope it will be an issue of discussion in conference.

□ 1945

AMENDMENT OFFERED BY MR. NORWOOD

Mr. NORWOOD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Norwood:

Page 17, line 6, after the first dollar amount, insert the following: ''(reduced by $11,250,000)''.

Page 68, line 17, after each dollar amount, insert the following: ''(increased by $11,250,000)''.

Level-funds OSHA, transfers increase to IDEA, Individuals With Disabilities Education Act.

Mr. NORWOOD. Mr. Chairman, this amendment is one that is very clear-cut and very simple. We are trying to continue to fund IDEA special education. We are moving $11.25 million from OSHA into IDEA.

Mr. Chairman, I want to point out that this movement of $11.25 million from OSHA does not, in effect, cut the OSHA budget, but simply retains the same funding of $325.7 million.

Mr. Chairman, again, this moves funding from OSHA, but it does not cut OSHA. It maintains its funding level at

the same amount, $325.7 million, for 1997.

There are two reasons in my mind for this amendment. One, of course, is that special education is important. I think we all would agree that funding a program that is now 22 years old at the 12 percent level is not correct and it is wrong. The Federal law says that we have to fund special education at 40 percent, though we only do 12 percent.

Mr. Chairman, funding of the special education program at 12 percent, which, thanks to the good works of the gentleman from Pennsylvania, Chairman GOODLING, and others has occurred just recently, is way inadequate for a Federal program that we are supposed to fund at a 40 percent level.

No one can disagree that the idea of taking children with disabilities and turning them into successful members of society is a very good thing to do.

I noted the other day that one of our Members on the other side of the aisle said, ''Well, we are only funding at 12 percent, but it is not our fault. The courts made us do it.''

Well, the courts are simply using the law passed by this Congress 22 years ago and stating that the special education must be funded, but presently it is being funded by the taxpayers at home through property taxes.

A Federal law that is a good law, though not funded by us, causes a great deal of concern for the local school boards, as well as local politicians who had nothing to do with it.

Mr. Chairman, I do not think any of us would disagree that it is important and it is critical that we do fund special education. I doubt there is a Member in this House that would think that we should not do that. This is just one more effort for us to try to beef up the funding to that program.

Now, we are taking it from OSHA. I want to make it clear that I do not view this as a discussion about safety and health. I do not think there is a Member in this room who does not consider health and safety in the workplace very, very important.

The debate is not about whether we need an OSHA or not; it is not about whether we wanted a safe and healthy workplace. It is about the process of OSHA, and it is about the process of prioritizing your spending.

We are giving OSHA an increase in 1998 of $11.5 million, but you cannot justify that. Nobody in their right mind can come up with any data that says, yes, they do need that much more money.

Now, many people relate an increase in dollars into an increase in the objective, which is a safer workplace. But I will tell you, you cannot go by the numbers to tell that.

For example, Mr. Chairman, in 1993 we spent $291 million in OSHA, and, unfortunately, that year we had 6,331 deaths. Mr. Chairman, you cannot relate the dollars spent in OSHA to workplace deaths.

In 1993 we spent $291 million; we had 6,331 deaths. Interestingly enough, in 1994 we increased our spending in OSHA and we spent $297.2 million, but what happened? The death rate went up in the workplace, to 6,588. Then we go to 1995 and we funded OSHA at $312 million, and we had 6,210 deaths. But then we lowered our spending in 1996 to $305 million and the death rate came down when we lowered the spending.

The only point I make there, Mr. Chairman, is it is not possible for us to simply say, looking at those numbers, that you can justify a rate increase in an agency that is not doing exactly what it ought to do, which is improve the health and the safety in the workplace.

Also, tonight a number of times the death rate in 1994 was stated as 6,588. That is the number that was used a number of times. But listen to those numbers. Think about those numbers. On the 6,588 occupational fatalities reported by the BLS in 1992, 42 percent were caused by transportation accidents, and another 20 percent were caused by acts of violence, suicide, and homicide. These are not considered workplace hazards.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. NORWOOD] has expired.

(By unanimous consent, Mr. NORWOOD was allowed to proceed for 1 additional minute.)

Mr. NORWOOD. Mr. Chairman, I would suggest that we ask this agency to spend no more money than it spent last year until it reworks itself. Yes, it has improved; yes, it is better than it was 2 years ago; but it is not good enough. Why are they not focusing on those 40 percent of deaths where they occur out there? That is not what we do. We have to have one-size-fits-all, and everybody gets involved.

Mr. Chairman, we should focus on the areas where there are the most deaths, those industries where they occur, not across the board.

Yes, we only have 900 inspectors, and you may be assured there will never be enough money in OSHA to have enough inspectors to inspect every industry. But why is that agency not focused on where the deaths and injuries are occurring?

Mr. Chairman, that alone is enough reason to send another message to OSHA saying that, yes, we want you to protect health and safety in the workplace, but we want you to rework how this particular Federal agency works so we can have some positive results from it.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Georgia [Mr. NORWOOD] speaks so movingly about the need to fund special education that I am almost persuaded. But then I note, however, that on August 3, 1995, just 2 years ago, the gentleman voted to cut special education by $160 million below the previous year, and voted to cut it $250 million below the President's request at that time.

Mr. Chairman, this year the special education account is up $313 million above last year. The committee has funded it at $139 million above the President's budget. It is $1.1 billion above the level the gentleman voted to cut just 2 years ago.

So I would simply say I am happy to welcome the gentleman to the ranks of those who believe that this is a good program, but I would say that I think what is happening here is pretty obvious. This committee, on a bipartisan basis, has provided a much higher level of funding for special education than it had last year or the year before that. Now we are being told in this amendment, which will take more of the House's time, that we ought to take a tiny amount out of OSHA and move it into this program.

It would add to the amount in this program by only 0.2 percent, but it gives them an opportunity, Mr. Chairman, to again beat up on OSHA, despite the fact that OSHA has had an 82 percent reduction in the number of paperwork citations which they have cited businesses for since President Clinton has come into office.

It is apparent to me that this is not only an opportunity to bash OSHA, it simply represents another effort by a group of Members of the House to try to filibuster the House to death in the hopes that eventually this bill is taken from the House calendar, and the gentleman has a perfect right to do that if he wants.

I would simply note, however, that despite the gentleman's efforts, or despite his suggestion that we cut this funding out of OSHA, there were 237 workplace deaths in his own State last year. There were 187,000 workplace injuries in his State last year.

So it seems to me that the proper thing to do is to try to fund both of these programs to the highest level that we possibly can. That is exactly what the committee has done on a bipartisan basis.

Mr. Chairman, I would urge rejection of the gentleman's amendment on that basis.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, let me point out to my friend from Wisconsin [Mr. OBEY] that I am absolutely sure the gentleman does not know why I am doing this.

I know the gentleman just told the Members why I am doing this, but I am confident that the gentleman does not know.

Second, let me point out that, yes, I voted against special education, but that was before the Republican Congress came in and helped straighten that bill out. At the time, a considerable amount of that money was going to the attorneys, and until we could stop that particular bleeding problem, then it did not make sense to put taxpayer dollars in it.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would also note that during that time this Congress and this administration working cooperatively have greatly improved the performance of OSHA. I find it interesting, for instance, that much of the criticism these days leveled at OSHA is coming from organized labor, which feels that OSHA under Joe Dear went too far in trying to recognize legitimate concerns expressed by American businessmen.

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So I would simply say, each of us is capable of reaching our own judgments. I am confident that the House will recognize that the committee achieved a reasonable balance in these accounts which deserves to be supported.

Mr. NORWOOD. If the gentleman will continue to yield, Mr. Chairman, I want to tell the gentleman, I do think OSHA has been improved. That is something we all should be proud of.

Has OSHA moved far enough yet, to the point where we are doing a better job in the workplace, where most of the catastrophes occur? The answer would be no.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, I would simply note that OSHA has a long way to go in meeting its objectives, with over 6,000 Americans still dying each year. We ought to help them meet those objectives, just as we ought to help the responsible agencies in meeting their needs in dealing with handicapped children and special education-required children. I hope Congress will see fit to do both.

Mr. GRAHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to kind of pick up where my colleague, the gentleman from Georgia, left off, I also am on the Education and the Workforce Committee, and this is my third year in Congress, and hopefully every year you learn a bit about how programs work and where money ought to be spent.

At the end of the day, it is a judgment call. The Committee on Appropriations has made some choices that are their version of how it ought to be. Now we have a chance, as Members, to come in and suggest how these choices might change, and does it make sense to rearrange the money and spend money here and take money from there.

Mr. Chairman, the question of money and people is always an intriguing question. If I thought just by increasing appropriations bills we could prevent all workplace deaths, I would do so. If I thought just spending more money would take every family and every parent that has a disabled child and get the most out of that child, I would gladly spend the money. Sometimes it is not about how much you spend but the way you conduct the program, who is controlling the money, who has say-so of how it is spent; that is probably just as important as the amounts.

The OSHA laws in this country, in my opinion, have in the past focused more on the bureaucracy and more on the paperwork side of the House, rather than on whether or not it is really making the workplace safe. I think that is inevitable. As an agency grows, just like any other business in America, it looks for ways to continue to grow.

This Congress, the 104th Congress, the first Congress I was in, I think inherited a mess. I think we have been working at times in a bipartisan fashion to straighten that mess out. But when we look back at what it was like when we first came here, we had an OSHA agency where 8 out of 10 violations were paperwork violations, and there is no use blaming the Democratic Party for that, because many times the OSHA organization was under Republican control. The facts are it just was not working right. It got soft. We were throwing money in the name of worker safety, but we were not looking at outcomes.

We have had numerous hearings in our committee about outcomes. That is the change I have seen in the last 3 years. We are asking questions about programs that have never been asked before, before we write the check.

Let me tell the gentleman from Wisconsin [Mr. OBEY] some of the questions we have asked about OSHA. One of the basic questions I have asked, if you had a limited pot of money, which I think it is time to start thinking in those terms, where would you spend that money? Would you increase the number of investigators and increase the fining capacity, or would you direct more money into the area of educating businesses to make the workplace safe? We have asked numerous people from OSHA about that mix, and they are doing studies right now: Where is the best place to put your money? Is it in enforcement or is it in education?

We have been finding, I think, consistent——

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would simply like to point out, Mr. Chairman, that I am the Member of Congress who, along with Sylvio Conte, first pushed OSHA into starting a voluntary compliance program.

Second, I would like to point out, as the chairman already has on two occasions, that this budget gives a 12-percent increase for that voluntary compliance portion of OSHA's budget, and only a 1-percent increase, on average, for the other portions of OSHA's budget. So we are putting the emphasis, in fact, exactly where the gentleman thinks it ought to be.

I thank the gentleman for yielding.

Mr. GRAHAM. I congratulate the gentleman on that move, because it has turned out to be a very good move. But that is not really the point I am trying to make.

The point I am trying to make is, you have a certain number of people on the payroll of OSHA. What do they do every day? Voluntary compliance is one way for an employer to meet the goals and requirements that we place upon them. We have found that maybe if we have more business involvement in voluntary compliance programs that we can get there a little easier and save money for the employer, to let them share the benefits from the savings with their employees.

What I am saying is, when you have a fixed population of workers at OSHA, where should they be spending their time? How should you fashion your work force at OSHA? How many people should be in the ''gotcha'' business, and how many people should go around every day informing and advising industry, ''Here is the latest thing out on worker safety''? That is what I am trying to talk about.

We have gotten a lot of feedback. It seems to me they are on the enforcement end, the ''gotcha'' end; about two-thirds of their people do that job. We are trying to get a work force mix that probably will do a better job, if you take most of OSHA employees and get them away from the ''gotcha'' business and you send them into the industry and advise people, and you try to get people up to speed as to what is the best way to make sure that the workers are safe.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would say there is a disconnect here with my colleague who just finished speaking. It is understood that in fact we could buy the argument that we inherited an OSHA that was a mess. But in fact, in the Contract With America, if Members might recall, their answer to that question was to cut OSHA about 50 percent.

The fact of the matter is that under the Clinton administration, as my colleague, the gentleman from Wisconsin [Mr. OBEY] pointed out a minute ago, in fact, an innovative compliance assistance program, a voluntary compliance assistance program, was developed. It was begun in fact and in truth to help employers identify safety problems before the accidents occur and before inspections and fines occur.

It happens, and it is a fact, that this is an enormously and hugely popular program with business owners. There is a very long waiting list of employers who want help to do the right thing. That is why the committee bill increases the compliance assistance program, as has been mentioned, by 12 percent, so in fact employers can get that kind of help and advice, and OSHA can provide that to the extent that businesses want it and need it.

But quite honestly, what will happen is that compliance assistance is the part of the budget that will be cut if OSHA's budget is reduced. This is because in fact, first and foremost, OSHA has to enforce the law. So this amendment is shortsighted. It hurts workers and, in fact, hurts the businesses which my friends, some of my friends on the other side of the aisle, seem to want to help. They want to help businesses. In fact, businesses are happy with these voluntary compliance programs.

If we continue in this path, it will in fact cause more deaths, more injuries, and more threats to the health and safety of American consumers, like those that we saw at the Hudson Food plant.

Let me just reiterate. Some Members, some Republicans of this House, seem to think that OSHA has not been cut enough over the past 3 years. But the majority of people do not want to cut it further. Clearly, the sponsors of this amendment share that belief that OSHA has not be cut enough, as do those who were engaged in the previous amendment. I disagree, and quite frankly, I think most Americans will disagree.

There are some facts that I think just speak loud and clear and speak for themselves. Every 5 seconds, every 5 seconds, an American worker is injured or killed on the job. In 5 minutes while I stand here and speak, 60 people will be hurt or will die. We saw the incidents with the Hudson Food plant.

Quite honestly, in that district in Missouri 155 people died of job-related injuries or illnesses in the last year for which we have data. In the State of Missouri, there are 25 inspectors to monitor the safety of places of work. That means that the average Missouri business will not be inspected more than once every 235 years. Clearly the sponsors of these amendments here think that is too often, and they want to reduce it to 250 or 275 years.

Mr. Chairman, let me just say that I am a supporter of the IDEA Program. Last week we were going to cut wage and hour to support IDEA, giving about 67 cents per child to the IDEA Program. Ultimately, there are only some Members of the other party that want to engage in this kind of thing. There has been a very good bipartisan effort put together here in defense of OSHA. Some people are not happy with that.

People have worked very, very hard over the last several months so we would have a good bill that in fact deals with the important issues that workers are facing and that others are facing. Now, all of a sudden, we see this opportunity to filibuster this bill in order to take money from here, take it there. In fact, these are thinly veiled efforts to cut programs here where we are only talking about $2 more per child for the IDEA Program.

If we want to help kids, help children, I ask my colleagues to help their families make a decent, living wage, as we were talking about last week. Give their folks the opportunity to work in a safe environment and workplace. That is the kind of thing we ought to be doing to help these families.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SOUDER. Mr. Chairman, can Members of Congress malign the motives of other Members?

The CHAIRMAN. Members should avoid discussing the motives of other Members.

Mr. SOUDER. I thank the Chair.

Mr. Chairman, I move to strike the requisite number of words.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I just want to reply to the gentlewoman who just spoke. In 1997, we spent $325.7 million, and if our amendment passes, in 1998 we will spend $325.7 million. I would just like to point out that is not a cut of anything, that is just not giving them a raise.

Mr. SOUDER. Reclaiming my time, Mr. Chairman, I would like to point out, and the reason I asked my parliamentary inquiry is we have heard several times tonight that this is a filibuster because we are trying to discuss tough questions, when in fact the minority and the majority, as their differences arise from time to time, will speak for ours.

We have not had motions to rise, motions to adjourn, all sorts of quorum calls, or that type of filibustering tactic. We have had some disagreements in our party, and we are likely to continue to have them in the future. The question comes as to how do we debate these and air them out.

The gentleman from Illinois [Mr. PORTER] and we have had many discussions. He said, let us have a wholesome debate. We are having a wholesome debate. A lot of Members do not like these choices. They want to talk about what we did not 2 or 3 years ago, or what we are allegedly going to do to a lot of the poor working people of America.

This is an increase in OSHA. This is not wiping out OSHA. We are not fighting a battle over whether we are going to eliminate OSHA, whether we are going to eliminate anything here. It is whether we are going to increase OSHA. We are not even proposing to cut OSHA, for crying out loud.

The effort here is to say, what are our priorities. Reluctantly, many of us voted for the budget agreement because it was a compromise. Spending is increasing. Now, as Members of Congress, we are elected to decide where we are going to put the money and what the priorities are.

There are many of us, including many of us on the Committee on Education and the Workforce, who worked to pass a new IDEA bill. Part of that was increased parent participation; it had better connections to regular curriculum, increased accountability for educational results, improved access to information, opportunity for mediation, improved teaching and learning processes, supports the unique needs of individual students where there can be flexible developmental delay categories for identifying children, all sorts of details with the IDEA bill. We worked on that for 3 years.

A chief staff person of Senator LOTT spent hours and hours trying to reconcile those differences. The gentleman from Pennsylvania [Mr. GOODLING] moved it through our committees. The gentlemen from California, Mr. RIGGS and Mr. CUNNINGHAM, the previous year, working with the subcommittee that I am on and I, as vice chairman of that subcommittee in my first term, worked hard on IDEA.

But do Members know, we have now passed a bill that requires States and local communities to do a lot in their schools to address the needs of these students. We increased their funding, but we did not increase their funding enough.

I would just as soon, quite frankly, the Federal Government was not always increasing their funding, and that we had more decisions at the local level and at the State level in education. But if we are going to spend money, which we are in this bill, I can think of no better place to put it than in the Individuals With Disabilities Education Act.

As we go through this, I do not want to hear all the time that this is just a tactic and this is just a filibuster. This is not. This is saying, OK, if I am going to go along with this bill, I would like to see where the money goes.

We are not gutting OSHA; we are doing increases. For those Members concerned about the compliance section, as I have stated, the next amendment we intend to offer will move some funds around inside OSHA to make sure the compliance section gets even more funding. I compliment those Members and the chairman of the subcommittee for increasing efforts in the compliance section.

When we ran for office, that is what we ran for was to change OSHA from predominantly an organization that comes in, often unannounced, often resulting, in order to intimidate businesses into trying to follow the law, picking on fairly nit-picking-type things or things that are counterproductive, rather than focusing on the grievous offenders.

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Nobody wants to defend anybody where there have been deaths and tragedies. Our friends are getting hurt. Our neighbors are getting hurt. Our relatives are at risk. But we need to do it in a logical way, and working with businesses in a positive way is the way we should do this.

But, Mr. Chairman, they have enough money. The facts are this. We are hearing stories tonight, but the facts are

this: When Congress increases OSHA funding, the rate of accidents go down. When Congress has decreased funding, the rate of accidents has gone down. When we have level funding, the rate of accidents has gone down.

The rate of accidents has dropped 4 years in a row, regardless of the funding level of OSHA here in Washington. That is a fact. The stories are tragic, but the fact is the rate of accidents has been going down, and we cannot make dramatic statements based on the OSHA funding. But the truth is this amendment is really a priorities amendment. Do we want to give the money to IDEA?

Mr. Chairman, $11 million here is a drop in the bucket. We will have plenty of other amendments on this bill that will expand IDEA funding in other things. For those who say this is only 11 million, yes, 11 million is 11 million, and we are going to try to get more to IDEA, too. We agree on supporting that.

Mr. Chairman, let us take something where we have a consensus and we have an impact and put the money there, rather than in organizations that have been counterproductive.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say to the gentleman from Indiana [Mr. SOUDER] that I am delighted to see the support for special education. And if the gentleman will forgive some of the skepticism among us, we do remember, for those of us who have been working very hard to fight for special education a long time, we do remember that in 1997 the Republicans voted to level-fund special education. We remember that in 1996 the Republicans voted to cut $25 million for early childhood special education personnel training and cut $21 million for innovative special education research and development projects. The Republicans also voted to cut $90 million for special education teacher training.

So I, frankly, am delighted to see this support for special education, and I would like to work with the gentleman from Indiana [Mr. SOUDER], with the gentleman from Illinois [Mr. PORTER], our distinguished chairman, to continue to increase resources for these very vital programs. But it seems to me, again, to take it from OSHA does not make sense.

Mr. Chairman, the gentleman from Indiana talked about how injuries are going down; however, when we look at the numbers and we see the tremendous need, we are beginning to see, under leaders like Joe Dear, some progress in reforming OSHA. With the help of a bipartisan effort in our committee, and in the gentleman's committee, I am sure, if we are beginning to see progress, let us continue to make progress, to make sure that we protect lives.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would just like to point out that if the House wants to make a real choice, rather than taking a few dollars out of OSHA and putting a few dollars into special education, I would simply note that this House voted to add $331 million to the Department of Defense budget for nine B–2 bombers that the Air Force did not want and cannot fly in the rain.

In contrast, OSHA's entire budget is only $336 million. I would suggest that if my colleagues want to find money for special education, or anything else, rather than running the risk of added workplace injuries and deaths, we ought to go to a place that the Pentagon itself recognizes is a waste of money and simply eliminate that program. That would do a real service to this Nation.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I am not sure if the gentlewoman from North Carolina is on the floor, but I talked before about the tragic fire in Hamlet, NC, and there was real action after that fire. In fact, the number of inspectors were increased 100 percent. The leaders of that program in North Carolina happened to have such an exemplary record that the numbers of workplace injuries have continued to decline.

So I would like to say to the gentleman from Indiana, let us work together to increase money for IDEA and other special education programs. But while we are working together to improve OSHA, to make sure that we are saving lives, let us look at programs like in North Carolina where their increased investments have really made a difference.

Mr. SOUDER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, one question that I would like to ask of the gentlewoman from New York [Mrs. LOWEY] is that we are not allowed to offer any amendments vis-a-vis the Defense bill to education; is that not correct? The distinguished gentleman from Wisconsin [Mr. OBEY] was suggesting that we could find additional money, but we do not have that option here tonight.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] and the committee worked incredibly hard making very tough choices. The numbers for special education in this bill have increased, I believe it was over $313 million, plus 8 percent. So the chairman has done his best, working together in a bipartisan way, to invest in special education programs, and we welcome the gentleman from Indiana to join us so we can continue to look for other opportunities.

Mr. SOUDER. Mr. Chairman, if the gentlewoman will continue to yield, I believe the answer to my first question is ''no'', we cannot offer any Defense amendments.

I too praise the efforts of the gentleman from Illinois for special education. At the local level, it will probably take between $1 and $2 billion to meet what we passed in our bill on IDEA. We are doing what we can on these different efforts.

As far as the OSHA questions in themselves, I put forth the actual data on the rate of accidents which have been declining, regardless of what funding levels we have in Washington. As we reorient those levels and work with Mr. Dear in our oversight, appropriations, and authorizing committees, I think we can make it more effective and more preventive, but it is not proven that it needs more money.

Mrs. LOWEY. Mr. Chairman, again reclaiming my time, money is a factor.

The CHAIRMAN. The time of the gentlewoman from New York [Mrs. LOWEY] has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 1 additional minute.)

Mrs. LOWEY. Mr. Chairman, I would like to tell the gentleman from Indiana that money is a factor, because we saw in Hamlet, NC, again as I mentioned, after that terrible tragedy, the leaders of the OSHA program in North Carolina, working with the Federal Government, were able to increase their investment and the numbers of tragedies, the numbers of tragedies have gone down tremendously. We see this as a model program.

Mr. Chairman, again, I would like to welcome the gentleman from Indiana to our advocates for special education, and I hope we can work together to continue to make investments in that program, while not cutting other vital programs that make a difference for workers.

Mr. SHADEGG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Georgia [Mr. NORWOOD] on this issue.

Mr. Chairman, I think it is critically important for us to discuss this issue and to debate it here on the floor. I, myself, have very, very strong feelings about the OSHA Program, about the importance of worker safety, and about the IDEA Program and its importance in our society.

But, Mr. Chairman, before I get to the substance of my views on why this amendment is so critically important, I must comment on the debate that has been going on kind of through the evening. That is the debate which most recently was advanced by the gentlewoman from Connecticut [Ms. DELAURO] that these amendments are somehow improper, and that it is somehow wrong to debate the priorities of spending in this Congress through amendments on the floor to an appropriation bill.

Mr. Chairman, I resent that immensely. This Congress is here precisely for that purpose. We have had a

budget agreement, some call it a tremendously historic budget agreement, with our President prior to today's debate. But that sets the broad parameter. The public policy within those numbers is decided here in the appropriations bill.

The Committee on Rules set an open rule, as it has always done on appropriations matters, and I resent immensely any implication that these are other than meritorious debates on this issue.

Mr. Chairman, I believe we have a duty to the American people to debate the question of how we spend this money here and now as the bill goes through. Of course, we owe some respect to the committee and the committee process, but the committee process does not tie our hands. We have a duty, we have a right, we have an obligation on each appropriations bill that comes to this floor to debate those priorities and to decide as a country where the monies we have to spend are to be spent. And that is particularly true in difficult times where ample funding is not necessary.

So any implication that we should not be debating this and that we have to act as a rubber stamp is dead wrong. And in that regard, I would like to compliment the gentleman from Illinois [Mr. PORTER], chairman of the subcommittee, who in meetings with myself and others prior to this debate made it clear that he fully welcomed a full-blown and exhaustive debate of the spending priorities in this bill.

Mr. Chairman, at no point, at no point in those discussions did the gentleman ever say that we have an obligation to defer to what the committee did; we have a duty to accept what the committee has done; we have written it and it is cast in stone.

Mr. Chairman, the gentleman said the exact opposite. He said that we have every single right, issue by issue, to debate the priorities that are set forth in this bill as it comes to the floor. The gentleman commended us to do it and said he would not criticize us for doing it. That is what the process is for, and he welcomed the process. Thank goodness we have that process.

Mr. Chairman, let me turn then to the issue of OSHA and to the issue of IDEA and this particular amendment. This amendment does a simple thing. It says that OSHA funding, as set last year, is in fact adequate to protect America's workers. And any challenge that says, no, it is not, and that those who advocate this amendment do not care about worker safety, I suggest is an unfair challenge and an unfair attack.

The facts are as the gentleman from Indiana [Mr. SOUDER] stated them. Worker accidents have been declining for 4 years straight. They have declined when the budget went down. They have declined when the budget went up. They have declined when the budget remained constant. I suggest it is unfair to characterize those who support this amendment as being unconcerned with worker safety. The statistics simply do not bear that out.

Mr. Chairman, let me make another point. I believe in worker safety. I once worked as a construction worker and carried a union card. I was deeply concerned about union safety. But that was before OSHA existed, and I thought the State of Arizona and its safety officials did a good job of working to protect the workers on the job site where I was earning my living.

But I think that OSHA has, on occasion, run amuck. When I first got elected to Congress, many contractors in the State of Arizona came so see me about OSHA's proposed fall standards, and they complained bitterly that there was no rationale and no reason; that the fall standards were not well written; that they were not thought out. Roofers came to me, as well as others in the construction industry. I have a brother in Tucson, AZ, who builds homes, and when he saw the first draft of those regulations he said, ''John, they're absurd. They make me try to protect from falls for people I cannot protect when they are not even up in the air. They make me protect framing contractors, when I have nothing that I can hook a safety net to.''

I think OSHA can be improved, but I do not necessarily think that every year just as the clock turns we automatically have to give it more money. And that brings me to the merits of this very worthwhile amendment.

The IDEA Program is critical, and the parents in my district have come to see me about it.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. SHADEGG] has expired.

(By unanimous consent, Mr. SHADEGG was allowed to proceed for 1 additional minute.)

Mr. SHADEGG. Mr. Chairman, let me just recite briefly, also since my election in 1994, parents from schools throughout my congressional district have come to visit me. They have visited me about the issue of special education; both the parents of children who have special education needs and the parents of children who do not have special education needs. They have made a clear point to me, and that point is that at least the parents of those who have children who have special education needs think the Federal Government has done the right thing in IDEA and the goals it set, but the wrong thing in inadequately funding it. The parents of children who do not have special education needs have said the lack of funding for special education hurts them.

Mr. Chairman, this is a good amendment. It ought not to be belittled as too small. It should be supported by each and every one of our colleagues as moving us in the right direction. And for those who say it is not enough, we will offer more amendments later in this debate when we get to the education title to move more money into IDEA fund.

Mr. Chairman, I urge my colleagues to join me in supporting the amendment of the gentleman from Georgia.

Mr. NEUMANN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support this amendment. I do think it is an amendment that deals with the debate over priorities of spending. We have come to a point in American history where we recognize that there are only a limited number of dollars available to be spent by Washington, because our families out in America are overtaxed already.

So, Mr. Chairman, if we say there is only a limited number of dollars available, we have to do what every American family does. We have to decide where it is that is most important that we spend these dollars. That is what this debate is all about.

In this particular debate, we are debating whether or not the dollars should be used to increase spending in OSHA or whether the increase should go to students with disabilities, to IDEA, instead.

□ 2030

I would like to start here by reemphasizing the fact that if this amendment passes, the OSHA spending does not, in fact, go down but rather OSHA spending remains constant at last year's level. In Wisconsin, where I come from, if you freeze it at last year's level, that is not a cut but spending has been frozen.

As my colleague who spoke before me from Arizona mentioned, I, too, come from the construction industry. I am certainly aware of and familiar with safety standards.

Frankly, you cannot run a business without being first and foremost concerned with the safety of your workers. So OSHA is important in protecting our workers and providing safety for the workers. That is a very high priority, not only to me but to many people out there in this country. But that is not what this is about. This is about where it is that we are going to allow spending increases to occur in the fiscal year 1998 budget process.

In this particular case, what we are asking to do is redirect the increase in spending in OSHA, not a cut, but redirect the increased spending dollars over to help students with disabilities. This is about education. This is about educating the most needy children in the United States of America. This is about directing more dollars to the students who are most in need. That is really what this whole thing comes down to. What we are trying to do is redirect the $11 million increase that was slated for OSHA over to the most needy students in education in the whole United States of America; that is, our students with disabilities.

I would reemphasize that this is not a cut in spending of OSHA but rather freezing OSHA spending at last year's levels. OSHA was set up in 1970 to provide for worker safety and to help

make the workplace a safer facility for workers. In 1990, we had the only real amendment to the OSHA rule. They increased the fine sevenfold in 1990. We find that the majority of those fines deal with paperwork as opposed to some safety violation with roofing or something else of that nature. That is the reason for concern.

But again, that is not the heart and soul of what this bill is about. This bill is about debating what it is that is the highest priority to spend tax dollars, money that is hard-earned by the working people out there in America, what is the highest priority that we spend those limited available dollars on and should it go to increase spending in OSHA, which hires more Washington people, or should it instead go to help students with disabilities, perhaps the most needy part of education in the whole country?

For my vote, I certainly intend to vote to send the money to the students. Students with disabilities certainly have a high priority as far as I am concerned on where we should be spending money.

Over the course of this debate we will be debating lots of amendments that deal with redirecting funds from one portion of this bill to another portion. All through the night we are going to be talking about what it is that is the most highest priority for people in this Congress to spend.

So for me I plan to vote for the amendment. I am going to vote to freeze OSHA spending at last year's levels. No cuts. I am going to vote to freeze it at last year's levels and redirect the money to the neediest students in this country, to IDEA. I would certainly encourage my colleagues to do the same.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the committee headed by our colleague, the gentleman from Pennsylvania [Mr. GOODLING] and the members of that committee did a wonderful job in providing for real reform of the Individuals With Disabilities Education Act [IDEA] Program earlier this year. Along with the reforms that they accomplished, it is very clear, and I think we all agree on both sides of the aisle, that additional moneys are needed to help kids with disabilities and to provide relief to local taxpayers for the mandate that IDEA imposes on States and local school districts.

For that reason, last year we increased funding in this bill by $790 million. This year we increased funding by an additional $312 million. And earlier in this bill we accepted an amendment from the gentleman from Pennsylvania [Mr. GOODLING] to add an additional $25 million. The total increase in the last 2 years is $1.127 billion.

The Senate has provided even a greater increase this year in their bill, $600 million more than we provided in the House bill. I believe I can assure Members, depending on the level of allocation, that we are very likely to go as far as we can toward the Senate's higher number. IDEA is very high priority for us. We certainly are not shirking our responsibility to provide all the funding that we can for it.

It has been said repeatedly that OSHA, on both sides of this debate, that the Occupational Safety and Health Administration [OSHA] is moving in the right direction, and that we ought to encourage them to continue to move in that direction. It is a direction that moves away from the ''gotcha,'' and moves toward helping businesses to make the workplace safer. Its basic promise is that OSHA must work cooperatively with business to ensure greater worker protection.

It has been said also that if we level-fund a program or department of government, that they are getting the same amount of money as the previous year. That would be true if there were no inflation in our economy. Unfortunately, there still is some, and what we did in this bill is provide an increase overall for OSHA of about 3.5 percent over last year.

As I said earlier, a 3.5 percent increase is $11.6 million below the President's budget request. If you take the cost increases, that is, the inflation increases and Federal pay raises, you actually are providing a reduction from last year in terms of actual buying power. So we are attempting to do what has been said over and over by the proponents of this amendment, to hold OSHA at approximately the same spending level as last year, given inflation. In the process we have moved the additional dollars, into compliance assistance rather than into Federal enforcement. In fact, if you look at the overall figure on the Federal level of compliance assistance, we have increased that by 22 percent whereas Federal enforcement has increased by only 1 percent.

So I think we are moving in the direction that the gentleman would like to move. This amendment is basically the same amendment as the one we just considered. Rather than putting the money cut from OSHA into vocational education, it would take the funding and put it in IDEA. The amendment cuts exactly the same amount of money as the previous amendment.

As I said before, we have done everything we possibly can to move money into IDEA. I believe that we have struck the right balance between each of these programs and that the amendment really is just not necessary.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding to me.

I want to congratulate him and the gentleman from Pennsylvania [Mr. GOODLING] for increasing funding in IDEA. I want to point out to the gentleman that it is only at 12 percent level. We are funding at 100 percent from home, from the districts and counties. The law that was passed in this Congress said that we would fund it at 40 percent. So that is what we are trying to ask to be done, is fund it at the level the law requires.

Lastly, Mr. Chairman, I am curious about the increased funding for OSHA this year, the $11.25 million. Does the gentleman know that that will save one life?

Mr. PORTER. Mr. Chairman, I know that without it, we may lose more lives. I think the answer is that no one knows that, to reply to the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 1 additional minute.)

Mr. NORWOOD. Mr. Chairman, if the gentleman will continue to yield, if you look at numbers over the last 5 or 6 years in terms of what the funding level was versus how many deaths we had in the workplace, you clearly can conclude pretty quickly we do not know that we will improve the situation at all by increased funding.

Mr. PORTER. Mr. Chairman, reclaiming my time, I would say to the gentleman, I believe that we are doing better now in terms of overall support for IDEA than we have ever done in the past. And while I agree with the gentleman, we have to do as much more as we possibly can, I think we have done a very, very good job of increasing funding for this vital program. This amendment would not make any substantial difference in what we have accomplished.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to point out, in answer to the other gentleman's question, that according to the Bureau of Labor Statistics, the combined rate of workplace injuries and illness in the private sector fell from 11 per hundred workers in 1973.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. PORTER] has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, it fell from 11 per hundred workers in 1973, which is the first year that data were reported, to 8.4 per hundred workers in 1994. That is a 24-percent decrease. The decrease in both injury and illnesses has been the most significant in the industries where we have had the toughest enforcement; namely, manufacturing, construction, and mining industries. So I think it is obvious that the less we do to finance OSHA, the less we do to create a safe and healthy workplace for American workers.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in support of the amendment in transferring money from OSHA to handicapped children and to the local school boards, the local school boards and the folks back home, the property taxpayers are making up the difference now in this important IDEA program. We need to help them out. This amendment gives us an opportunity to do that. But it also gives us an opportunity to send yet another message to OSHA that the American people want to get the Government off its back. OSHA is a nitpicking regulatory agency, far beyond their alleged mission of human safety. We talk about safety. It is like OSHA has the franchise on it, Mr. Chairman.

The fact is that let us just say the businesses of America did not care about their workers. Let us just say it did not matter to them. What would be the consequence of having somebody hurt to a manufacturing plant? Workers compensation premiums would go up. That is a substantial amount of money. The workers who are injured would cause downtime to the production line. The machinery would be broken; the car, for example, would be wrecked. There would be bad will. There would be morale problems. There would be a PR problem. All of these things come into play in the event that a business is not concerned about safety.

But the reality is, Mr. Chairman, businesses do care about their employees. They want their employees to stay there for a long time. They want their employees to be safe. They want their employees to be comfortable, secure, and happy. And that is why they take lots and lots of precautions on their own without OSHA coming in and interfering.

Here is the light reading of the night, Mr. Chairman. You look like you have some spare moments up there. This is the OSHA regulation on asbestos. You will remember that the Environmental Protection Agency outlawed asbestos in all forms and a court threw that out and said, you can't go that far; you are going beyond your mission statement.

But OSHA steps in and says, that is OK. We will enforce it, even though the court said not to. What fine work did they produce as a result of their interference? The first thing they did is they came up with a new brake for cars, even though using the asbestos in automobile brakes did not cause any damage in terms of people breathing asbestos or anything like that. OSHA came in and said, you have to have new brakes on cars.

These new brakes, Mr. Chairman, take twice as long to brake, and as a result, according to a scientific study by the National Safety Board, Transportation, we have been losing 150 people more each year. I repeat, 150 deaths have been caused in addition because of OSHA's great work on taking asbestos out of brakes. That is not looking out for worker safety.

What are some of the other fine examples of the great work that they do?

Well, there was the case of a business that had a problem with employees stealing fire extinguishers, so the business put the fire extinguishers behind a very thin, breakable glass. But then the OSHA inspector came back around and said the fire extinguishers were no longer accessible because they were behind this breakable glass. The company was fined.

Then there was the case of a shampoo manufacturer. The shampoo manufacturer, Mr. Chairman, used large stainless steel open vats to mix the product in. When they were cleaning the product, the bowl, of course, was empty and employees would actually go inside the bowl and clean it.

Well, even though there was no top on them, not just during the cleaning but actually during the mixing of the product, there was not a top for these large vats or bowls, OSHA came in and said that the workers who were cleaning the bowls were in a confined space and, therefore, they needed to be treated like they were in an enclosed tank. So OSHA required the shampoo company to have rescue teams standing by with respirators and so forth. This is an absurd example of a bureaucracy that has gone crazy.

A couple of other examples. In Indiana, there was a company called Zilkowski Construction Company that was fined for having a can of Pledge furniture polish in a trailer with no material safety data sheet on it. Is that not a real treacherous situation for workers to be exposed to a can of Pledge furniture polish?

□ 2045

And then here is another one. 1992, a company in South Bend, IN was cited by OSHA for not having a brand specifics material data safety sheet for chalk. That is chalk that you would write with. That is the kind of ridiculous thing OSHA would do.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. KINGSTON] has expired.

(By unanimous consent, Mr. KINGSTON was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply point out that the gentleman is talking about occurrences in OSHA which can no longer occur because Mr. Dear, when he became director, issued an order which told OSHA not to issue fines because of any consumer product problems that were found. That would deal with whether we are talking about Pledge or whether we are dealing with any of the other items that were raised on the gentleman's side tonight.

Mr. KINGSTON. Reclaiming my time, Mr. Chairman, I am glad the gentleman brings that out because it makes us think maybe there is hope for reform in this agency, but I am still not, and most of the folks back home who were employers who are suffering from all this nitpicking, I still believe they are saying, do not increase this agency, do not send more Government down here to my manufacturing plant.

It is interesting, the manufacturing jobs in America in 1960 were two-thirds of the working population. Today they are one-third. One of the major reasons why businesses go overseas, Mr. Chairman, and we are losing the manufacturing base is because businesses here are having to pay too high a price to do business and commerce in America because of excessive regulatory agencies such as OSHA.

I say, let us not increase them at this time, let us leave their funding at a level base and let us send the difference to handicapped and disabled children in our districts.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to talk about IDEA for just one moment. As a practicing physician, I have three patients that are very dear to me. One of them is Brandon Jones. I delivered Brandon about 9 years ago and he has a syndrome called Vader Syndrome. He has pulmonary hypertension. He wears oxygen all the time. He has a limited life expectancy, and yet in the public school system in Muskogee, OK, he has to, by Federal mandate, be offered every opportunity to do what every other child can do. The costs for him are approximately $100,000 a year, just for his education.

There is Felicia Fallegey. At 2 years of age, she was shaken by a babysitter and now has severe, severe cerebral atrophy and damage, yet, by mandate and by right gets to attend school. The cost for this child, who cannot move, who cannot move any extremity, who is bedfast, the cost to care for her in terms of her educational assessment is significant.

Finally, there is Courtney Johnson. Courtney was born with a cerebral accident of malformation at birth. Her developmental abilities have been limited. She is now 13 years of age and is required to have every opportunity for an education that any normal child can have.

What is the problem with all that? We are $500 million short, Mr. Chairman, of what we should have in the IDEA program. And what we need to do is to look at the school system in Muskogee, OK, that is running a deficit this year. They will not be able to educate all the normal children in our district because we have multiple numbers like these children who deserve this opportunity. But the Federal Government, the U.S. Congress, refuses to send the money that rightfully should go to the individual school district.

When we vote on this amendment, I hope my colleagues will remember

Courtney and I hope we will remember Brandon and I hope we will remember Felicia for the positive things IDEA will do for them. But I also hope we will remember the rest of the children who will not get the things they need because we have mandated a policy and we are not willing to pay for it.

Remember Brandon, remember Felicia, and remember Courtney.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment to take money that is currently going to be directed to OSHA and move it toward the IDEA program.

Special education and special needs children have not been fully funded, as has been pointed out earlier, and I think this is a wonderful opportunity to do something about that. When I think of the extra costs that are associated with these children and the opportunities they could have by taking $11.25 million from OSHA and moving it to them, I think there should not be any question for a Member of Congress to rise to this opportunity to help these children.

Now, we could go on and talk about some of these children and their special needs, as the gentleman from Oklahoma pointed out, who is also a physician and knows very well on personal terms. I know several children myself that are currently in special needs programs. My wife worked in special education as a speech therapist in public schools for 4 years, working directly with these children, and there is a great need for us to rise to the occasion to give them this additional funding.

If we talk to any school board member across the United States, and in Kansas I have spoken with members of the school board, and quite often their request is that we help with the funding for special needs children to give them the opportunity to be mainstreamed, give them the opportunity to share learning opportunities that are the same as other children have. Yet this is a mandate that they be educated, a mandate from the Federal Government, and we do not fully fund it. We do not give the financial backing for the mandate.

This is something that has been around for some time, and it is a problem that has been around for quite a while, and yet tonight we have the opportunity to do something to correct that, one small step in the right direction.

Where are we taking this money from? We are diverting it from OSHA, diverting it from an organization that has had a lot of problems and is in need of reform. I think we have seen some initial steps.

I know that I have met with the regional director for OSHA in Kansas and he is open to making changes that will work toward a common goal of a safe work environment. And yet when he takes these ideas, and maybe I should explain a little how this came about, I was at the State fair 2 years ago and he walked up to my booth and we struck up a conversation; and I asked him if he would be open to meeting with members of industry, with members of the construction trades and with members of people who interface with OSHA, because they are out there creating and trying to keep jobs in the Kansas area, and he said he would be glad to do that.

So we got together about 30 members of business, small businesses, large businesses, and they met with OSHA, and they came up with a format where they could find onerous regulations and then come up with solutions to change those regulations to get to that common goal of a safe work environment. Well, these ideas are now flowing back up to Washington, DC, and so far we have not seen a lot of change.

But we have seen changes even in the private sector where insurance companies will come into a plant and they will show a plant how they can make a more safe environment; and they work hand-in-hand with the people that are creating and keeping the jobs, work hand-in-hand because there is a common goal there of lowering insurance rates and creating a safer work environment. And they make suggestions.

So one of the questions that I had for OSHA was, why can OSHA not work together with the companies and come up with a way of making a safer work environment? Why does there always have to be a fine on everyone the first visit? And some of the ideas that came out of these meetings with business and OSHA was that, well, why do we not, at the request of the employer, allow OSHA to come in with the guarantee there would not be any fines, but they would go through and list some things that would be potential hazards, get some kind of agreement and a time period to change this work situation or this work location, I should say, change this work location so that they can make a safe work environment, thereby working together, working together with the people who are making the jobs, with OSHA in getting a safe environment, much like the current insurance companies do when they come in and do a risk assessment.

So OSHA would come in and do this risk assessment, it would give them the opportunity to tell the employer where they had shortcomings. The employer could then have a time period to make those changes; and the end result, the common goal, the whole reason that we have OSHA in the first place, would be a safer work environment.

But that is not what has been happening. So this is an opportunity for OSHA to come about and change and move the money to children with special needs.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a number of proponents of this amendment have risen with some degree of concern about the characterization of motives. I do not intend to characterize anybody's motive; however, I do intend to observe what I think is happening.

There is a desire to cut OSHA. There have been a series of amendments to effect that end. The common theme of those amendments is to cut OSHA or worker-related wage and hour enforcement in the Department of Labor. So that is an observation; it is not a question of any motive.

I frankly conclude that the effort is to cut $11.2 million out of OSHA from the last two amendments. I understand that. I am confused, I will tell my friend, when I see, as I have expressed before, the 1995 budget offered by those who were here at that point in time and I see over $120 million cut in special education, including $90 million cut for special education teachers of those children that the doctor mentioned a little earlier.

Frankly, my colleagues will forgive us on this side if we do not think there is somewhat of a dichotomy in that action, a contradiction.

That aside, let me speak to OSHA and some of the other observations that have been made. A number of speakers, including the distinguished gentleman from Georgia, have noted that the figures have gotten better in the last 4 years. Now, I do not necessarily think that is a surprise. Very frankly, there has been not a particularly warm feeling about OSHA demonstrated on the other side of the aisle and, frankly, in some respects, on our side of the aisle.

The fact of the matter is, the new administration came in and said, we want to do business in a new way. Mr. Dear, whom the chairman has talked about and others of us have talked about, came in and did, in fact, redirect, reinvented in some respects, the OSHA regime. And in fact I do not think it is a coincidence that things have gotten better during the last 4 years under the Clinton administration and OSHA under the Clinton administration.

But I will say in this context, as well, with respect to OSHA, that the other side wants to cut. In 1980, there were 2,962 employees in OSHA. Today there are 2,230. This is not a bureaucracy out of control. This is, in fact, a substantially reduced complement of employees at OSHA trying to cover more workplaces and more workers.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would ask the gentleman if that figure includes State OSHA inspectors, as well?

Mr. HOYER. Reclaiming my time, Mr. Chairman, I would say, no, this is Federal.

Mr. COBURN. If the gentleman will continue to yield, Mr. Chairman, it is important that that is not the limited number of people who are inspecting the workplace.

Mr. HOYER. Mr. Chairman, obviously, we are not budgeting for the States, so I understand that.

Mr. COBURN. Much of that has been shifted to the States who have received that clearance from OSHA; is that correct?

Mr. HOYER. I tell the gentleman, as he well knows, this cut will not affect the States. This cut will only affect the Federal agency.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield on that one little issue?

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I would say to the gentleman that this is not a cut. We are simply freezing it at the same level it was last year, $325.7 million.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I understand the gentleman's proposition. As the gentleman from Illinois [Mr. PORTER] clearly and accurately pointed out, this is less than inflation plus the pay raise that is going to its employees. So as the gentleman from Illinois correctly pointed out, there is less buying power.

But that aside, the number, frankly, in my opinion, is not the issue here, because although $11.2 million to all of us is a very large number, when compared with 90 million workers working in the workplace, it is a relatively small number when divided by that figure and the extension of protection.

Let me make this point. The good doctor correctly observed that IDEA is serving some very, very important people and, frankly, I do not take a back seat to anybody in this body on a commitment to those with disabilities. But I will also tell my friend that there has been very, very, very substantial progress since 1970 when OSHA was adopted in workplace safety both at the State in the Federal level throughout the country and in each of our States because, in my opinion, of OSHA; and the statistics bear that out.

□ 2100

I tell my friend that while it is critically important that we spend money on those children with disabilities——

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Critically important, I tell my friend the gentleman from Oklahoma who as a doctor I am sure has seen people injured in the workplace who are almost, if not in exactly the same condition because of a work-related injury, in similar conditions. And that it is equally important that we try to prevent those accidents from occurring, make the workplace more safe so that they will continue to be productive citizens, so that employers will save money, insurance companies will save money, and we will have a better economy and a more productive workforce.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from North Carolina.

Mr. HEFNER. I happen to represent the district where the people were killed in Hamlet, NC, a very tragic thing that we had there. There was a lot of blame placed on different agencies. I also had people come to my office that said they had been in the textile business, that we have got to do something about OSHA.

I said: ''How long you been in the textile business?''

''Our family has been in it 36 years.''

''How many times you been checked by OSHA?''

''Well, we've never been checked by OSHA but we know some people in Asheville that was checked and some of the horror stories.''

Mr. Chairman, there needs to be some changes made. But I would like to ask the gentleman from Georgia, if we took the $11 million he is talking about and divided it up among the school districts across the United States, how much each school district would get.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. NORWOOD. I think as I recall it came out to about $30,000, but that is not all the point.

Mr. HEFNER. The way I figured it up, each school district across the United States would get $700. Am I wrong?

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Oklahoma.

Mr. COBURN. In Muskogee, Oklahoma, we would be happy to have the $700 that would come to our school district since we have a deficit, and one of the reasons we do is because of the mandate of IDEA on us to educate all our children, not those with just special disabilities. This debate is about priorities. We are going to spend the money.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(On request of Mr. COBURN, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. COBURN. We are going to spend the money, we have all agreed to that. I did not vote for the budget, but that was the will of this House. The President and the Congress decided to do that. There is nothing wrong with having a debate about where we ought to spend it. We are not spending enough money on IDEA. We can achieve better efficiency within the bureaucracies. We can. To say we cannot, we should give up and go home now. That is what we are asking.

Mr. HOYER. Reclaiming my time from the gentleman from Oklahoma, if I may make this point, Mr. Chairman, the point here is you want to cut OSHA. I understand what is being talked about. This budget increases IDEA special education by $338 million, 8 percent. That is only 8 percent. I have not extrapolated in my head what $11.2 million does but if 338 is 8 percent, it is obviously below 1 percent.

Mr. COBURN. Three percent. I am talking about OSHA.

Mr. HOYER. But in terms of IDEA, what you are doing for IDEA is essentially only in form, not in substance. The reason for that is that the need that the gentleman from Georgia [Mr. NORWOOD] talks about in terms of 40 percent, the gentleman from Georgia is absolutely correct. We would have to put a whole lot more money in there. We adopted a budget agreement. We would like to have a whole lot more money for almost every object in this bill. Why? Because as Mr. Natcher from Kentucky used to say, this is the people's bill. It deals with their health and with their education, their workplace safety, the very guts of their lives. That is why this bill is so popular. But when you increase an object by $338 million and then come back and say, well, we need $11 million additional, all of us know that that will not make a very big impact at all although it will make a big impact to reduce the compliance in OSHA.

Mr. NORWOOD. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. NORWOOD. It is sort of like saving money.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. HOYER] has again expired.

(On request of Mr. NORWOOD, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. NORWOOD. Mr. Chairman, I will be very brief. We put $1 in at the time until we build it up and finally get IDEA funded. But the point here is we know what the $11.25 million would do in IDEA and we do not know what the $11.25 million would do in OSHA. There is no way for anybody in this room to say they know spending that extra $11 million next year is going to achieve a certain goal. You cannot prove it from the past numbers.

Mr. HOYER. Mr. Chairman, reclaiming my time, one of the great difficulties obviously talking about Federal expenditures, it is very difficult and clearly I think the gentleman would find it impossible to say we are going to make a marked difference between an increase of $338 million and an increase of $349 million in special education. I think that would be an appropriate step for us to take if we had the money available to do that. Having said that, I think one can show that there has been a marked increase in

worker safety as a result of the expenditures made in OSHA at the Federal and State levels.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from North Carolina.

Mr. HEFNER. The gentleman from Georgia, I do not think one can have a guarantee that any program that we do is going to save one life or what have you. If we want to go under that assumption, we should not spend any money for breast cancer because we cannot say that the money we spend for breast cancer is going to save one person. But now this money, if you take $11 million, if you want to really do something, the gentleman from Illinois would like to have more 302 allocation to go to this program. Get the big bucks in there to fund it at 40 percent. But a lot of folks on that side did not even vote for the disabilities and did not vote for the bill, did not vote for minimum wage and for workers. To me, this is a little bit frivolous, and I am not judging, but to me we are making a whole lot of an argument out of $11 million. That is going to be $700 to each school district in this country. That just will not get it.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, there is a big misconception among many people on that side of the aisle that more spending means less deaths. I want to say in 1994 the number of work-related deaths was 6,632. That number dropped in 1996 to 6,112 and that was with very, very limited increases on the budget for OSHA, in fact so limited that you routinely call it a cut. Let us be honest with ourselves. There is not a proven relationship in spending more money on OSHA bureaucrats and saving workers.

Mr. RIGGS. Mr. Chairman, reclaiming my time, I just want to point out to the gentlemen who were just engaged a moment ago in the colloquy a couple of salient points I mentioned last week and I think bears mentioning again tonight. First of all, the contention has been made that amendments that involve a relatively small, even insignificant amount of money like 4 million extra, the vocational education amendment, or $11 million more will not do much to meet the Federal obligation to pay 40 percent of the cost of special education in America today. I would submit that just the opposite is true. We want colleagues to keep moving in the direction, and I should not have to tell this to a distinguished senior member of the Committee on Appropriations, but we want to move in the Senate's direction. The other body has increased funding in their version of this bill by $830 million, building on the $700 million increase in last year's bill for special education. Why? Because apparently they take more serious than the House of Representatives the obligation of Federal taxpayers to pay 40 percent of the cost of special education pursuant to the original legislation back in the mid-1970s.

Second, again the point that I made last week, if we can reach $1 billion in new Federal spending for special education, local school districts are then able to redirect the money that they are spending on special education to meet other important local educational needs. But what I do not understand about this debate is why those who oppose this amendment are not talking about holding government programs accountable. That is beyond me. Because in the case of the Department of Labor, we are talking about a $12 billion governmental bureaucracy based here in Washington, DC.

We have been endeavoring to deliver better services at less cost to taxpayers. The Republican-controlled Congress can take pride in the fact that we have rooted out waste and duplication. We have eliminated 320 Federal programs and grants, and we have now of course achieved a bipartisan agreement to balance the budget for the first time in a generation. We are going to continue our efforts to make sure government is held accountable for actual results, using legislation passed by the Democratic-controlled Congress, the Government Performance and Results Act.

It is a 1993 law, the purpose of which again is to make sure that the Federal Government is smarter and more accountable. Under this act, the Results Act, GPRA, it is called, every agency must submit to Congress clear and concise strategic plans to justify what it is trying to accomplish, why it matters, and whether the agency is successful in accomplishing its goals.

To date, these executive branch agencies, these agencies of the Clinton administration, are receiving failing grades for compliance. In fact, only 4 of the 24 agencies received grades of at least 50 out of a possible 105 for their draft plans. The highest graded agency was the Social Security Administration, receiving a 62 percent, while the lowest, no surprise to my colleagues who want to find further grounds to vote for this amendment, the lowest was the Department of Labor, which received a pathetic 6.5 percent grade out of a possible 105.

Do not buy the argument that this $11 million increase, new spending, will be lost somehow in this $12 billion bureaucracy. Do support the amendment, because this $11 million will go a lot further to meet the educational needs of children with learning disabilities and to fulfill that original Federal obligation, that mandate on Federal taxpayers that Federal taxpayers bear at least 40 percent of the cost of special education in America.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I first want to address some of those who have been churlish enough to suggest that this is not the finest use of time of this body. This has been a very educational debate. For instance, I did not know until right now that if you were opposed to the Occupational Safety and Health Administration you pronounce it AHSHA, whereas if you are in favor of its mission, you pronounce it OHSHA. I will now recommend to people that when you hear them say AHSHA they wish it was abolished. When they say OHSHA, they are in favor of it. That may be the only thing people will learn tonight.

There is one other thing. I did want to extend condolences. I have some colleagues on our side who have been talking about slowing down the procedures of the House to demonstrate the importance of campaign financing. I congratulate some on the other side who have figured out how to preempt that because there is no way in the world anybody could be noticed as slowing down this process. So the Republican conservatives have here preempted the Democratic liberals. There is no way anyone will notice that people are trying to burlesque these proceedings with this set of amendments.

But now let us get to the merits. I think it is very important. We are here choosing between worthy programs, because I think both aid to children with disabilities, and I heard one of my colleagues complaining that the Federal Government is insisting that children be educated. I suppose there are some who think that is a terrible thing for the Federal Government to do. I think it is rather a good thing for the government to do. But I would acknowledge, we are forced to choose between two good things, because I am in the ''pronounce it OHSHA'' category. I think having a Federal agency that tries to reduce death and industrial accidents is important. I think the history is clear that left to their own devices, corporations, not because they are evil but because they are profit maximizers, by instinct will not in fact put enough into safety and health. Unless you have a government entity insisting on that, there simply will not be enough. Is it perfect? No. But here is what strikes me. We are choosing between two goods. And we are choosing at very small margins.

Meanwhile, this House continues to support tens of billions of dollars for the B–2 bomber. People have talked about problems with individual decisions of the Occupational Safety and Health Administration, but the majority voted for an airplane that cannot go out in the rain.

□ 2115

If, in fact, OSHA had ever decided that you could not make umbrellas that would retract in the rain, we would be very upset. But we just did this with a big airplane.

So what this demonstrates is the lack of sensible priorities that has been

governing in this House. If in fact we were to vote enough for the military, but not way too much, we would not have this problem.

I should note one other thing for people to keep track of, and that is when is a level funding in dollars not a cut? Well, it is not a cut when it happens to deal with occupational safety and health.

If you provide the same dollars for the Labor Department, that is not a cut; but if you were to provide the same dollars for the Defense Department, that is a cut. People who denounce the notion that level funding is a cut here will tell us that we are making a cut there.

There is, of course, a difference. We are debating $11 million here. In the defense bill, we would not debate $11 million because of the principle de minimis non curat lex, or the law does not deal with trifles. Neither does the defense appropriation bill. Because ''million,'' I do not think in the Pentagon there is an ''M'' on the typewriter, because they never deal with less than a billion.

A million, nobody would notice a million. As a matter of fact, I think it would be a violation of occupational safety and health to tell the Pentagon to worry about millions, because they spend so much money, they would get severe eyestrain if they had to worry about millions.

So what we have here is a very clear indication of the distorted priorities that obtain in this House. No, we should not have to choose between trying to prevent occupational disasters for working men and women and educating children.

I hope when we vote again on the budget and when the appropriations committees' conferences come back, we will cut a tinsy-little bit out of that military, and they will be able to take care of OHSHA, AHSHA, and the children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. NORWOOD].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NORWOOD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 240, not voting 36, as follows:

[Roll No. 370]

AYES—157

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Fowler
Frelinghuysen
Ganske
Gibbons
Gilchrest
Goode
Goodlatte
Graham
Granger
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Largent
Latham
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McIntosh
McIntyre
McKeon
Mica
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sanford
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Young (AK)

NOES—240

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gekas
Gillmor
Gilman
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hoyer
Hyde
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn

NOT VOTING—36

Baker
Barcia
Bliley
Capps
Carson
Cooksey
Dellums
Dingell
Flake
Foglietta
Gallegly
Gephardt
Gonzalez
Hansen
Hilliard
Houghton
Jackson-Lee (TX)
Klink
Knollenberg
McInnis
Miller (CA)
Pelosi
Pickett
Quinn
Radanovich
Rangel
Scarborough
Schiff
Serrano
Shuster
Slaughter
Thomas
Towns
Velazquez
Yates
Young (FL)

□ 2134

The Clerk announcd the following pair:

On this vote:

Mr. Scarborough for, with Ms. Jackson-Lee against.

Mr. MARKEY changed his vote from ''aye'' to ''no.''

Mr. KIM changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HAMILTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the distinguished gentleman from Illinois [Mr. PORTER], the subcommittee chairman, as well as the ranking member, the gentleman from Wisconsin [Mr. OBEY], for bringing the bill before us.

The measure contains over $2.5 billion for the National Cancer Institute, an agency whose mission is to support basic and applied cancer research and treatment. With that in mind, I would like to engage Chairman Porter in a colloquy.

Mr. Chairman, proton beam therapy is a promising form of treatment for cancer and other life-threatening afflictions. This type of treatment provides an increased dose to the tumor and because the dose distribution is delivered more precisely, damage to surrounding tissue is reduced in comparison to conventional radiation.

The National Cancer Institute is presently funding a proton beam facility as part of its treatment research program.

Mr. Chairman, I would ask the gentleman from Illinois [Mr. PORTER], does he believe it would be useful for the National Cancer Institute to fund additional proton beam facilities to further its research objectives?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, as the gentleman knows, the committee has a strong tradition of refraining from directing NIH to conduct specific types of research with particular research mechanisms. I would be pleased, however, to consult with the National Cancer Institute to learn their views on the advisability of funding an additional proton beam program within the resources provided in this bill.

Mr. HAMILTON. Mr. Chairman, I thank the chairman of the subcommittee.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOUDER:

Page 17, line 14, after the semicolon, insert the following: ''and including $68,725,000 for Federal compliance assistance under the Occupational Safety an Health Act,''.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. SOUDER] is recognized for 5 minutes on his amendment.

Mr. SOUDER. Mr. Chairman, I rise to speak on behalf of the amendment, which I believe the Parliamentarian has ruled in order.

I am in strong support of this amendment to increase OSHA's compliance assistance program by 50 percent, $23 million over the recommended amount of $45.725 million. The increase in funding to this vital program would be offset by decreases to funding for Federal enforcement by $21 million, it has currently $127.166 million in the bill, and taking $2 million from executive administration, which has $6.586 million currently in the bill.

The reason for the wording of the amendment is because it is on the same line. We had to increase the line on compliance, and then in the debate here, make clear what the amendment was intended to do.

Mr. Chairman, we have heard a lot from Members on the other side of the aisle tonight about the importance of compliance and working with businesses, and I commend the chairman and the ranking member of the subcommittee for having increased, as I said earlier, the amount of dollars in compliance.

But I think we need more. In fact, I think the majority of the dollars should be used for compliance efforts, and the enforcement efforts should be used for highlighting and focusing on the high-risk cases and that the first goal should be to work to protect the safety of all the workers in this country, not in bureaucratic overhead and in harassment for the many types of stories that we have heard here tonight.

So I presume that there will be a lot of support for this amendment on the other side of the aisle, as well, because this is consistent with the concerns we have heard all evening. This increases the compliance sector, which they were already doing. It goes along the lines of what Mr. Dear has testified in front of our Committee on Government Reform and Oversight and has said in front of the Committee on Education and the Workforce that he wants to move more towards compliance.

It increases on-site consultation programs by designated agencies. It increases conducting general outreach activities and providing technical assistance at the request of employers. It increases training and education grants. It fosters and promotes voluntary protection programs, and gives recognition and assistance to employers who establish occupational safety and health programs. It provides additional money for the OSHA Training Institute.

To provide the additional funding, the amendment would reduce overhead and administrative costs in OSHA and transfer 16 percent of the funding for Federal enforcement for compliance. This does not eliminate Federal enforcement. Furthermore, it does not even touch the State category of, I think it is around $57 million in enforcement. So the bulk of the enforcement funding is there. It is just saying we need to move at a faster rate towards compliance and working with businesses and employees to avoid accidents, rather than the harassment that we have seen and illustrated.

Furthermore, I believe we will see the science will change, where thus far, as we have pointed out several times tonight, funding went up 1 year, down 1 year, stayed level another year, and in fact the rate of accidents and deaths have been declining steadily. It does not appear correlated with OSHA funding.

If we move the OSHA funding more, with less money, in this case we are not even reducing the money, we are just transferring it, and we should get more bang for the buck through compliance than through enforcement. So I challenge my colleagues to put their money where their mouths have been earlier this evening, because we have heard a lot of good words from the other side of the aisle about the importance of compliance.

I want to point out another thing. We have had a number of interesting votes here tonight, several votes, including one last week, where we had a clear choice: to put more money into IDEA and help children, or to give the money to Federal bureaucrats. Twice the House, with the majority of the Members from the other side, voted to put more money in the bureaucrats rather than towards the children.

We also had one in vocational education for education versus money for the bureaucrats coming out of Washington. That was defeated, once again with the majority of the Members on the other side of the aisle side voting against more money for vocational education and more money for IDEA.

But there is also an interesting phenomenon occurring on our side. That is, fully two-thirds to three-quarters of the Republicans have been voting against the bill that is being offered to a Republican Congress. It is just the start of a bill that we are going to hear debated at least the rest of this week and probably into next week, and we are only on title I.

What we have seen is that the majority of the Republican Party here, along with some from the other side, in a bipartisan effort, are disturbed about the things in this bill that affect the business community and the workers of this country. We are soon going to hear in section 2 that we are concerned about drug needles, we are concerned about parental notification, we are concerned about lack of funds for breast cancer and other things that we believe are more deserving than some of the other parts of the bill.

Then we will move into the education section, where we are concerned that we are creating new programs without any hearings, instead of funding programs like IDEA, which we have already agreed in the House needs funding.

□ 2145

Then we are going to move to the other agencies, of which there are several, that we said that when we were elected the majority we were going to change, and in fact are seeing either increases in funding or programmatic increases. This is not something that is just focused on this title, but this title has been very clear. I appreciate the opportunity that we have had to debate with the gentleman from Illinois [Mr. PORTER] and other Members of Congress.

The CHAIRMAN. Does the gentleman from Wisconsin insist upon his point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if we are going to debate this measure tonight with no one here, my understanding is that Members have been told that there would be no more votes tonight. Under those circumstances, it seems to me that since, I assume as was the case on previous amendments, the sponsors will want to be recognized again tomorrow to refresh the memory of the House with respect to their arguments, I see no point in debating this issue further tonight and would inquire what the intention of that side of the aisle in terms of debating this amendment.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, my understanding, because the Chair was about to put the question because there was no more speakers, I would intend that the Committee would now rise.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, there are a couple of more Members who did not realize that we were going to go to that procedure as fast. However we do that, we can either debate further tomorrow morning or have some of the debate tonight, but there is an intention to not have long debate on this necessarily, but there will be one more amendment on this title.

Mr. OBEY. Mr. Chairman, reclaiming my time, I will strike the last word tomorrow and make my arguments then.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. SHADEGG] having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHADEGG). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE IRS IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, today, Congressmen RANGEL, MATSUI, HOYER, WAXMAN, and I are introducing the Internal Revenue Service Improvement Act of 1997. This legislation will address the fundamental problem areas currently facing administration of the tax laws by the IRS.

This legislation will codify recent actions taken by the administration to ensure effective oversight of the Internal Revenue Service by the Department of Treasury. The legislation also ensures effective use of the expertise of individuals from the private sector.

The bill will allow the IRS to improve its customer service through more taxpayer-friendly IRS telephone assistance, clearer notices, quality reviews, taxpayer surveys, and increased access to the Taxpayer Advocate offices.

The legislation will also provide the IRS with increased employee training and education, a reform that IRS employees have asked the Congress for so that they can better do their jobs.

The bill will give the IRS Commissioner a 5-year term to run the agency which will result in continuity of management. The Commissioner would be given the authority to hire a top-notch IRS management team and be able to recruit and pay experts, as needed, throughout the agency. IRS employees would be able to work under performance-based and retention arrangements, and the IRS would be able to conduct demonstration projects to test the use of successful private-sector methods of efficiency and customer satisfaction.

The bill will provide for the development of state-of-the-art technology at the IRS. The IRS would be allowed to better integrate its technology with strategic objectives, and develop intellectual capital. Electronic filing of tax returns would be promoted and streamlined to facilitate taxpayers' ability to file error-free, quick refund returns.

Before any of this can be accomplished, however, governance, management, and oversight of the IRS must be improved.

As a member of the National Commission on Restructuring the IRS, I opposed the Commission's recommendation to allow individual taxpayers from the private sector to have final decisionmaking authority over the operation of the IRS, including the appointment of the IRS Commissioner. I think that such an approach raises questions of accountability.

Further, while the Commission proposed that its independent board would only be responsible for running the IRS, and would not have authority over tax policy, tax enforcement, or other taxpayer-sensitive areas, it is not clear to me that these issues can be adequately separated from its proposed role of managing the IRS.

The administration has recognized that the IRS needs to be reformed, and is moving to address the problem with aggressive oversight headed by the Department of the Treasury. As an alternative to having the private sector run the IRS, the administration has proposed institutionalizing the Department of the Treasury's oversight of major strategic, personnel, and procurement decisions of the IRS with an Executive order creating an IRS Management Board, consisting of Treasury and other Federal officials. Also, the administration has proposed an IRS Advisory Board—consisting of private-sector experts—to enhance oversight of the IRS through systematic analysis and advice to the Treasury Secretary on critical IRS matters. The administration currently is implementing this oversight management plan for the IRS.

To further strengthen and make permanent this oversight initiative, I propose that the Congress enact, by statute, the administration's ''Plan for IRS Governance.'' I think this would serve to institutionalize the management responsibilities of the administration's Oversight Management Board, and the role and functions to be performed by the private-sector advisory board. I encourage the Department of the Treasury to work closely with the Taxpayer Advocate, in overseeing the IRS. I also recommend that the Department of the Treasury be allowed to hire needed private-sector experts, on a full-time basis, paid at competitive pay levels, to insure stable and effective oversight of the IRS. The administration wholeheartedly supported these views, which are reflected in the legislation.

In conclusion, I want to state that I look forward to continuing to work with all Members of Congress to make the IRS the first-class Federal agency the public expects it to be.

THE INTERNAL REVENUE SERVICE IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. RANGEL] is recognized for 5 minutes.

Mr. RANGEL. Mr. Speaker, today, I, along with Congressman BILL COYNE, Congressman STENY HOYER, Congressman HENRY WAXMAN, and Congressman BOB MATSUI, have introduced legislation to reform the Internal Revenue Service.

My cosponsors have worked long and hard on this legislation, as has our Treasury Secretary, Bob Rubin. It is with the administration's strong commitment to the IRS Improvement Act of 1997 that I am honored to be the lead sponsor of the bill.

My personal thanks go to BILL COYNE and BOB MATSUI for their successive roles in representing the House Democrats on the National Commission on Restructuring the IRS.

I also look forward to continuing to work with my colleagues from the Government Operation and Reform and Appropriations Committees who have jurisdiction over important titles of this bill.

The Internal Revenue Service Improvement Act of 1997 will make many very significant changes both to the way the IRS operates and the Department of the Treasury oversees the IRS.

The beneficiaries of this bill should and will be the American public. Taxpayers expect and deserve a tax administration system that is efficient and well-managed, fair and responsive in its dealings with the public, and staffed by employees who are well-trained and accountable for their actions.

The IRS Improvement Act of 1997 is designed to achieve these goals. The bill institutionalizes the Administration's newly established IRS Management Board and planned IRS Advisory Board as permanent features of the tax law. The Management Board will provide for continued, high-level Government oversight of the IRS, under the direction of the Treasury Department. The Advisory Board will provide for timely and expert advice from the private sector on the fundamental strategic and management direction of the IRS.

Under the bill, the IRS Commissioner would be given a fixed, 5-year term. This will provide not only continuity of direction for the IRS, but also require a long-term commitment from the person charged with administering our tax laws. The President, as required by the Constitution, would continue to appoint the Commissioner as the head of the IRS.

The bill makes major improvements in the area of electronic tax return filing. The time has come for the IRS to promote aggressively the benefits of electronic filing, and for the Congress to eliminate statutory obstacles to making electronic filing the norm rather than the exception.

The bill provides the Treasury Department and the IRS with the ability to put together and hire at the IRS one of the best management teams in the country. Highly skilled, top talent would be able to join the IRS at pay levels commensurate with experience and expertise. Performance-based incentive pay arrangements and a new demonstration management systems could be set up at the IRS, as ways to insure that management goals are net, to hold employees accountable, and to reward quality service.

Finally, the bill provides mechanisms for giving IRS employees the educational and technical training they so desperately seek. The IRS work force is a dedicated and talented group of Federal employees, and they too want to see the IRS improved. They are willing to do their part, but they need the tools—the tools of modern technology, education, and training—which the bill provides.

There is much about which everyone can agree, in our mutual efforts to improve the IRS. We all recognize that the current IRS needs to be improved. Our challenge must be to fix the IRS—and this must be done in a truly bipartisan manner. It is important that no one play politics and this effort by bashing the IRS. We have given the IRS one of the most difficult and important—and thankless—jobs in Government. The IRS deserves our support, constructive criticism, and attention to reform—not our wrath, since we too are to blame.

I look forward to working with all the Members of Congress in enactment of the IRS Improvement Act. I ask for your support.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

[Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Missouri [Ms. MCCARTHY] is recognized for 5 minutes.

[Ms. McCARTHY of Missouri addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. BLUMENAUER] is recognized for 5 minutes.

[Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DEMOCRATIC EDUCATION AGENDA: SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to continue discussing the Democrats' education agenda. Last week, I was joined by a few of my Democratic colleagues on the floor to discuss the success the Democrats had in getting education tax breaks for middle and lower income families in the budget deal. We also discussed goals we were likely to pursue in the coming weeks as the budget deal has been signed into law.

This evening, Mr. Speaker, I want to address specifically the issue of school construction. There clearly is a dire need to invest in the physical structure of our schools. That is a matter that every Member of this body has become very familiar with in the last several days.

At this point I would like to yield such time as she might consume to the gentlewoman from New York [Mrs. LOWEY], who has been a leader on this issue and has introduced legislation that I believe would go very far toward solving this very pressing need.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from New Jersey, and I appreciate the gentleman's help as a cosponsor of this bill. I do hope that working together, and I would hope that more of my Republican colleagues can join us, we can truly get this bill passed.

Mr. Speaker, when we introduced this bill, frankly to provide for a partnership between the Federal, State, and local governments on school construction, I really thought it would be a win-win for everybody. I was so pleased when the President and the Vice President of the United States began talking about the importance of rehabilitating our schools, and I was delighted to know that it had a good chance of being a part of the budget agreement.

Frankly, I could not believe what I heard. I could not believe that TRENT LOTT and NEWT GINGRICH made a point of saying school construction support cannot be in this budget. In fact, in the letter that the leader of the Senate and the leader of the House sent to the President, they were absolutely explicit in saying school construction could not be part of the budget agreement.

Well, frankly, it did not make any sense to me at all. I have visited many schools in my district in New York. We have worked with Senator CAROL MOSELEY-BRAUN in the Senate, and all throughout this country. Whether it is the city or whether it is rural districts, there is a tremendous need for partnerships between the Federal and local governments in helping to rebuild our schools. We are talking about computers. We are talking about repairing infrastructure in our schools. How can we install computers in schools that are really 19th century schools?

Mr. Speaker, I have seen youngsters in classrooms that were originally meant for cafeterias, for restrooms. They are so overcrowded that the youngsters who are supposed to be studying computers are going to schools that go back to the 19th century.

So, on the one hand we are talking about the 21st century, moving us forward, understanding the value of computers, making sure every schoolroom has computers. And, yet, there are some schools that are still being heated by coal, where there is plastic on the walls. I have visited schools where there are tremendous leaks and the walls are crumbling and there are big sheets of plastic holding the walls up and our kids are supposed to learn in those kinds of schools.

Now, we understand that this is primarily State and local responsibility. We understand that. But there are many things that the Federal Government gets involved in to help be a partner. And in our billions of dollars that we spend for a wide range of programs, what can be more important than making sure that every youngster has a classroom in which they can learn, a classroom in which they are safe?

Our parents are worried, whether it is in New York or Connecticut, which is represented by the gentlewoman from Connecticut [Ms. DELAURO], and New Jersey, parents are worried when they send the youngsters to school because they are not safe. They should feel good about it. They should feel the children are going there to get the best education they can.

What our bill provides for is $5 billion for 5 years to encourage local school districts to encourage States to invest in rebuilding our schools.

Mr. Speaker, I just want to thank the gentleman from New Jersey very much. I really appreciate the gentleman's work and I appreciate this special order tonight. And I know that my colleague from New Jersey, and my colleague from Connecticut, will continue to explain to the American people how important it is for the Federal Government to be a partner so we can work together to make sure that every youngster has the best education they can, every youngster can leave in the morning, go to a school that is in good shape, have the best computers, the best books so we can continue to be competitive and that the United States of America can be proud that our youngsters are getting the very best education they can.

What is more important? Education is the future. Education is the key to the future. Our school buildings have to be safe and secure so our teachers and our youngsters can work together to make sure that education is the priority that it should be.

So, Mr. Speaker, I look forward to gathering more support in this Congress and this country for school construction.

Mr. PALLONE. Mr. Speaker, really, again, I do not think anything is more important right now in terms of our education agenda than the need to address the state of our schools, the infrastructure, the overcrowding, the issues that this bill would address.

What we have stated before, and we will state again tonight, is that in this case a relatively small amount of money in terms of the overall Federal budget can really go a long way toward helping the States and the municipalities in dealing with this issue of overcrowding and crumbling schools effectively.

I also think it is particularly important that the gentlewoman talked about the need to upgrade the infrastructure in terms of the electrical wiring. A lot of people do not realize that many of these schools are not equipped

to deal with computers and the other high-technology needs. So even if we had the money to do that, how do we put it in if we do not have the money for basic infrastructure? That is why I think this is such an important part of the Democrats' education agenda.

Mrs. LOWEY. Mr. Speaker, if the gentleman would continue to yield, I am sure that the gentleman from New Jersey and the gentlewoman from Connecticut agree with me that the Speaker, Mr. GINGRICH and the leader TRENT LOTT must have made an error. I do not understand how anybody could be against school construction. And when we are talking about a budget, it is just impossible for me to believe that anyone could be so forceful in saying the school construction money could not and should not and we will not agree to a budget in which there is school construction money.

So I would really call on the Speaker and the leader in the Senate and all my Republican colleagues and Senate colleagues, we now have about 110 cosponsors, to join us in this bill. Let us do it in a bipartisan way and work together to improve our schools.

Mr. PALLONE. Mr. Speaker, I yield now to the gentlewoman from Connecticut [Ms. DELAURO] who, again, has been stressing and formulating a lot of the Democratic policy agenda on education.

□ 2200

Ms. DELAURO. Mr. Speaker, I thank the gentleman from New Jersey. I am pleased to join with him tonight and my colleague, the gentlewoman from New York [Mrs. LOWEY] for her leadership on this school construction issue. It is remarkable. It is a small amount of money that can help to leverage a lot of money in terms of the ability to use this so that municipalities can pay interest on their loans in order to get those bonds and to get those loans in order to rebuild crumbling schools in struggling urban areas.

I am so pleased, I understand our colleague from North Carolina is going to join with us as well this evening, to rise, to stand up for America's middle-class families. These are families who work hard. They play by the rules. They want what every other family wants in this country, a shot at the American dream, the chance to make their kids' lives a little bit better than their own.

We all know that in America it is education that can make the dream a reality. Education has truly been the key opportunity in our society. It is now more true than I think in any other time in terms of a new global economy, which we are faced with, and this kind of an economy requires up-to-date skills and lifelong learning.

Our public school system desperately needs our help. Young people need to be able to attend a school in safety, without fear of violence and drugs in the hallways, or whether it is on the playgrounds and, as we have been starting to talk about tonight, America's children need to attend schools that are structurally sound and that are not crumbling around them.

There was a recent report, I know my colleagues know this, a recent report by the U.S. General Accounting Office. And it found that one-third, one-third of America's schools need extensive repair.

In May, just a few months ago, I visited the Fair Haven Middle School in my home town of New Haven, CT. Like so many schools around the Nation, Fair Haven was built over a half century ago. Consequently, like anything that would be a half century old, it needs repairs, and it needs an overhaul of its electrical, of its plumbing system.

I walked down the corridors and the pipes are exposed. Now, I know my colleague from North Carolina was a school principal, has been engaged in the school system and knows and has watched kids on a day-to-day basis. I do not know any group of kids that walks down the center of a corridor and never hits up against the side of the walls. That is not my experience with kids. But when it is wintertime in a place like Connecticut and the heat is on, those pipes are hot. What happens? A kid comes along, his friend, kidding around, or her friend, kidding around, you give them an elbow, you nudge them, boom, into the hot pipe. You have got some kid with a burned arm.

We are looking at the health and safety of our youngsters in schools.

I went into the auditorium of this school. It was like a bat cave. The lighting was so poor that, in fact, they could not hold the kinds of events you hold in an auditorium because you cannot see. You just cannot see. It is not a question of turning the lights down for the performance. The lights are down. They do not go on.

The heating system, the air-conditioning system, just decrepit and need to have repair.

Nobody is asking for bells and whistles. We are just asking for an environmentally sound area, an environment, if you will, in which our kids can go to school.

Last year in the school lunch debate, the American people acknowledged that children whose empty stomachs are growling cannot focus in school and they cannot learn. Why do we think that our kids can be in schools that are falling down around them and believe that they can succeed?

As my colleague from New York, Mrs. LOWEY, pointed out, there are some Republicans, some on the other side of the aisle, who have repeatedly blocked Democratic efforts to help schools find the resources that they need to repair and to rebuild. I find it almost as outrageous and unconscionable as she did. And I know my colleagues here tonight find it unconscionable that the Speaker of the House of Representatives, that the leader of the other body would specifically single out school construction as the area to apply the axe and to cut out that $5 billion, a small amount of money, which does not in fact pay for these repairs. Essentially, what should be understood, it allows for school districts, for municipalities, for States to alleviate the interest on the bonds that they have to float in order to do these kinds of repairs. It just makes good sense.

I would just like to say that I have been concerned about this issue of crumbling infrastructure and I have introduced something called the National Infrastructure Development Act, introduced it in the 103d Congress. It is an innovative, creative financing mechanism that brings private dollars and public dollars together to raise capital to invest in our schools. It also is for roads and bridges and deep water ports, but one of the cornerstones is to be able to invest in our schools. It just makes good sense. That is what we ought to be about in terms of trying to meet the needs of our kids, of our schools, and particularly to alleviate the concerns and fears of the mothers and fathers who send their kids to school every day and know that they are in a safe and a healthy environment.

I am really delighted to participate in this effort tonight.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman.

I had some interesting statistics about school conditions by State, which maybe I could just use our four States as an example just to give you an idea, because we come from different States and different environs.

But, for example, in my home State of New Jersey, the share of schools with at least one building in need, this would be an individual school district or municipality, the share of schools with at least one building in need of extensive repair is 19.1 percent. In Connecticut, it is 30 percent. In New York, it is 32.8 percent. In North Carolina, it is 36.1 percent. So regardless, just in our own States, those figures.

Then it is even higher, if you look at the number of schools with one unsatisfactory environmental condition. This goes back to whether it is air quality, whatever it happens to be. For New Jersey, it is 46 percent. For North Carolina, it is 58 percent; Connecticut, 60 percent. The list goes on.

Probably the worst example right now is the District of Columbia, where we are tonight, because a lot of us are aware of the fact that the schools are actually not open in the District of Columbia because of the fact that, I guess it was a judge that ruled, as a result of a case, that the schools were in such bad condition physically that it was unsafe to open them until they did the repairs.

My understanding is that it may be at least 3 weeks before they open the District of Columbia schools, which means they may not be going to school

until almost the end of September or early October.

I just wanted to mention that one of our colleagues, the gentlewoman from the District of Columbia [Ms. NORTON], actually started a program where she is encouraging high school students in the District to come and work as interns in our office while the schools are closed so that they are not sitting around idly.

I happen to have this one guy, Andre, who is in my office now, at the Duke Ellington School in Georgetown. I guess that is the school for the arts. And he has been doing a very good job and helping around the office. But it just reminds me every day, when I see him when I come in in the morning, this guy should be in school. He should not be here interning in my office. I am glad he is here, but it is not just the District of Columbia, it is throughout the country. This is just getting worse and worse all the time.

I want to thank the gentlewoman.

Ms. DELAURO. Mr. Speaker, just to point this out, this $5 billion that the gentlewoman from New York [Mrs. LOWEY] has been talking about, just for the schools in the New Haven area, they would receive $17 million, again, to help cover the interest on the loans. We are not talking about creating a wild-eyed bureaucracy. It is to meet the kinds of needs that the gentleman has identified.

Mr. PALLONE. Mr. Speaker, I want to yield now to the gentleman from North Carolina [Mr. ETHERIDGE], who is, I think it is fair to say, our education specialist within the Democratic caucus.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from New Jersey for organizing this special order. I think it is important, what we are about, and the gentlewoman from Connecticut touched on something I want to expand on, if I may.

As you are talking about school quality and quality of the air in the buildings, I think a lot of our people who are looking in tonight around this country many times do not think about the energy crisis we went through over the last 15, 20 years. In many of the buildings we now occupy, the quality of the air is not what it should be because buildings were not built to be as secure as we have those buildings in a lot of places across this country today.

So we closed the buildings. We have done a lot of things to save energy. But in the process of doing that, we have cut out a lot of cross ventilation where we do not have air-conditioning, where we do not have air moving in those buildings. If you are in after lunch and the child has had lunch, and that is true of us as adults, if you have lunch and you go to a place where the air is not moving, guess what is going to happen? You become sedentary, you nod off, you get sleepy. You do not pay attention.

We wonder why children are not as alert as they should be. That is why in most of schools now, your toughest courses, they organize them so you can have those early in the morning.

And the point you talked about, it is so true, we have a lot of inadequate facilities all across this country, depending on where you are, rural areas or in urban centers, for that matter, where the tax bases have been stretched. We have not had the resources in recent years.

And I mentioned this last week, and I believe it very strongly, I have been in probably more schools than anyone who is currently serving in Congress, but certainly over the last 8 years, on a regular basis, I was in the public schools in North Carolina. And I have yet to have a child come to me and ask me who paid for their school building, who pays their teacher or buys their books or anything else. They only know what they get.

I think we have to get beyond that. We have a responsibility for all the children. And the responsibility is great, I think.

But when we look at the facilities, we need to look also at the growth areas of this country, because I went into a building today in my State. I looked at the list. California is projected in high schools to grow 36 percent in the next 10 years. North Carolina, a 27-percent growth in high schools. That is not speaking to the problem in kindergarten through the eighth grade.

What is really happening is this is the echo of the baby boom. In other words, the baby boomers are now having babies. And when they have them, they tend to show up in school eventually. When they show up in school, they are allowed to have good facilities.

What is happening, we have not been able to build those infrastructures because of a number of issues over the last several years. But as you look, I went into a school this morning, a new elementary school that is in its third year. Nice school, the kind of building with all the modern conveniences, computers, et cetera, that you would want. Did not have enough. The school was built for less than 600 elementary children, a community that is booming. And that is true of a lot of places in North Carolina because of the economic growth in the research triangle.

This school has 1,200 children, 1,200, an outstanding principal, a great staff, but they have 18 portable classrooms on that school ground. They have expanded the physical properties twice in terms of permanent buildings. And one of the teachers showed me one of the classes where they were teaching art and English, and it was in the hall of a new building.

Some of this money could have made a big difference in buying them bonds so they could expand. This county just passed the largest bond issue in their history. Our State, last November, on the general election ballot passed a $1.9 billion bond issue, largest bond issue in our State's history and, I might say, by the largest majority. And that would not come close to meeting our needs.

I think that could be repeated 50 other times across this country, whether it be urban or rural. The point is that, as the gentlewoman from Connecticut has pointed out and our colleague from New York, not only do we have inadequate facilities that need upgrading, refitting, prepared for computers that are not there, and have air quality that is substandard in a lot of cases, but we need buildings for children who are showing up at schools that do not have buildings, do not have desks, and a lot of other things.

I would acknowledge that, by and large, historically that has been a local or State issue, but I come back to the point at one time that was also true of water and sewer in this country. And then we realized that there was a national responsibility to leverage and we leveraged.

□ 2215

And there are a lot of other things we leverage to make a difference when it becomes a national priority.

As the gentlewoman from Connecticut has so adequately pointed out, I do not know of anything that is a greater national priority today than to have a well-educated citizenry to occupy the jobs of the 21st century, when roughly two out of three will require education beyond high school.

And if it is going to require education beyond high school, it seems to me commonsense dictates we should get them through high school first. And to get them through high school we have to start them right, encourage them, get them reading and doing math and a lot of those things that have been talked about. It will not be easy, but it is a tremendous investment in the infrastructure of this country that will make a significant difference for children.

We have talked about the numbers, and it is repeated. I was looking at some statistics today in terms of different States, of how the growth is growing. It is not even, but the States that tend to be growing faster were States that have had some economic opportunity. But the problem we have is it is growing so rapidly in many of those States they have a difficult time keeping up with the infrastructure, too. So I think if we could help, we could leverage that.

We had an opportunity with the budget deal that did not happen, but we have not adjourned yet. Last time I checked, we have not adjourned. We still have an opportunity to correct some of those problems, and I trust that we will. Because there are going to be a lot of young people, and I think a lot of voters will ask us when we go home, what did we do on this issue that we left hanging. And I trust we can say to them before we adjourn, in October or November or whatever it is, that, yes, we were good stewards; yes, we did

leverage; yes, we did realize there was a tremendous need. We did not stick our heads in the sand and say it was someone else's responsibility, it was someone else's duty. We did do our part on it. And I trust we will.

As for me, as the old saying goes, as for me and my house, I plan to vote, if I get a shot at it, as I did before, because I think our children are waiting for us to take that action.

I thank the gentleman for putting this special order together because it is important.

One final point I will make, my colleague from Connecticut touched on it, and that is this whole issue of infrastructure in the buildings, of computers, and we talked about the Internet. We have so few schools today that have the wiring, as she has pointed out, but more importantly, we do not even have the telephone lines in a lot of cases to carry that Internet access that is so important that each of us in this Congress has access to.

If it is important for those of us who are making public policy decisions, I think the Vice President was right, and the President, when they said we want to make it available to the schools, because it is available in a lot of our schools that have money. It is true in most States around this country.

If it is true for those that have the resources, then certainly it ought to be true and the opportunity ought to be there for every single child, because who knows which ones will the doctors, the lawyers, who will find the cure to the problems in the world; and we need to give them the same opportunity no matter where we live.

I yield to my colleague from Connecticut.

Ms. DELAURO. That really is, I think, a critical point. I have spent a lot of time in schools and I got very, very much involved in the connecting up of schools in my district to the Internet. I worked with the business community, and a number of them sponsored the cost of the wiring, et cetera.

And in fact in a number of these schools the fact was that the actual physical plant did not allow for the wiring up, and that is one set of the problems, some of which we are talking about here tonight.

But just as in the past, education in this country has been the great equalizer, that is, public education has been the great equalizer, so that no matter what our station in life, no matter what our social status was, or is, that we could achieve success based on our God-given talent.

Now, I think that that is what needs to be preserved in all of this. And when we talk about some places, and now that we have moved into this technological age, we have to view the opportunity for the use of the Internet and computers and the ability of the physical plants of our schools, like a Fairhaven Middle School, which is a half century old, being able to accommodate that.

Because then, in fact, what we are going to do, if we are not vigilant about this and if we do not put the resources necessary into infrastructure and into making sure that we have the phone lines and the computers, then we will create a stratified society where those places that can afford to have this kind of technology and this kind of access are going to get the benefits of it, and those that cannot are going to be held back from their ability to compete, their ability to succeed in this new global economy.

The vistas and the potential of the computer and the Internet of just exponentially expanding horizons and opportunities for knowledge, we have to be very careful that we do not set people back in this process but have to be really guardians of that concept of public education.

Mr. ETHERIDGE. If the gentlewoman would yield, the point she has made is so well taken. Because really what she is talking about, there was a time, and many people like to talk of it as if it were yesterday, but it has been a little more than that, but the truth is when the textbook was so important, that was the one thing we had to pass knowledge on to the next generation, if we did not have the one-to-one ratio.

As I have said, the best learning takes place when the teacher is on one end of the log and the student on the other. But we have to have more than that today. But the truth was, it was the textbook. Then we added the video to the classroom. But today the Internet provides an opportunity.

We really do not know what the dimensions of it really are because we have not had the opportunity to access that in a classroom. The schools that have it, by and large have it in a media center, or what we used to call a library. Some have it in the classroom, depending on where they are, but very few. But that, with broadband networks available to transfer a tremendous amount of information for long distances, will at least allow a classroom, a group of students to be in a classroom in the most remote part of this country, and they can access information anywhere in the world they can receive.

As a matter of fact, just this spring we had a four-school hookup, one in Massachusetts, one in Ireland, one in England, and I forget where the other one—oh, it was in Swift Creek Elementary in Wake County. Each group of students, rather than just hook up and chat, had a research project on the Internet. They had already had the access to the Internet, had done their research project, then they put the project up on the Internet and shared it with the other three schools, two in foreign countries; and then other schools did it, who took it to Australia, et cetera.

The point being these students were dealing with some very complicated things, I mean the European Common Market. I am not talking about high school students, I am talking about elementary school students, 5th and 6th graders. Well, these were 3rd and 4th graders.

Now, they were communicating, some of them, with a group. I said in Ireland; it really was in Brussels, because I remember at the end, the students in North Carolina had done research on lighthouses along the eastern seashore, and particularly the Cape Hatteras lighthouse, about its getting pretty close to the edge and a lot of debate about how to move it.

The point being they had done it, but the youngsters in Brussels, when they finished their dialogue on their projects, they started communicating back to the students in the United States in French.

We are talking about something that is so vast, and the point the gentlewoman was just making, how important it is that no child, and this happened to be a school that had a lot of business partnerships.

What about those communities that have no business partnerships, that have no large corporate sponsors? Whose responsibility does it fall upon then to make sure that that child in that community has access to the same kind of opportunities? Because they are as much a citizen of the United States, or whatever State they may be in, as these other students are. And if we deprive them of that opportunity, I think we have cheated ourselves.

And that was the point the gentlewoman made so well is how we level the playing field and provide the opportunity for the child and families in the future to move into the middle class in America. And education is the only way we will do it unless they come from privilege and money to start with.

Ms. DELAURO. I just want to make the point, because all this is by way of saying no one is suggesting that we bankrupt the Federal Government to do this; that this is going to be this giant program to use Federal dollars for this. Simply spoken, it is that a small amount of money in partnership with the cities and towns and local school districts where the money is leveraged so that there is a small participation by the Federal Government that allows these projects to go forward.

That seems to me to be an appropriate function for government. It is not only appropriate, I think it is what we need to do as people in public life. It needs to be our responsibility to make sure that we are providing these kinds of tools in order for the schools that can do this and that the kids can learn, and that the parents receive the benefit of this effort, as well, in terms of seeing what happens with their youngsters.

Mr. ETHERIDGE. If the gentlewoman will yield, what we are really talking about is making funds available for buying down the interest, which will, in turn, encourage that local jurisdiction, State or school district to proceed with a bond issue, or

however they want to do it, then to acquire resources to do what they want to do right now, but because of the extra costs are unable to do so in many cases, for a variety of reasons.

It may be a community that has seen industry move out over the last several years. It may be a community does not have the tax base to be able to do it, but if we leveraged it and brought the interest rate down, it would be to a point they could do it.

And ultimately, the gentlewoman knows as well as I do, if we have a good strong education system in a community, economic growth will follow. As sure as the sun comes up tomorrow morning, we will see economic growth and prosperity will move very quickly.

Ms. DELAURO. And I emphasize public education because it is critical. The gentleman made the point before, my colleague from New Jersey has made the point, we need to invest in public education and that is where we need to put our resources, because that is where we maximize and level that playing field so that all youngsters can take advantage of this opportunity.

I am not denigrating or I am not putting aside private education. Believe me, they play a tremendous role. But there are, in a number of instances, resources that can be brought to bear, and what we should not do is to create a world of education and opportunity that was once before only the purview of the rich and the privileged.

Mr. ETHERIDGE. I agree.

Mr. PALLONE. I think what both my colleagues are talking about is equal opportunity. That is really what it is all about. We just want to make sure there is equal opportunity.

And I wanted to mention, if I could, the way this is financed, again I am looking at the bill that was supported by the President and that our colleague, the gentlewoman from New York (Mrs. Lowey) has introduced, and it says that the Partnership to Rebuild America's School Act would provide up to a 50 percent subsidy of interest or the present value equivalent of other financing costs to a school district. So basically a leveraging, as the gentleman said, to lower the interest costs.

And of course these States and the local localities have to contribute money, and it is basically a partnership with the Federal Government.

The money can be used for a number of infrastructure needs, whether it is fixing or upgrading classrooms, building new schools, addressing health and safety, problems with air quality, plumbing, heating, lighting, or electricity.

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I just wanted to mention because the gentleman from North Carolina pointed out about the fact of why we have this overcrowding because of what is happening with the baby boomers' children basically, and also the gentlewoman from Connecticut talked about the need with regard to the Internet and computers. The statistics we have show that 46 percent of schools lack even the electrical wiring necessary for computers in their classrooms and a mere 9 percent of classrooms are currently connected to the Internet. More than half the Nation's schools lack the needed infrastructure to access the Internet or network their computers. It is a question of the ability to buy the computers but also the infrastructure needs before you can even get them in place.

The other thing is in regard to the overcrowding and the fact that we need more schools and more classrooms. I have to be honest, until I started looking into this, I had no idea about what kind of increased school population there was, particularly on the high school level where a lot of times the costs are the greatest because of all the high tech or other needs that come into play. But just to give some statistics here, it says that the school enrollment this year broke the all-time record set by baby boomers in 1971. These are the baby boomers' children.

It says that demand for school facilities will continue to be high. School enrollment is projected to continue to climb over the next several years growing from 52.2 million in this school year to 54.6 million over the next 5 or 6 years. High school enrollment is increasing even faster than elementary and secondary. The crisis and the need for new classrooms is centered in the high school. It says some States in particular are projected to witness astronomical increases in high school enrollment. There is where the gentleman said about how it varies from State to State. Just to give a few states, California will experience an increase of 35 percent in high school enrollment over the next 10 years. North Carolina, the gentleman's state, will experience an increase of 27 percent in high school enrollment over the next 10 years. Rhode Island, one of the New England States, 21 percent in high school enrollment. Texas, 19 percent.

Although it varies from State to State, we can see that regardless of the region, we have the phenomenon. One of the places with the biggest problem of overcrowding is right nearby here, in Virginia. Many of the cases that keep coming up are in Virginia. There is a case here with Salem High School in Virginia Beach. It was built in 1989 at a cost of $20.8 million and was designed to accommodate 2,000 students. Today only 8 years later, in 1997, the school's population stands at 2,615 students and is climbing. In just 5 years, they exceeded their enrollment projections for their new school. I am sure there are a lot of cases we could cite around the country where that is the case.

Again, when we talk about this bill, it is only $5 billion. Of course we could obviously do even more than that. I am just amazed again at how our colleagues on the other side of the aisle excluded this from the budget. We talked about it quite a bit during the whole course of debate on the budget. I guess to this day we do not know exactly why they insisted on it.

Ms. DELAURO. I find it interesting, again what I do not understand is why this program so specifically, it was almost singled out, as we know, ''Under no circumstances are we going to allow for this school construction funding.'' I do not understand it. I cannot explain it. I suppose it would be an interesting conversation to have with our colleagues on the other side of the aisle. I do not think it is all of them. I think it is just some. I do not know. Maybe they think that helping to pay for the interest on this stuff is too much meddling. I truly do not understand it. Or that the schools are in good shape or that we do not need it. I do not think you can go to any district whether it is an inner city or suburban school that is not facing the same kinds of problems. It is a question of degree maybe in some areas, especially, and I go back to the Fair Haven Middle School, it is a half century old versus a school that is 20, 25, 50 years old, there is a different state of repair. But I have been to schools in inner cities and in the suburbs in my district and again I say they have all of the same kinds of problems. My hope is that we are able to come to a meeting of the minds on this in a bipartisan way where we focus in on public education and in the direction of putting more of an investment in public education today, whether it is on the issue of the infrastructure which we have been talking about, the overcrowding issue which we also have been talking about. We also want to make sure that our children can read by the third grade, that they are literate. Again in today's economy, my God, they cannot survive. They will be left in the dust. The whole issue of safety in addition to safety because of the physical plant but their safety from drugs and from violence. These are critical issues that face us in public education. I am quite proud that Democrats I think have taken the lead in these areas and want to make sure that we do have a sound and a strong and a true commitment to public education in this country. It has served us well.

Mr. PALLONE. If I could just add, because I know that we do not have a lot of time left, our whole purpose really in coming to the floor and starting this education initiative again after the budget is to try to get our colleagues on the Republican side to come together with us on some of these issues. That is how we started out with many of the tax credits and the plans that ended up in the budget that improve access and affordability of higher education and ultimately if we keep at it, we hopefully can get the Republican leadership, the majority leadership on the other side to come together on school construction and the overcrowding issue as well, as well as the need for national standards that we talked about last week.

Mr. ETHERIDGE. It actually accentuates the fact that there is considerable need. It is going to continue. We have just passed the tax credits and other things for young people to make it beyond high school. But the point is that we now have an opportunity to go back and rework that foundation. No house is ever stronger than the foundation you put under it. We have a chance to really strengthen that foundation, provide for some infrastructure needs that are badly needed, and I would agree with the gentlewoman from Connecticut. All these things are important and we must do them. But certainly children being able to read, compute, do math, safety, those are givens. We all agree that has to be done. But I hope we can now do some of the same things for the other needs that our K–12 children have that we were able to force together for those beyond high school and provide that dream of an educational opportunity. I think to do it we have to keep reminding people that the job is not finished, that we did not get done just because we went home in July and took a break. We have got a lot yet to do. It is going to be here next week, next month, next year. Until we get the job done, we are going to still be there knocking on that door, and the children are waiting for us to take that action.

Mr. PALLONE. Mr. Speaker, I appreciate my colleagues joining me tonight. As I said, we talked about the need for national standards last week. We talked about school construction needs tonight. There are a lot more educational priorities that we as Democrats are going to be discussing over the next few weeks.

Ms. DELAURO. I think that it is not each of the individual pieces, but it is where our values and our priorities lie as a country. I think we truly are in a defining moment about who we are and what we stand for. I do not think we can do enough in terms of the kind of commitment that we can have to these standards and values. I think it will set a tone and a direction for what the 21st century is going to be about. We talk a lot about bridges and all that, we can do it in hardware, software and so forth, but that is not the point. The point is fundamentally what kind of time and effort and resources do we commit to providing the opportunity for our youngsters, our kids, to really learn, to be able to expand their minds with what we are learning about zero to 3 and when kids start to learn. These are exciting times, I think, for us, exciting times for us to serve where we can truly make a contribution to a future generation, because so many did it for us.

Mr. PALLONE. The gentlewoman is just talking about equal opportunity, and that is what it is all about. We want any kid regardless of where he or she is to be able to have the equal opportunity. They will not be able to unless we encourage some kind of standards and at the same time we improve the infrastructure.

I want to thank both my colleagues for joining me and the gentlewoman from New York [Mrs. LOWEY] before. We are going to continue pressing this education issue over the next few weeks and over this Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOUGHTON (at the request of Mr. ARMEY) for today after 7 p.m., on account of illness.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. RANGEL (at the request of Mr. GEPHARDT) for today, on account of business in the district.

Mr. GONZALEZ (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

Ms. CARSON (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. POSHARD.

Mr. LAFALCE.

Ms. DELAURO.

Mr. SHERMAN.

Mr. BLAGOJEVICH.

Mr. TORRES.

Mr. ROEMER.

Mr. ENGEL.

Ms. MCCARTHY of Missouri.

(The following Members (at the request of Mr. COBURN) and to include extraneous matter:)

Mr. DUNCAN.

Mr. YOUNG of Alaska.

Mr. CUNNINGHAM.

Mr. FORBES.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 9, 1997, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4871. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Potato Research and Promotion Plan; Suspension of Portions of the Plan; Amendments of the Regulations Regarding Importers' Votes; and Clarification of Reporting Requirements [FV–96–703IFR] received September 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4872. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—1997 Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment on Imports [CN–97–003] received September 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4873. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Tennessee Valley Marketing Area; Suspension of Certain Provisions of the Order [DA–97–09] received September 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4874. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridate; Pesticide Tolerances for Emergency Exemptions [OPP–300527; FRL–5736–9] (RIN: 2070–AB78) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4875. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sethoxydim; Pesticide Tolerances for Emergency Exemptions [OPP–300533; FRL–5738–6] (RIN: 2070–AB78) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4876. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Coat Proteins of Watermelon Mosaic Virus-2 and Zucchini Yellow Mosaic Virus and the Genetic Material necessary for its production; Exemption from the requirement of a tolerance [OPP–300537; FRL–5739–3] (RIN: 2070–AB78) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4877. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Chlorfenapyr; Pesticide Tolerances for Emergency Exemptions [OPP–300529; FRL–5737–7] (RIN: 2070–AB78) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4878. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Coat Protein of Papaya Ringspot Virus and the Genetic Material Necessary for its Production; Exemption from the requirement of a tolerance [OPP–300538; FRL–5739–4] (RIN: 2070–AB78) received August 25, 1997, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

4879. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Coat Protein of Cucumber Mosaic Virus and the Genetic Material Necessary for its Production; Exemption from the Requirement of a Tolerance [OPP–300539; FRL–5739–5] (RIN: 2070–AB78) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4880. A letter from the Director, Congressional Budget Office, transmitting the CBO's Sequestration Update Report for FY 1998, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

4881. A letter from the Assistant Secretary, Department of the Navy, transmitting notification of intent to study a commercial or industrial type function performed by 45 or more civilian employees for possible outsourcing, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

4882. A letter from the Secretary of Defense, transmitting a report entitled ''Use of Test and Evaluation Installations by Commercial Entities,'' pursuant to Public Law 103–160, section 846(a) (107 Stat. 1723); to the Committee on National Security.

4883. A letter from the Acting Under Secretary, Department of Defense, transmitting a report waiving the application of the survivability tests to the F–22 program, pursuant to Public Law 104–106, section 2366(c); to the Committee on National Security.

4884. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Data Universal Numbering System Number [DFARS Case 97–D019] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4885. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4886. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Morocco, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

4887. A letter from the Chairman, Federal Housing Finance Board, transmitting the Board's annual report for the 1996 calendar year, pursuant to 12 U.S.C. 1422b; to the Committee on Banking and Financial Services.

4888. A letter from the Secretary of Health and Human Services, transmitting the fiscal year 1995 Annual Report of the National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), pursuant to 29 U.S.C. 671(f); to the Committee on Education and the Workforce.

4889. A letter from the Secretary of Health and Human Services, transmitting the 1996 annual report on the Loan Repayment Program for Research Generally, pursuant to 42 U.S.C. 2541–1(i); to the Committee on Commerce.

4890. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's Fiscal Year 1993 Annual Report to Congress on progress in conducting environmental remedial action at federally-owned or operated facilities, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

4891. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report entitled ''Electricity Prices in a Competitive Environment: Marginal Cost Pricing of Generation Services and Financial Status of Electric Utilities''; to the Committee on Commerce.

4892. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; Indiana [IN83–1a; FRL–5882–6] received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4893. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 032–1032; FRL–5877–3] received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4894. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 030–1030; FRL–5877–2] received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4895. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emission Guidelines for Existing Sources and Standards of Performance for New Stationary Sources: Large Municipal Waste Combustion Units [AD-FRL–5879–4] received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4896. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—List of Regulated Substances and Thresholds for Accidental Release Prevention [FRL–5881–8] received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4897. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of 16 Compounds [FRL–5880–9] (RIN: 2060–AG70) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4898. A letter from the Secretary, Federal Trade Commission, transmitting the Report to Congress for 1995 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Commerce.

4899. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending June 30, 1997, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

4900. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Use of Fixed Neutron Absorbers at Fuels and Materials Facilities [Regulatory Guide 3.70] received September 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4901. A letter from the Secretary of Energy, transmitting a report proposing to delay the submission of the National Energy Policy Plan until April 1, 1998; to the Committee on Commerce.

4902. A letter from the Secretary of Health and Human Services, transmitting the 1996 Annual Report on the AIDS Research Loan Repayment Program; to the Committee on Commerce.

4903. A letter from the Secretary of Health and Human Services, transmitting the semiannual report on activities of the Inspector General for the period October 1, 1996, through March 31, 1997, and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4904. A letter from the Manager, Employee Benefits/Payroll, AgriBank, transmitting the annual report disclosing the financial condition of the Retirement Plan for the Employees of the Seventh Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

4905. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [97–016] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4906. A letter from the Chief Financial Officer, Department of the Interior, transmitting the Report on Accountability for 1996; to the Committee on Government Reform and Oversight.

4907. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction Act [FRL–5483–4] received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4908. A letter from the Chairman, Federal Communications Commission, transmitting the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

4909. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

4910. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees Health Benefits Program Acquisition Regulation; Truth in Negotiations Act and Related Changes (RIN: 3206–AH45) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4911. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the United States Capitol Preservation Commission Fund for the first nine months of the fiscal year 1997, pursuant to Public Law 100–696, section 804 (102 Stat. 4610); to the Committee on House Oversight.

4912. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4913. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Public Land Records (Bureau of Land Management) [WO–420–1050–00–24–1A] (RIN: 1004–AC 81) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4914. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area O [Docket No. 970613138–7138–01; I.D. 082897C] received September 5, 1997, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4915. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Sablefish Trip Limit Changes South of 36 degrees N. Lat. [Docket No. 961227373–6373–01; I.D. 082797F] received September 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4916. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area H [Docket No. 970613138–7138–01; I.D. 082897B] received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4917. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures [Docket No. 970730185–7206–02; I.D. 070797B] (RIN: 0648–AJ13) received September 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4918. A letter from the Program Director, National Fund for Medical Education, transmitting the Fund's audited financial statement for the year ended December 31, 1996, pursuant to 36 U.S.C. 1101(34) and 1103; to the Committee on the Judiciary.

4919. A letter from the Accounting Administrative Supervisor, National Society of the Daughters of the American Revolution, transmitting their report and financial audit for the year ending February 28, 1997, pursuant to 36 U.S.C. 1101(66) and 1103; to the Committee on the Judiciary.

4920. A letter from the Acting Assistant Secretary, Department of the Army, transmitting a report on the authorization of a deep-draft navigation project at Chignik Harbor, Alaska, pursuant to Public Law 104–303, section 101(b)(1); to the Committee on Transportation and Infrastructure.

4921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Regulated Navigation Area Regulations; Lower Mississippi River [CGD08–97–008] (RIN: 2115–AE84) received August 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4922. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Abatement of Highway Traffic Noise and Construction Noise (Federal Highway Administration) [FHWA Docket No. 96–26: FHWA–97–2348] (RIN: 2125–AD97) received August 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4923. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–124–AD; Amdt. 39–10104; AD 97–17–02] (RIN: 2120–AA64) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4924. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters (Federal Aviation Administration) [Docket No. 96–SW–27–AD; Amdt. 39–10108; AD 97–17–06] (RIN: 2120–AA64) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4925. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–53–AD; Amdt. 39–10110; AD 96–23–07 R1] (RIN: 2120–AA64) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4926. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of VOR Federal Airways in the vicinity of Helena, AR (Federal Aviation Administration) [Airspace Docket No. 96–ASW–31] (RIN: 2120–AA66) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4927. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D Airspace; Glenview, IL (Federal Aviation Administration) [Airspace Docket No. 97–AGL–2] (RIN: 2120–AA66) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4928. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Ely, MN (Federal Aviation Administration) [Airspace Docket No. 97–AGL–12] (RIN: 2120–AA66) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4929. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Aurora, MO (Federal Aviation Administration) [Docket No. 97–ACE–15] (RIN: 2120–AA66) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4930. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–167–AD; Amdt. 39–10099; AD 97–16–07] (RIN: 2120–AA64) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4931. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Grand River, MI (Coast Guard) [CGD09–97–008] (RIN: 2115–AE47) received August 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Pedro Bay, CA (Coast Guard) [COTP Los Angeles-Long Beach, CA; 97–005] (RIN: 2115–AA97) received August 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Hood Canal, WA (Coast Guard) [CGD13–95–011] (RIN: 2115–AE47) received August 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Florida (Coast Guard) [CGD07–97–020] (RIN: 2115–AE47) received August 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Acting Assistant Secretary, Department of Defense, transmitting the Department's report on the Civilian Separation Pay Program during Fiscal Year 1996, pursuant to 5 U.S.C. 5597 nt.; jointly to the Committees on National Security and Government Reform and Oversight.

4936. A letter from the Secretary of Energy, transmitting a report to notify that the Department will require an additional 45 days to transmit the implementation plan for addressing the issues raised in the Defense Nuclear Facilities Safety Board's Recommendation 97–1 concerning the safe storage of uranium-233 material, pursuant to 42 U.S.C. 2286d(e); jointly to the Committees on National Security and Commerce.

4937. A letter from the Acting Secretary, Department of Energy, transmitting the Department's Annual Report to the Congress on activities of the Department of Energy in response to recommendations and other interactions with the Defense Nuclear Facilities Safety Board, pursuant to 42 U.S.C. 2286e(b); jointly to the Committees on Commerce and National Security.

4938. A letter from the President and Chief Executive Officer, United States Enrichment Corporation, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954 to provide additional funding for continued predeployment activities relating to the Atomic Vapor Laser Isotopic Separation Technology for the Enrichment of Uranium; jointly to the Committees on Commerce and the Budget.

4939. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104–107, section 540(c); jointly to the Committees on International Relations and Appropriations.

4940. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on intent to obligate funds for additional program proposals for purposes of Nonproliferation and Disarmament Fund activities, pursuant to Public Law 104–208, title II; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 2261. A bill to reauthorize and amend the programs of the Small Business Act and the Small Business Investment Act, and for other purposes; with an amendment (Rept. 105–246). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of September 5, 1997]

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than September 30, 1997.

H.R. 695. Referral to the Committee on Commerce extended for a period ending not later than September 12, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. WOOLSEY:

H.R. 2727. A bill to recognize businesses which show an exemplary commitment to participating with schools to enhance educators' technology capabilities and to make every student technologically literate; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. COYNE, Mr. HOYER, Mr. WAXMAN, and Mr. MATSUI):

H.R. 2428. A bill to improve the operations and governance of the Internal Revenue Service, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. TALENT, Mr. BROWN of California, Mr. LAFALCE, Mrs. MORELLA, Mr. GORDON, Mr. BARTLETT of Maryland, Mr. POSHARD, and Mr. DAVIS of Virginia):

H.R. 2429. A bill to reauthorize the Small Business Technology Transfer Program through fiscal year 2000; to the Committee on Small Business, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 2430. A bill to amend the Immigration and Nationality Act to exempt certain adopted children, and certain children coming to the United States for adoption, from the requirement to present documentation of vaccination against vaccine-preventable diseases; to the Committee on the Judiciary.

By Mr. WOLF (for himself, Mr. PORTER, Mr. WATTS of Oklahoma, Mr. HALL of Ohio, Mr. ADERHOLT, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. HUTCHINSON, Mr. ROHRABACHER, Mr. BLUNT, Mr. BISHOP, Mr. DUNCAN, Mr. MANTON, Mr. OLVER, Mr. GILCHREST, Mr. KING of New York, Mr. BOB SCHAFFER, Mr. GILLMOR, Mr. COOKSEY, Mr. GILMAN, Mr. DICKEY, Mr. LIPINSKI, Mr. EHLERS, Mr. WAMP, Mrs. KELLY, and Mr. TOWNS):

H.R. 2431. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, Banking and Financial Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE:

H.R. 2432. A bill to provide relief for domestic producers of tailored wool apparel from increased imports of such apparel from Canada; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 2433. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for the House of Representatives or the Senate to file information included in quarterly candidate reports with the Federal Election Commission within 48 hours of the time the information becomes available, to require all reports filed with the Federal Election Commission to be filed electronically, to require the information contained in such reports to be made available through the Internet, and for other purposes; to the Committee on House Oversight.

By Mr. TRAFICANT:

H.R. 2434. A bill to establish counseling programs for disabled and retired police officers; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. ISTOOK introduced a bill (H.R. 2435) for the relief of Farah Sirmanshahi, Sepandan Farnia, and Farbod Farnia; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. CRAMER and Ms. STABENOW.
H.R. 59: Mr. BRADY.
H.R. 123: Mr. COX of California, Mr. PACKARD, and Mr. ISTOOK.
H.R. 165: Mr. BISHOP.
H.R. 251: Ms. RIVERS.
H.R. 306: Mr. WOLF and Mr. CRAMER.
H.R. 399: Mr. ROTHMAN and Mrs. EMERSON.
H.R. 402: Ms. FURSE.
H.R. 424: Mrs. KELLY.
H.R. 598: Mr. SAXTON.
H.R. 712: Mr. SANDLIN.
H.R. 789: Mr. DEAL of Georgia.
H.R. 816: Mr. CAMP.
H.R. 859: Mr. CRAMER and Mr. DEAL of Georgia.
H.R. 864: Mr. RANGEL, Mr. WELLER, and Mr. WELDON of Pennsylvania.
H.R. 922: Mr. HILL.
H.R. 923: Mr. HILL.
H.R. 934: Mr. CRAPO and Ms. ROS-LEHTINEN.
H.R. 953: Mr. MORAN of Virginia.
H.R. 978: Mr. DIXON.
H.R. 986: Mr. BARTLETT of Maryland, Mr. CHABOT, Mr. BLILEY, and Mr. COBURN.
H.R. 1010: Mr. FOX of Pennsylvania and Mr. WELDON of Florida.
H.R. 1036: Mr. NETHERCUTT and Mrs. EMERSON.
H.R. 1079: Mr. SHERMAN, Mr. OBERSTAR, Mr. CONDIT, Ms. WATERS, and Mrs. THURMAN.
H.R. 1117: Ms. VELAZQUEZ and Mr. ENGEL.
H.R. 1169: Mr. MILLER of Florida, Mr. ROTHMAN, Ms. KAPTUR, and Mr. DEUTSCH.
H.R. 1285: Mrs. JOHNSON of Connecticut.
H.R. 1328: Mr. STARK.
H.R. 1371: Mrs. THURMAN, Mr. COBURN, Mr. ROHRABACHER, and Mr. SANDLIN.
H.R. 1375: Mr. KIND of Wisconsin.
H.R. 1378: Mr. SMITH of Texas.
H.R. 1425: Mr. LANTOS.
H.R. 1437: Ms. NORTON.
H.R. 1456: Mr. SANDERS.
H.R. 1457: Mr. MILLER of California, Mr. DELLUMS, and Mr. KUCINICH.
H.R. 1619: Mr. BEREUTER and Mr. LUCAS of Oklahoma.
H.R. 1689: Mr. WELDON of Florida, Mr. BILIRAKIS, and Mr. SAWYER.
H.R. 1693: Mr. RUSH, Mr. FOGLIETTA, Mr. KLECZKA, and Mr. KUCINICH.
H.R. 1719: Mr. NETHERCUTT.
H.R. 1754: Mr. BISHOP.
H.R. 1788: Mr. MOAKLEY.
H.R. 1839: Mr. LUCAS of Oklahoma and Mr. JOHN.
H.R. 1842: Mr. CANNON.
H.R. 1849: Ms. WOOLSEY.
H.R. 1858: Mr. HILLIARD and Mr. JOHNSON of Wisconsin.
H.R. 1904: Mr. RUSH.
H.R. 1984: Mr. LIVINGSTON, Mr. PETRI, Mr. NORWOOD, Mr. CHAMBLISS, Mr. POSHARD, Mr. MICA, Mr. HANSEN, Mr. SKEEN, Mr. EVERETT, Mr. LINDER, Ms. PRYCE of Ohio, Mr. GREEN, and Mr. THOMAS.
H.R. 1993: Mr. LIPINSKI.
H.R. 2004: Mr. KENNEDY of Massachusetts.
H.R. 2074: Mr. BARR of Georgia.
H.R. 2140: Mr. ROTHMAN and Mr. MARTINEZ.
H.R. 2174: Mr. KENNEDY of Massachusetts and Mr. ROTHMAN.
H.R. 2185: Mr. HINOJOSA.
H.R. 2202: Mrs. JOHNSON of Connecticut, Mr. ROTHMAN, Mr. MICA, Mr. CALLAHAN, Mr. FORD, Mr. MURTHA, Mr. STEARNS, Mr. SANDLIN, Mr. CUMMINGS, and Mr. KENNEDY of Massachusetts.
H.R. 2223: Mr. STUMP and Mr. ENSIGN.
H.R. 2248: Mr. MICA, Mr. SHAYS, Mr. HOUGHTON, Mr. FATTAH, Mr. CRANE, Mr. BERRY, Mr. MARKEY, Mr. STUPAK, Ms. CARSON, Mr. JOHNSON of Wisconsin, Mr. LAHOOD, Mr. DAN SCHAEFER of Colorado, Mr. STOKES, Mr. HERGER, Mr. SPRATT, Mr. OBERSTAR, Mr. PETERSON of Pennsylvania, Mr. CONYERS, Mr. WELDON of Florida, Mr. MCINTYRE, Mr. MORAN of Virginia, Mr. LATOURETTE, Mr. LUCAS of Oklahoma, Mr. HOBSON, Mr. WAMP, Mr. CRAPO, Ms. GRANGER, Mrs. ROUKEMA, Mr. SHIMKUS, Mr. COX of California, Mr. WYNN, Mr. BENTSEN, Mr. GOODE, Mr. HULSHOF, Ms. JACKSON-LEE, Mr. LEWIS of Kentucky, Mr. RANGEL, Mr. JEFFERSON, Mr. ADAM SMITH of Washington, and Mr. COOKSEY.
H.R. 2335: Mr. SCOTT and Mr. MORAN of Virginia.
H.R. 2341: Mr. FILNER and Mr. CUMMINGS.
H.R. 2351: Ms. DELAURO, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. CLAY, Ms. ESHOO, Mr. NADLER and Mr. PASCRELL.
H.R. 2373: Mr. KASICH and Mr. REDMOND.
H.R. 2380: Mr. MCINTOSH, Mrs. CHENOWETH, Mr. CANADY of Florida, and Mr. LIPINSKI.
H.R. 2392: Mr. GEKAS.
H. Con. Res. 6: Mr. CUMMINGS and Mr. SHERMAN.
H. Con. Res. 107: Mr. SABO, Mr. HASTINGS of Florida, and Mr. DOYLE.
H. Con. Res. 134: Mr. INGLIS of South Carolina, Mr. RAHALL, Mr. BOB SCHAFFER, Ms. CARSON, and Ms. WOOLSEY.
H. Res. 139: Mr. STENHOLM.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 695: Mr. JONES.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2267

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 12: Page 49, line 9, insert ''(reduced by $175,100,000)'' after ''$185,100,000''.

Page 49, line 10, insert ''(reduced by $74,100,000)'' after ''$74,100,000''.

Page 49, line 12, insert ''(reduced by $500,000)'' after ''$500,000''.

H.R. 2267

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 13: Page 81, line 5, insert before '', of which'' the following: ''(reduced

by $2,000,000)'' and on page 96, line 23, insert before the colon the following: ''(increased by $2,000,000)''.

H.R. 2267

OFFERED BY MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 14: Page 117, after line 2, insert the following:

SEC. 617. No funds appropriated or otherwise made available by this Act may be used for the ''Access Mexico Program'' of the Department of Commerce.

H.R. 2267

OFFERED BY: MRS. NORTHUP

AMENDMENT NO. 15: Page 38, after line 11, insert the following:

EXCEPTION FROM VACCINATION REQUIREMENT FOR ADOPTED CHILDREN

SEC. 110. Section 212(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)) is amended—

(1) in subparagraph (A)(ii), by inserting ''except as provided in subparagraph (C),'' after ''(ii)''; and

(2) by adding at the end the following:

''(C) EXCEPTION FOR ADOPTED CHILDREN.—Subparagraph (A)(ii) shall not apply to a child who is—

''(i) described in section 101(b)(1)(F);

''(ii) seeking an immigrant visa as an immediate relative under section 201(b); and

''(iii) 10 years of age or younger at the time a petition is filed in the child's behalf to accord a classification as an immediate relative under such section.''.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, MONDAY, SEPTEMBER 8, 1997 No. 117

Senate

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

''If we pray, we will believe;

''If we believe, we will love;

''If we love, we will serve.''

These words of the late Mother Teresa of Calcutta call us to prayer.

Almighty God who cares profoundly for the lost, the lonely, the sick, and the suffering, we express our gratitude for one who has allowed her heart to be broken by what breaks Your heart. We thank You for the life of Your loyal servant, Mother Teresa.

Lord, You have told us that what we do for the least, we do for You. We thank You for the way You came to her in the poor and suffering and they were cared for as if ministering to You.

Like Jesus, she did not seek to be served but to serve. She has shown us the value of every person You love. The spirit of love pulsated through her. She was a riverbed for the flow of Your grace for the castoffs of society. Her own prayer expresses our desires:

''Make us worthy, Lord to serve our fellow men throughout the world who live and die in poverty and hunger. Give them, through our hands, this day their daily bread; and by our understanding love, give peace and joy.''

As we have seen what You can do through a person totally committed to You, and unreservedly dedicated to love as You love, we are moved to rededicate our own lives to sacrificial service and receive supernatural power to give ourselves to those who hurt and need hope, who suffer and long for strength. One life to live; t'will soon be past; only what's done for You will last. 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 resume debate on the motion to proceed to S. 830, the Food and Drug Administration reform bill. Under the previous order, there are 4 hours of debate remaining on the motion to proceed equally divided between Senator JEFFORDS and Senator KENNEDY. I believe Senator JEFFORDS is on the floor ready to use his share of the time.

Following the expiration or yielding back of time, the Senate will resume consideration of S. 1061, which is the Labor-Health and Human Services appropriations bill. Also under the order that was agreed to, a vote on an amendment relating to S. 1061 is expected around 5 p.m. today. In addition, Members are reminded that under the consent, all amendments remaining in order to the Labor-HHS appropriations bill must be offered by the close of business today.

Any further votes ordered on amendments to the bill, S. 1061, or other votes, will be stacked to occur on Tuesday at a time to be determined. And we will consult with the Democratic leader about what those amendments will be or other votes and what time they will actually occur.

In addition, under the previous order, the Senate will begin consideration of the FDA reform bill following the disposition of S. 1061, but not before 4 p.m. on Tuesday, although it is my hope that certainly by 5 o'clock on Tuesday we will be working on the substance of the FDA bill.

Members can expect then that the Senate will complete the Labor-HHS bill, the FDA reform bill, and we will begin then with the Interior appropriations bill this week. Whether we will be able to finish that, how late we will have to go on Wednesday night or Thursday night or whether or not we will have votes on Friday will depend on what kind of progress we make during the day Tuesday, Wednesday, and Thursday.

The next rollcall vote then will be at 5 o'clock today on an amendment related to the Labor-HHS appropriations bill or other vote that we may get worked out.

TRIBUTE TO MOTHER TERESA

Mr. LOTT. Mr. President, like the Chaplain, and on behalf of the Senate, I would like to pay tribute today to Mother Teresa. I know that I am speaking for every Member of the Senate in expressing our sorrow in the loss of Mother Teresa, this wonderful lady.

At the same time, we realize that if ever there was a life well lived, it was hers. Her passing helps us understand the psalm's comfort for those who mourn, that ''precious in the eyes of the Lord is the death of His faithful ones.''

Only 3 months ago, Mother Teresa came here to the Capitol. She joined us as we gave to her the Congressional Gold Medal in support of her work for the poorest of the world's poor. Even then, everyone present understood that it would only be a matter of time before her work, never finished, would rest in other hands.

But what an honor it was for us to meet her. The leaders were there, and the Members of the House and the Senate. That was a special occasion. We all felt touched by this elderly lady, who at once was so frail and at the same time so tough and so unconcerned about anything except the suffering of others.

This was a lady who, on an earlier visit to Washington, when she was being escorted to a White House car

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

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waiting to take her to the airport, inquired about how her companions would get to the airport. When she was told they would go in a different vehicle, she declared everyone must stay together and take the bus.

To put it mildly, fame, and accolades were not important to her. What was important to her—what shaped her life from the Balkan village where she was born to the places of power where she was honored—was a devotion to the most vulnerable members of the human family, especially children, both before and after their birth.

When she first visited the Capitol back in 1981, one of our colleagues, then Senator James Buckley of New York, remarked, ''There is no telling what may be started by someone like her, who plays with fire by striking sparks off the flinty heart.''

Today, 16 years later, it is magnificently clear what she did start, literally around the world. Out of her poverty, she enriched mankind. Out of her loneliness, she showed us the heights of the human spirit. From the perspective of this century's end, we have a better understanding of what true greatness really is.

The monsters of our era—Mao, Stalin, Hitler, and the rest—they and their ideologies are in the trash heap of history. But what Mother Teresa launched, with bare hands and with an open heart, is going to last far longer than anyone can imagine.

Sad as our loss of her may be, we should not forget that her passing would not be viewed by her as a tragedy, but as a triumph. She had that assurance from the person to whom she gave her life, who surely has said to her, ''I was hungry, and you gave me to eat. I was thirsty, and you gave me to drink.''

So as we celebrate her life, let us now celebrate her joy.

Mr. President, I yield the floor.

FOOD AND DRUG ADMINISTRATION MODERNIZATION AND ACCOUNTABILITY ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 830) to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

The Senate resumed the consideration of the motion to proceed.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. First, I want to thank the majority leader for, I think very aptly and appropriately and eloquently, expressing our thoughts about Mother Teresa. All of us were moved by her life, and all feel similarly as to his feelings about what she did for all the people of the world.

Mr. President, today, we move forward again on the motion to proceed with respect to the reform of the FDA bill, S. 830.

Under the Federal Food, Drug, and Cosmetic Act, Food and Drug Administration commonly known as FDA, has two important functions: First, the review and approval of important new products that can improve the public health, such as lifesaving drugs, biological products, and medical devices; and second, the prevention of harm to the public from marketed products that are unsafe or ineffective. Since 1938, the Federal Food, Drug, and Cosmetic Act has been amended numerous times to expand the FDA's mission to ensure that only safe or ineffective products are marketed.

But the act has been changed only once, by the Prescription Drug User Fee Act of 1992, commonly called PDUFA, to strengthen the FDA's ability to review and approve expeditiously important new products that can improve the public health.

Food and Drug Administration Modernization and Accountability Act of 1997, S. 830, is designed to ensure the timely availability of safe and effective new products that will benefit the public and to ensure that our Nation continues to lead the world in new product innovation and development.

The legislation accomplishes three major objectives: It builds upon recent administrative reforms that both streamline FDA's procedures and strengthen the agency's ability to accomplish its mandate in an era of limited Federal resources; it requires a greater degree of accountability from the agency in how it pursues its mandate; and third, it provides for the reauthorization of PDUFA.

The FDA acknowledges that its mandate requires it to regulate over one-third of our Nation's products. Within its purview the FDA regulates nearly all of the food and all of the cosmetics, medical devices, and drugs made available to our citizens.

This legislation identifies areas where improvements can be made that will strengthen the agency's ability to approve safe and effective products more expeditiously. It builds upon the numerous investigations by Congress, the FDA, the General Accounting Office, and other organizations that have identified problems with the current FDA product approval system and have recommended reasonable reforms to streamline and strengthen that system. The major provisions of S. 830 accomplishes, among others, the following purposes. The legislation:

First, establishes a clearly defined, balanced mission for the FDA;

Second, it improves patient access to needed therapies and provides expedited humanitarian access to medical devices;

Third, creates new incentives for determining better pharmaceuticals for children;

Fourth, gives patients access to new therapies more quickly through a new fast-track drug approval process;

Fifth, increases access to information by health professionals and patients;

Next, increases agency access to expertise and resources;

Also, improves the certainty and clarity of rules;

And further, improves agency accountability and provides for better resources allocation by setting priorities;

It also, simplifies the approval process for indirect food contact substances and provides a more reasonable standard for some health claims; and,

The legislation reauthorizes the PDUFA Program thus ensuring additional resource availability for the agency to conform with its necessary missions.

Mr. President, let us explore these objectives in greater detail. First, the legislation establishes a clearly defined, balanced mission for the FDA. Congress has never established a mission statement for the FDA. This bill does.

The FDA in March 1993 adopted a formal statement declaring that the agency ''is a team of dedicated professionals working to protect and promote the health of the American people.'' Although this statement defines the agency's mission in terms of ensuring that the products it regulates comply with the law, there is no reference to the importance of approving new products that benefit the public.

The legislation amends the Food Drug and Cosmetic Act by adding an agency mission statement focused on: First, protecting the public health by ensuring that the products it regulates meet the appropriate FDA regulatory standards; second, promptly and efficiently reviewing clinical research and taking appropriate action on the marketing of regulated products in a manner which does not unduly impede innovation or product availability; and, third, participating with other countries to reduce regulatory burdens, harmonize regulatory requirements, and achieve appropriate reciprocal arrangements with other countries.

The legislation improves patient access to needed therapies and provides expedited humanitarian access to medical devices. The FDA has no cross-cutting program that ensures access by patients with serious or life-threatening diseases to drugs or devices in clinical trials—even when that unapproved therapy may be the only way to save the patient's life.

The legislation would create new law whereby manufacturers may provide, under strictly controlled circumstances and in response to a patient's request, an investigational product for those patients needing treatment for a serious or life-threatening disease. The legislation also improves the existing program for the humanitarian use of medical devices for patient populations of fewer than 4,000.

The legislation creates new incentives for determining better pharmaceuticals for children. Children have for years been wrongly considered small adults when estimating the effect of prescription drugs on their overall health. Currently there is no systematic means for testing the safety and efficacy of drugs on the pediatric population.

The legislation gives the Secretary authority to request pediatric clinical trials for new drug applications and provides 6 extra months of market exclusivity to drugs when the manufacturer voluntarily meet certain conditions under the program. The Secretary must determine in writing that information relating to the use of a drug in the pediatric population is needed. In addition, the FDA may establish time frames for completing such pediatric studies before additional exclusivity is granted.

The legislation gives patients access to new therapies more quickly through a new fast-track drug approval process. I think this is important.

For several years the FDA has allowed the expedited review and approval of drugs but such review has been largely confined to treatments for HIV/AIDS or cancer. This provision facilitates development and expedites approval of new drugs for the treatment of any serious or life-threatening diseases.

The legislation increases access to information by health professionals and patients. For years, sophisticated users of health related economic information, like health maintenance organizations, have had constrained from access to important information that could help them reduce health care costs.

The legislation would apply the Federal Trade Commission's ''competent and reliable scientific evidence'' standard for FDA review of health care economic statements distributed by manufacturers to sophisticated purchasers. In the past, only a few patient groups have had access to information about ongoing clinical trials for lifesaving therapies. The legislation expands patient access to information by requiring the creation of data bases on ongoing research related to the treatment, detection, and prevention of serious of life-threatening diseases.

The legislation increases agency access to expertise and resources. Current law contains no provisions to assure that the FDA can access expertise housed at the National Institutes of Health [NIH] and other science-based Federal agencies to enhance the scientific and technical expertise available to FDA's product reviewers. The legislation requires FDA to develop programs and policies to foster such collaboration. The legislation also authorizes the agency to contract with outside experts to review all or parts of applications when it will add to the timeliness or quality of a product review, and provides for the use of accredited outside organizations for the review of medical devices.

The legislation improves the certainty and clarity of rules. The legislation makes a series of changes related to the classification, review and approval of FDA regulated products designed to ensure that sponsors of new products face consistent and equitable regulatory requirements. In addition, the legislation gives FDA 2 years to evaluate the success of its recently issued ''Good Guidance Practices'' guidance after which FDA is required to implement this policy as a regulation, making any modifications necessary to reflect experience during the 2-year trial period. The legislation provides medical device manufacturers with the ability to make recommendations to the FDA respecting initial product classifications.

It facilitates the reclassification and/or approval of device applications by allowing FDA to consider historical data in making its determinations, and the legislation more clearly states the relationship of labeling claims to approval and clearance of medical devices. It increases the certainty of review time frames by providing a definition of a day with respect to the agency's review timeclock and by requiring the agency to approve or disapprove a device application within 180 days.

The legislation also prohibits FDA from withholding the initial classification of a device because of a failure to comply with any provision of the unrelated to making a determination of substantial equivalence, and it clarifies that FDA has discretion in determining the number of clinical trials required for the approval of a drug or device. FDA would retain total discretion to require a sufficient number of trials to show safety and efficacy. The provision introduces the concept that two trials are not always necessary, establishes the primacy of quality data over quantity of data, and requires the FDA to consider the number and type of trials on a product-by-product basis.

The legislation improves agency accountability and provides for better resource allocation by setting priorities. Except as required under PDUFA, the FD&C Act provides no form of public accountability by the FDA for its performance of its statutory obligations.

The legislation requires FDA to develop a plan designed to: First, minimize deaths and injuries suffered by persons who may use products regulated by the FDA; second, maximize the clarity and availability of information about the product review process; third, implement all inspection and post-market monitoring provisions of the act by 1999; fourth, ensure access to the scientific and technical expertise necessary to properly review products; fifth, establish a schedule to bring the FDA into compliance by 1999 with the product review times in the act for products submitted after the date of enactment of this section; and sixth, eliminate the backlog of products awaiting final action by the year 2000.

The legislation also requires FDA to submit an annual report to assist Congress in assessing the agency's performance in accomplishing the objectives laid out in the agency plan.

The legislation streamlines several FDA functions with respect to certain review and inspection processes thus allowing the agency to focus its limited resources on areas of greatest need. The legislation establishes reasonable data requirements for new product approval applications, petitions, or other submissions. The legislation provides FDA with the discretion to approve drugs and biologics on the basis of products manufactured in pilot and small-scale facilities.

FDA is also directed to establish policies to facilitate the approval of supplemental applications for new uses for an approved product. Further, the legislation establishes procedures and policies to foster a collaborative review process between the agency and the sponsors of medical device applications. Finally, the legislation streamlines the review of minor modifications to medical devices.

The legislation simplifies the approval process for indirect food contact substances and provides a more reasonable standard for some health claims. Current law requires the agency to preapprove food contact substances, most of which pose little if any risk to human health.

The legislation replaces the preapproval process for these substances, primarily packaging materials, with a simple notification requirement. The legislation also provides for health claims for foods, with premarket notification, when the claims are based on authoritative recommendations by an authoritative scientific body of the U.S. Government such as the National Institutes of Health, the Centers for Disease Control and Prevention, or the National Academy of Sciences—very reliable agencies.

The legislation reauthorizes the PDUFA Program thus ensuring additional resource availability for the agency. PDUFA is reauthorized for 5 years. Performance goals beyond those set for the 1992 act will be identified in side letters between the FDA and the Senate Committee on Labor and Human Resources. The bill assumes that FDA will receive for fiscal year 1998 the 1997 level of appropriated funds for the agency.

This is important to keep in mind. For fiscal year 1999 through 2002, the bill assumes an annual inflation adjustment. I mention this because there in the present proposal by the administration is a request to cut back on the use of PDUFA.

Mr. President, I think after all of us have had time in this body to go through this legislation, Members will understand why there is so little dispute over almost all of the bill. We will be talking again today, as we did last Friday, about two areas in the bill for

which there has not been agreement, but the disagreements are not very complicated to understand.

First of all, we had a vote of 89–5 on Friday to allow us to end the filibuster under the circumstances we faced. That approval indicates what I am saying now, that for almost all of this bill there is no dispute between us and the minority or Senator KENNEDY or the Office of the President or the Secretary of HHS.

What we do have are two problems in which there is dispute. This makes up 6 pages out of a 152-page bill. Keep in mind, because we will have some vigorous arguments in those two areas, everyone agrees with the rest of the bill—almost. There will always be somebody, but there is hardly any disagreement on the matters I discussed in my statement.

The two remaining matters refer, first of all, to cosmetics. There is an increasing need, at least felt by especially some States and also by the FDA and others, that there has to be more work done in approving cosmetics or ensuring that cosmetics that are injurious to health do not get on the market. At present, most of that has been left sort of ambiguous whether the FDA should do it or not.

On the other hand, because of the realization that uniformity would be helpful, it would be useful if we could have uniformity throughout the States on cosmetics so that the people all over the country do not have to worry about going from place to place. And thus the bill does establish the FDA predominance in the field with respect to the use of cosmetics.

Now, this is met with some difficulties because some States, California in particular, had voted and had passed laws on cosmetics. Let me go through the present authority.

The FDA now has substantial authority to ensure the safety of cosmetic products. It can ban or restrict ingredients for safety reasons, mandate warning labels, inspect manufacturing facilities, issues regulatory letters, seize illegal products, enjoin unlawful activities, and prosecute violators of the adulteration and misbranding provisions of the Federal Food, Drug, and Cosmetic Act.

In addition, cosmetic products are subject to one of the most comprehensive set of Federal labeling requirements for consumer products. A cosmetic label must include the name and address of the manufacturer, packager, or distributor; a statement of product identity; net quantity of contents; a list of all ingredients in the products; adequate directions for use; and mandated warnings for specific products.

In addition to this substantial Federal regulatory authority, the cosmetic industry supports a variety of programs to ensure the safety of cosmetic ingredients. Most important is the Cosmetic Ingredient Review, a 20-year program that has reviewed the safety of almost 620 cosmetic ingredients.

The safety evaluations are conducted by an independent expert panel of seven leading academic scientists and physicians. The panel also includes three liaison representatives from the FDA, the Consumer Federation of America, and private industry.

Along with this regulatory authority, the agency has sufficient resources to police the safety of cosmetics. This year, Congress appears ready to approve nearly a billion dollars for the agency. Yet of that amount, the FDA will likely spend no more than about $6½ million on cosmetics safety and labeling. Why? Why would the agency devote less than 1 percent of its budget? Because of the outstanding safety record of cosmetic products. Numerous FDA Commissioners—including David Kessler, have stated that cosmetics are among the safest products under the FDA's jurisdiction.

Let me turn now to the language of the national uniformity provision for cosmetics included in the latest version of S. 830. First, let me emphasize that this provision in no way affects State enforcement powers, such as seizure, embargo, or judicial proceedings, that the States can now use to guard against adulterated, misbranded, or otherwise unsafe products. Let me repeat this point: The national uniformity provision would not block any State from exercising its police powers against unsafe cosmetic products.

Second, the national uniformity provision provides only limited preemption of State safety standards. Preemption would apply only when the FDA has an applicable safety standard affecting cosmetic already in place. If the FDA has not acted in a safety area, the States would still be free to impose their own particular safety regulations affecting cosmetic products. For example, individual States could ban particular ingredients or could set specified concentrations levels for ingredients used in cosmetic products when the FDA has not acted.

Preemption does apply to State labeling and packaging for cosmetic products that are in addition to or not identical with Federal standards.

This is designed to ensure a single, nationwide system for regulating the labeling for cosmetic products. This will promote efficient product distribution in interstate commerce, assure the ready availability of products in all States, and hold down costs for consumers.

Third, under this provision States and localities are clearly permitted to petition to impose a State-specific requirement if they have a situation where an important public interest is at stake, and the requirement would not violate a Federal law or unduly burden interstate commerce.

Fourth, the existing right of States, or entity or person is preserved to petition the FDA to make an certain regulation on over-the-counter drugs or cosmetics a national requirement.

And finally, the regulation of the practices of pharmacy and medicine, areas traditionally and appropriately the responsibility of the States is not modified or preempted by this provision.

This is a sensible compromise that guards against the possibility of 50 different labels in 50 different States but at the same time preserves the ability of States to protect the public against any problems that may arise over the safety of cosmetic products.

Mr. President, we will go forward with another lengthy dissertation on this aspect of this. I hope people will keep in mind that there is broad, broad agreement among all of us—Senator KENNEDY and those who support it—that this bill has come a long way. It has gone a great distance toward bringing together what we can pass and be very proud of. There are just two areas where there is disagreement, which we will hear about, I am sure, now. But I hope that everybody will keep in mind that this is in the area of 6 pages of a 152-page bill.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Massachusetts is recognized.

Mr. KENNEDY. First of all, I want to just comment about the devotion and duty of our friend and colleague from Vermont. I am sure there may be those who are watching the proceedings this morning who may not know, as many of us know, the Senator and his daughter were rear-ended last Friday morning. Nonetheless, he came in here during the course of the consideration of this legislation, and now he is here doing his duty in spite of the inconvenience and discomfort he is feeling. So I think all of us have great respect for Senator JEFFORDS. His devotion to duty is again reflected in his presence here this morning and his commitment in moving ahead this legislative process.

Mr. President, I also want to, as I did at the opening of the discussion and debate, congratulate Senator JEFFORDS on his efforts in the consideration of this legislation. We considered this legislation—FDA reform—in the last Congress. We reported legislation out of the committee. It did not move toward a successful resolution. There were a number of features there that were extremely troublesome in terms of the protection of the public. There were areas of strong difference. Although the process did move forward, it was not successful.

Senator JEFFORDS has built upon a strong record and made every effort to try to work through an important public policy area, reform of the Food and Drug Administration, in ways that recognize its primary responsibility, which is to protect the public. As we go forward with this debate, FDA reform should serve the public interest and also take into consideration the innovation of the pharmaceutical industry and the medical device industry in bringing new products onto the market

in ways that can improve the health care of the American people. That is always a balance.

Men and women of good judgment can differ. There are two important provisions in this legislation, which eventually will be subject to further debate and discussion, dealing with what we call sections 404 and 406, labeling and manufacturing. I will come back to those measures a little later in the course of the debate. We heard references to those items by our friends and colleagues, Senator REED and Senator DURBIN, on Friday last. We will have a chance to outline at least some of the concerns about those measures, and, ultimately, the Senate and the conference will have an opportunity to deal with those.

I personally feel that they pose important public health issues that need to be addressed. But I agree with what Senator JEFFORDS has outlined, which is the broad sweep of this legislation, and the areas of broad agreement that have been an impressive legislative achievement. Senator JEFFORDS should receive commendation for that because all of us who were part of that process feel that there are many features in here that should move forward.

Some of us are hopeful that we can address the medical device legislation and also address what I consider to be one of the important amendments that was passed in the consideration of the legislation in one of the last markups—passed with a strong vote, after some discussion, but nonetheless, poses what I consider to be an important and unnecessary health hazard to the American people. That is, the provisions which are known as the cosmetic preemption provisions, which were added to this legislation, not included in the original mark of the chair, not included in the original mark of Senator Kassebaum a year ago, but added at the behest of the industry. As a matter of fact, the language itself was drafted by the industry. It was advanced in the committee considerations and now is part of the legislation.

As I mentioned last week, I am absolutely convinced that if this had been introduced as a separate bill, it would be far back in the recesses of the Labor and Human Resources Committee, in terms of its consideration. But nonetheless, action was taken by the committee and that action has resulted in the inclusion of the cosmetic preemption provision. If this legislation is passed, it will effectively say to the 50 States that you virtually have no rights or opportunities for protecting your consumers from unsafe or dangerous cosmetics.

Now, I listened with interest to what the Senator outlined in regards to the powers of the FDA, in terms of protecting the public. But the fact is, as we know, the food and drug law has 126 pages that relate to drugs or prescription drugs and medical devices, it has 55 pages dealing with labeling and nutrition labeling, it has 8 pages dealing with definitions in the food and drug law, and it has a page and a half on cosmetics.

There are only two members of the Food and Drug Administration who oversee cosmetic packaging, labeling and warning. We have seen where the various studies that have been done by governmental agencies, like the General Accounting Office, have stated that what is necessary to give assurance and protection to the American people regarding cosmetics is more significant regulatory authorities for FDA to make sure that the ingredients that are going into cosmetics are going to be safe. We do that with the pharmaceutical industry; we do it with the medical device industry. We do not do that with cosmetics.

The American people go into their drugstore and get a prescription drug or an over-the-counter drug. They know that, in effect, there is a warranty from the FDA that bears the gold standard for safety in the world, that those products are going to be safe. They get a medical device and they know it is going to be safe. But the fact of the matter is, Mr. President, we are not so sure when it comes to cosmetics. For example, when we consider the safety of our cosmetics, we know that, the Consumer Product Safety Commission, more than 10 years ago—and the utilization of cosmetics has grown exponentially since that time—reports 47,000 emergency room visits as a result of the use of cosmetics and cosmetic products in one single year. Does that sound very safe to all of you? What is the record? Where is the testimony to say how safe it was? You do not have it. You do not have it because we have not had any hearings. It would have been a good hearing if we had two or three former heads of FDA that appeared before the committee and said this is what the safety issues are, these are what the health issues are, these are why either we agree or we differ on the issues of preemption. But we didn't have them in the Senate. And you have not had them in the House. You didn't have them in this Congress. You didn't have them in the last Congress. You have not had them in the Congress before. You have not had them for 20 years. The only documents you have are from the GAO. And they don't talk about how safe everything is. They have a series of recommendations, which I have read into the RECORD, that say what we ought to be doing in order to guarantee safety and security.

That is what the GAO said. That isn't the Senator from Massachusetts. That isn't the four other Senators that said let's stop, look, and listen. But we are going to go ahead pell-mell with this particular provision. We have looked at the results of the GAO study. They have not been refuted, and we have not had any hearings providing evidence that can refute the GAO.

Mr. President, is this something that just now a single Senator, or three, or four, or five Senators should be concerned about?

It is interesting that the administration has targeted this provision, as well as the two to three other provisions that I mentioned earlier, as matters that have to be addressed.

The National Governors' Association: This is what they say about this provision.

> When the Senate Labor and Human Resources Committee considered reauthorization of the Food and Drug Administration, the committee adopted an amendment proposed by Senator GREGG that preempts State regulations, disclosure requirements, labeling, and warning requirements as they apply to nonprescription drugs and cosmetics. The National Conference of State Legislatures and the National Governors' Association, vigorously oppose this provision and hope that it will not be part of the bill when it is reported by the Senate.

All the Governors are saying virtually the same thing. Let us, in the 50 States, be able to take actions with regard to cosmetics, allow us to protect our people. That is what all the Governors are saying. But oh, no. ''Washington knows best.'' Remember those old statements that we used to hear all across the country by many of our colleagues. Let's not have a one-solution-fits all. Let's not have that. Let's not have ''Government knows best.'' Well, here you have Government knows best. They don't know best. They can't handle and protect their people in California, or Ohio, or Massachusetts. Absolutely not, even though there have been strong efforts in each of these States to try and move ahead and to protect their people. But we are saying not after we pass this law.

Mr. President, as I said last Friday here on the floor of the U.S. Senate, we are making tough decisions on matters over which reasonable people can differ. And these are in many instances heartrending decisions. I mentioned last Friday, the decisions that we had in our Human Resources Committee where you have a limited amount of money. You have to make a decision for Meals on Wheels; whether you are going to provide all of the money to the congregate sites to feed elderly people—and you can feed more elderly people if you put it in the congregate sites—or are you going to take a third of that money and feed people that are shut-ins? The money will not go as far. You are not going to reach as many people if you take those scarce resources and reach the shut-ins. What should be the public policy question? Should we give the money to feed more people, or should we allocate some to the shut-ins, or should we just leave this up to the local community?

These are important public policy issues that affect the lives of real people. But not on this cosmetic issue. What are the public policy considerations on the other side? Money. Greed. Cosmetic industry. Greed. What are the public health considerations of preemption? How are they advanced? How are they preserved? How are the American people further protected by a preemption? They are not. We have not heard that

argument made on the floor of the U.S. Senate. We have not heard it, because it is not there.

This legislation is proposed because of what has been happening in the area of California, and some of the other States which have been looking at the kinds of concerns being raised by so many consumers day in and day out—I will mention those in just a few moments—that are really wondering whether some of these products are safe. And there is good reason to ask whether they are safe because as we have seen from the GAO, many of these products are potential carcinogens. What is a carcinogen? It is a cancer-causing agent. We wouldn't permit these products to go into processed food because the Delaney clause would protect the American people from carcinogens in processed food. But can you add them to cosmetics? You can add them to cosmetics. They are added to cosmetics today.

That is another reason, Mr. President, why the Environmental Defense Fund says no to this provision; why the Natural Resources Defense Council says no to this provision; why the Patients Coalition Consumers Union says no to do this provision; why the Consumer Federation of America says no; why AIDS Action says no; why the American Public Health Association, the association to protect the American public health, says no to this provision. All of these organizations say no to this provision. Why? Because it doesn't protect and advance the interests of the public health in the States. It advances the bottom line of the cosmetic industry, but it does not advance the interests of the public health.

Mr. President, I will mention what the National Women's Health Network says in a letter that I will include.

I ask unanimous consent that this letter be printed at an appropriate place in the RECORD.

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

NATIONAL WOMEN'S HEALTH NETWORK,
September 8, 1997.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the 13,000 individual and 300 organizational members of the National Women's Health Network, I am writing to express our opposition to damaging provisions in S. 830, the FDA Modernization and Accountability Act of 1997 which would preempt state regulation of cosmetics. I commend you for speaking out about this potential threat to women's health.

The spectrum of the cosmetic industry is broad and not simply limited to lipstick, mascara, or eyeshadow. Hair gels and dyes, soap, toothpaste, baby powder, and lotions also fall under the umbrella of this $20 billion dollar industry. Most women use one or more of these products everyday, and assume that they are safe for themselves and their families.

Sadly, this is not the case. There is virtually no federal oversight of cosmetic products which, according to a 1987 Consumer Product Safety Commission study, led to an estimated 47,000 emergency room visits in one year. Additionally, the General Accounting Office reported that a number of cosmetic products marketed in the United States ''may pose a serious hazard to the public.''

Because the FDA has virtually no authority to regulate this very profitable industry; in fact the FDA has less than 30 employees overseeing the safety of cosmetics, states have initiated their own efforts to protect their residents. These state consumer protection laws have alerted women to products containing carcinogens or the presence of ingredients which may cause allergic reactions.

The Network believes that S. 830 puts the financial bottomline of the cosmetics industry ahead of the health of millions of women by banning states from regulating the industry's products. The bill would even bar states from establishing public communication campaigns which would inform women of a cosmetic's safety and effectiveness. This would mean no warning labels, no data on carcinogens, no ''keep out of reach of children'' notices.

It is absolutely crucial that provisions in S. 830 preempting states' rights to regulate cosmetics be removed from the bill. Women and their families deserve to have complete information about the safety and effectiveness of these products and states who are willing to step forward to safeguard the health of their residents must be allowed to do so. The National Women's Health Network stands ready to work with you to educate members of the Senate and the American public about this very serious women's health issue.

Sincerely,

CYNTHIA A. PEARSON,
Executive Director.

Mr. KENNEDY. They say:

The spectrum of the cosmetic industry is broad and not simply limited to lipstick, mascara, or eye shadow. Hair gels and dyes, soap, toothpaste, baby powder, and lotions also fall under the umbrella of this $20 billion industry. Most women use one or more of these products every day, and assume that they are safe for themselves and their families.

Sadly, this is not the case. There is virtually no federal oversight of cosmetic products which, according to a 1987 Consumer Product Safety Commission study, led to an estimated 47,000 emergency room visits in one year.

Just to depart for a minute, if you have 47,000 people going to the emergency room, how many other thousands are going back to see their doctors? How many other thousands have gone to their dermatologists? How many other thousands have gone to their own doctors, and not to the emergency room and willing to pay the other $150, $175, or $200 to just visit the emergency room? How many others knew that? There were 47,000 emergency room visits in one year.

Additionally the General Accounting Office reported that a number of cosmetic products marketed in the United States ''may pose a serious hazard to the public.''

That is the GAO— ''* * * may pose a serious hazard to the public.''

It would seem to me this morning that we ought to be debating how we are going to advance public health, and how we are going to protect those individuals whose health may be in danger. Are we debating that? No. To the contrary. We are going to say as a result of this legislation that the health of the consumers of cosmetics are going to be at greater risk. That is the only conclusion, and that the bottom lines of the cosmetic industry are going to be higher.

I continue:

The Women's Health Network ''* * * believes that S. 830 puts the financial bottom line of the cosmetic industry ahead of the health of millions of women by banning states from regulating the industry's products.''

There it is. There is the heart of the argument right there by the National Women's Health Network, one of the effective organizations that looks out after the public health of American women. Does it get it right here?

The Network believes that S. 830 puts the financial bottom line of the cosmetic industry ahead of the health of millions of women by banning states from regulating the industry's products.

That is it. That is what we got tagged onto this bill that is dealing with pharmaceuticals and prescription drugs, dealing with medical devices, dealing with the extension of PDUFA, which is a source of revenue to ensure that the FDA can be tops in the world in terms of approving new products. We support those various provisions. But now we have added onto this train this cosmetic preemption that the principal organizations that are dealing with public health say to the U.S. Senate: ''Stop. Say no. Do not move ahead with that.''

It continues, Mr. President:

It is absolutely crucial that provisions in S. 830 preempting states' rights to regulate cosmetics be removed from the bill. Women and their families deserve to have complete information about the safety and effectiveness of these products and states who are willing to step forward to safeguard the health of their residents must be allowed to do so.

Mr. President, let me just continue on with the groups just so that we understand the breadth of the opposition. It isn't just a few Senators. As I mentioned, the principal public health associations, those that are primarily concerned about women's health, the ones that use these products to the greatest extent—the administration, the State legislators. The State legislators were joined by the Association of State and Territory Health Officials. They emphasized State laws provide consumers with important protections in areas where the FDA has insufficient resources to act and represent a legitimate exercise of State authority.

As I mentioned before, Mr. President, if we were debating the regulatory authority of the FDA to protect the public health, that is a legitimate debate. But that is not where we are. We are not out here debating what would be appropriate power for the FDA to have to ensure protections for the American consumer on cosmetics.

If there are those that can say with a straight face with the $6 million budget that they are allocating through FDA

and two people that are overseeing the areas of packaging and labeling, which is the only thing that the States can do in terms of trying to get at these health considerations—if we were out here to say, ''Look, they have too much power, they have been abusing that power, and they are inefficient with that power,'' that would be one thing. But we are not out here debating that. We are just saying we know, as the cosmetic industry does, that the agency does not have the wherewithal in order to protect the consumer, that the historical protections for the consumer on health and safety have been the States and local communities, and what we are out here now saying is that we are going to take all of their power away. That is the issue. It isn't that we have a strong FDA. We don't have it. It is not represented. It was never discussed in the course of our markup. We had no hearing that would be able to represent it.

Let me just take a few minutes to indicate how we have gotten to where we are with regard to the FDA power on drugs, pharmaceuticals, and on cosmetics.

As I mentioned, the FDA has less than two people to regulate the labeling, packaging, and warning for a $20 billion a year industry. The FDA has less than 30 people to work on cosmetics, and FDA's authorities are grossly inadequate. The FDA regulation of cosmetics is a dinosaur, an anachronism from the time when drugs didn't have to be effective, when food additives didn't have to be safe, and when medical devices didn't have to be safe or effective. Just go back with me in terms of the times so we understand where we are.

I chaired the hearings that we had in the 1970's about medical devices. Twenty-three women died from perforated uteruses as a result of the Dalkon shield. And that was the beginning of the changes in our medical device legislation—in the mid-1970's. Because of the danger with the sophistication of medical devices, we were going to have to make sure they were going to be safe and efficacious. And we did.

Mr. President, in 1938, the last and only time the Congress acted specifically to regulate cosmetics—1938 is the last time—FDA was given authority to regulate products that were misbranded or adulterated. FDA had the burden. FDA had to find the problem. FDA had to do the studies. FDA has to bring a court action.

The entire burden is on the agency. In the last 60 years, we have progressed in other areas of public health and safety. In 1954, we passed the Miller pesticides amendment. In 1958, we passed the Food Additives Amendment requiring manufacturers of food additives to demonstrate safety before putting potentially harmful chemicals in the food supply. Now manufacturers have to demonstrate that their products are safe in order to go in the food supply.

Do you have to do that with regard to cosmetics? No, you do not have to do that with regard to cosmetics. Two years later, we passed the color additives amendment to establish a premarket approval system for additives used in food, drugs and cosmetics. The drug amendments of 1962 fundamentally restructured the way FDA required premarket approval of safety and effectiveness for every new drug. Prior to that it was not there, not necessary. They have to prove safety and effectiveness.

In 1976, we enacted the medical device amendments following long years of study and debate. So now we have the agency requiring that each of the products in terms of the prescription drugs and with regard to medical devices have to be proven safe and efficacious. Do they have to do that with regard to cosmetics? No. No, they do not have to do that today.

Among the most recent changes in FDA's authority were the infant formula amendments of 1980 and the 1990 Nutrition Labeling and Education Act, and the 1990 Safe Medical Device Act. Under these laws Congress held manufacturers responsible for safe and effective products. We asked the manufacturers to provide data to FDA to demonstrate safety before they could sell the products.

We went ahead again with regard to prescriptions and again with regard to medical devices. Do we do it with cosmetics? No. Despite all this progress and advance in public health and safety, cosmetic regulation has lagged far behind. FDA's authority and regulation of cosmetics is still stuck in the framework of the 1938 law that Congress found it necessary to update in every other product area. This is not to say that Congress has not revisited the area of cosmetic regulation. In fact, every time that Congress has revisited cosmetic regulation it has resulted in a call for additional protection and additional safety measures—every single time. But here we are on this FDA reauthorization bill, to reauthorize the FDA and bring it up into the modern period in terms of medical devices and pharmacy. Here we are with a change, significant change in terms of the relationship of the protection of the American people from cosmetics.

And here we are without the hearings, using the exact language of the cosmetic industry which is going to mean health threats to the American consumer—at what benefit? Well, as I mentioned, the bottom line of the cosmetic industry. So we have each and every time, with regard to pharmaceuticals and medical devices, we see what we have done and we have seen each time that Congress has gotten into it or the GAO studies have gotten into it, they say it is an area which cries out of the need for greater protection of the public.

In 1948, George Larrick, who became the Food and Drug Administrator, said:

> Real scientific appraisal of cosmetic ingredients should be made before an ingredient is marketed.

Did we do that? No. In the 1952 hearings, James Delaney in the House found that partial regulation of cosmetics resulted in insufficiently tested cosmetics that are a source of discomfort and disability. Further, the House report found that cosmetics should be subjected essentially to the same safety requirement as applied to new drugs. Yet today that is far from the case.

In 1978, the U.S. GAO report strongly recommended the FDA be given adequate authority to increase safety of cosmetics. Among its findings: Although there is increasing evidence that some cosmetic products and ingredients may carry a significant risk of injury to consumers, the FDA does not have an effective program for regulating cosmetics. Some coal tar hair dyes may pose a significant risk of cancer because they contain colors known to cause or are suspected of causing cancer in humans or animals. However, the exemptions granted to coal tar hair dyes in 1938 prevented FDA from effectively regulating hair dyes. The industry was sufficiently powerful at that time to write an exemption in the law. And there is increasing evidence that people with darker hair who use these darker colors have higher incidence of troubles in terms of not only their scalps but also their general health conditions and there are increasing studies concerning the exposure these individuals may have had to carcinogens and cancer.

Serious burns have been reported from the use of flammable cosmetics. Among those likely to ignite at the time of application are perfumes and colognes which usually contain a high concentration of alcohol and nail polish removers which contain flammable ingredients such as acetone and ethyl acetate.

In 1975 FDA sponsored a 3-month survey of 35,000 users of cosmetics. Participants kept a diary and reported adverse reactions. These reports were reviewed by a team of physicians to determine if the injuries were cosmetically related. One of every 60 participants suffered an injury confirmed by a physician as cosmetically related. One in every 450 participants suffered a severe or moderate injury.

These are studies that were done back in 1975 by the FDA. Do you think we have updated those studies? No. Do you think we have had hearings about that? No. And yet each and every time there is a serious evaluation we are finding these incidents involving health hazards. We have seen the varying degrees of the hazards in the examples and in the pictures that are here behind us. And we could go through picture after picture of the damage done by various kinds of products.

The GAO report concludes that cosmetics are being marketed in the United States which may pose a serious hazard to the public.

That is not the Senator from Massachusetts. That is the GAO, not Democrat, not Republican. In drawing on the best scientific information, this is what they conclude.

Cosmetics are being marketed in the United States which may pose a serious hazard to health. Some contain toxic ingredients which may cause cancer, birth defects or other chronic toxic effects and contain contaminants known to cause cancer in animals because exposure to these ingredients can occur through skin absorption and inhalation as well as oral ingestion. It is important that the hazards posed by them be carefully assessed.

I tell you, Mr. President, if this provision passes, those hazards are not going to be assessed by the States because of the way the language is written in the legislation. I am talking about what will be preempted on page 119, line 8:

Shall be deemed to include—

This is the preemption—

any requirement relating to public information or any other form of public communication relating to the safety or effectiveness of a drug or cosmetic.

There it is. Here you have the last studies being done, nonpartisan. Individuals are reviewing the most recent, up-to-date scientific studies. Cosmetics which are being marketed in the United States which may pose a serious hazard to the public.

Why are we asked to take a chance on it, Mr. President? Why are we being asked to take this action? One reason and one reason only—the bottom line for the cosmetic industry. There is no public health argument that can be made on the other side—absolutely none—just the greed of the cosmetic industry.

Every American ought to understand that. Here you have the GAO saying cosmetics are being marketed which may cause a serious hazard to your health. You have the several States: Texas, California, Ohio, my own State of Massachusetts, and a number of other States that are attempting to deal with some of these potential and real hazards to us and they are going to be preempted. Sure, we exempted California from this provision, but there are other health protections in California that are going be precluded.

I have my differences with the attorney general, Dan Lundgren out there in California, but you read through his letter about this action and about the efforts California is making trying to protect its public and how it is completely contrary to the interests of California. Here is the Attorney General of California:

Regulation of health and safety matters has historically been a matter of local concern, and the Federal Government has been reluctant to infringe on state sovereignty in these traditional areas.

And he says:

As noted above, S. 830 would, in the absence of specific FDA exemption, appear to prevent the State of California from enforcing their Sherman Food Drug and Cosmetic Law which is there to protect the people of California. And it goes on to make the case in opposition to this particular provision.

So now we have the GAO report and we have what this statute does.

The 1988 hearings held in the House of Representatives raised the same issues about the FDA's lack of authority and resources in this important area. Nothing has been done. Let me review one more time what FDA cannot do under its current authority.

It cannot require cosmetics manufacturers to submit safety data on their products—cannot require that. It can require it with regard to pharmaceuticals. It cannot require cosmetic manufacturers to register their plants or establishments or require cosmetic manufacturers to register their products or require premarket approval of any cosmetic or cosmetic ingredient even when such approval is necessary to protect the public health; cannot require manufacturers to submit consumer complaints about adverse reactions to cosmetics; cannot require manufacturers to perform specific testing necessary to support the safety of a cosmetic or an ingredient.

So, Mr. President, this is what we have under current law. I would like to mention just some of the dangers associated with this limited authority. We have talked in generalities. We talk about jurisdiction. We talk about preemption. We talk about inspection. But here are examples of dangerous cosmetics. These injuries took place this year, and there are dozens and dozens of them in graphic detail. I want to read a few of them for you.

Do any of you use Alberto Hot Oil Treatment for your hair? There was a complaint just last month of eye dermatitis from this product. Do you know what that means? It means blisters, chemical burns, rash, redness, swelling, and inflammation. All that from a simple hair treatment.

Everybody in America uses toothpaste every single day. In August, a consumer used a type of Colgate toothpaste with baking soda and peroxide. What happened? Mouth pain and dermatitis. That's a fancy way of describing itching, burning, and swelling of the lips, tongue and gums.

In case you are thinking of switching brands, think again. Somebody else used Crest Tartar Control toothpaste in January and developed the same symptoms of burning, itching, and swelling in the mouth—not what you would expect from brushing your teeth in the morning.

Here is another example. In August somebody used Gillette Cool Wave clear stick deodorant. Instead of being clean and presentable, they ended up with armpit dermatitis and bleeding. Can you imagine bleeding from using deodorant.

How about a product called Revlon Outrageous Shampoo and Conditioner? It is outrageous all right. The user developed scalp sores, swelling, and inflammation from the shampoo.

Have you ever used Bath salts? You may not want to after you hear this. In March, someone developed ''nervous system and urogenital tract reactions'' from Essential Elements Bath Salts. Can you imagine expecting a nice relaxing hot bath and end up with dizziness and headaches.

These examples go on and on.

Prestigious manufacturers L'Oreal, Avon, Clairol, Neutrogena, familiar names like Procter and Gamble, Revlon, Maybelline, Mr. President, this list provides a dismaying parade of horrors from products we rely on every single day.

Here are just a few examples of the injury complaints received by the FDA. Dermatitis includes rash and redness, swelling, blisters, sores, weeping and lumps, inflammation, chemical burns, and irritation. Pain ranges from itching and stinging to soreness and tingling. Tissue damage, other than thermal burn, can include dryness and peeling, splitting, cracking, hair and nail breaking, hair and nail loss, ulcerations, hair matting, and scars. Nervous system reactions range from dizziness, and headache to irritability, nervousness, and numbness.

How many people using these products have symptoms like dizziness, headache, irritability, nervousness, or numbness, and wonder where in the world this is all this coming from? It may very well be coming from their cosmetics, from their shampoos and toothpastes and other types of cosmetics.

If these examples aren't striking enough, there are respiratory system reactions, like upset stomach, nausea, loss of appetite, vomiting, and diarrhea. Or urogenital tract reactions: painful urination, discharge, stopping of urination, and on and on it goes.

Mr. President, I asked for the complaints that we have gotten in just the last few months. Here in my hand is the list of them from the FDA. It is interesting to note that, a number of years ago, we tried to get authority for an FDA hotline so people could call up with their cosmetic injuries. It was struck out in the Appropriations Committee at the behest and intervention of the cosmetic industry. We tried to get a hotline so that at least we would be able to get more information and the FDA would be able to act on that information about specific products.

What is the lesson we can draw from this? The industry does not want more information about cosmetic injuries. They don't want others to have that information. So they eliminated funding of the cosmetic hotline. We have successful and important hotlines in many other areas. They have been a strong success. I have been a strong supporter of them, because they assist people in obtaining information and, most important, help in a timely way. But they also allow the Government to register various complaints and gauge the seriousness of public health problems.

We tried to get the hotline. We had it authorized, it went on to the Appropriations Committee a few years ago,

but it was knocked out by intensive lobbying. So I am truly amazed that the FDA has the kinds of reports I will describe, and the sheer number of cases that they do. The truth is, most people who suffer injuries or adverse reactions from cosmetics simply don't know who to tell, other than their doctors. They in turn don't have anyone to tell or don't know who to tell. Certainly, the companies are under no obligation to tell the FDA—nor do they.

I will return a little later to the efforts that were made to try to get the manufacturers to voluntarily assist the FDA in reporting complaints. At the end of the day, only about 3 percent of the manufacturers cooperated in that effort. When hearings were held in 1988, there appeared to be a consensus to do more to protect the public. The industry itself said, give us an opportunity to voluntarily provide the FDA the complaints that we receive. Well, it ended up being about 3 percent of the companies that actually participated. I will get to this in just a few moments.

Let's begin with the injury complaints. In August, Alberto Culver & Co.'s hot oil treatment for color-treated and permed hair: Eye dermatitis, including rash, redness, swelling, blisters, sores, weeping, lumps, inflammation, sunburn, chemical burn, and irritation. Clairol Helene Curtis, the brand was Nice N Easy Natural Lite Ash Brown No. 114 and Degree antiperspirant; upper trunk and shoulder pain, including burning and stinging. Clairol's Nice N Easy Medium Brown No. 118: Hair tissue damage other than thermal burns. Procter & Gamble's Covergirl Makeup Master, facial and nose injury including dermatitis; Revlon's Professional Nail Enamel Remover: Finger injury, including cuticle, irritation, dermatitis. Neutrogena's Clear Pore Facial Treatment, facial injury; Dixie Health, Dermal KK is the brand: Face, including nose bleeding.

In July, Maybelline's Great Lash Mascara: Face pain and dermatitis in the nose. Realistic's, which is Roux Labs, Revlon Super Fabulayer Hair Relaxer Conditioner: Scalp dermatitis; Shark Products' Africa Pride Relaxer is the brand: Hair tissue damage. Procter & Gamble's Pantene Shampoo: Upper trunk dermatitis, neck tissue damage. Vidal Sassoon Shampoo: Upper trunk dermatitis. Clairol Hydrience Permanent Hair Color: Permanent discoloration of the hair. I can't imagine a product that could unintentionally make hair permanently discolored, but that is what has been reported.

The list goes on. It lists the names of just about every major kind of cosmetic maker in the book. Andrea International's eyelash adhesive: Eye pain. You have perfume from Stern & Co., the product is Oscar: Respiratory system reactions. And the list goes on. I have page after page of these kinds of complaints.

It seems to me if the States want to bring these matters up and it was the desire of the States to try to protect their consumers, they should have the opportunity to do so. Just as California has done and just as other States which are presently studying these issues will do. These States could go and talk to the manufacturers and the manufacturers can make changes, which they have on product after product sold in California. Proposition 65 is the basis for this California system, which works by inducing product improvements without having to remove products from the market or even putting labels on them. That is the way it has worked in California. Safer products. And time in and time out, the manufacturer comes out and advertises that they have upgraded their product. It is a better product now than it ever has been—an interesting and desirable outcome.

But in this bill we say no. We just say no. We tell consumers, you cannot have the remedy of the State and you cannot have the remedy at the Federal Government. The result will be more individuals like the 59-year-old California woman who was almost killed by an allergic reaction to hair dye. Or the woman who lost her hair and was horribly scarred when her hair caught fire from a flammable hair treatment gel. The 6-year-old daughter of an Oakland, CA, woman who used a hair product on her child who suffered second-degree burns. Two women who used eyelash dye, one of whom died and the other who went blind. A 16-month-old toddler died of cyanide poisoning after swallowing artificial nail remover, and a 2-year-old child from Utah was poisoned by the same cosmetic. If there is a State that wants to do something about children, like putting a warning label on these items in order to protect children, it will never happen under this bill. We know that children get into all kinds of products in the household and there is the chance of them ingesting some of these items. Obviously, some may be considerably more dangerous than others, and consumers will want to have labeling that says if the child ingests this, take the following steps or contact the following people. But under this bill, if the State wants to do that, they are virtually prohibited from doing so. They are denied the opportunity to protect their children in their own States.

What if a review is made of the scientific information in these States on these products if ingested by children, asking do they present serious threats of poisoning among children that may be life-threatening? Should warnings be placed on the labels? The result under this bill will be: No, you are out. You can't do that. I just find it difficult to understand why can't the States do this? Why can't they if they want to in Massachusetts or any other State? The reason will be because the Congress of the United States, at the request of the cosmetic industry, says you can't do it. Congress and the industry say you can't do it. That is what we are dealing with, Mr. President. It is just why I think this makes absolutely no sense.

We reviewed earlier this morning some of the groups that were opposed to this provision: The Governors and State legislatures, virtually all of the public health and consumer groups like the National Women's Health Network, the wide range of agencies and officials with primary responsibility over the public health. They are virtually unanimous in their opposition. I will happily wait to hear from public health groups in support of the provision. We will have time during the course of the debate for other Members who are able to get that kind of information and place it in the RECORD. In the face of such unanimous opposition, they will be few and far between.

Here is a letter from the United Food and Commercial Workers, Beth Shulman, the international vice president.

> We are appalled that the Senate is considering preempting state cosmetic safety regulation in the almost complete absence of any Federal protection.
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> Unlike all other products governed by the Food and Drug Administration, such as food and drugs, the FDA has essentially no authority to assure the safety of cosmetic products prior to entry into the marketplace. The FDA has no legal authority to require manufacturers to conduct safety testing, submit lists of ingredients to the agency, company data, or consumer complaints. Most consumers would be shocked to learn that there is no Federal government regulation or testing to assure the safety of cosmetics before they appear on store shelves or are used by hair care professionals. It is scandalous that the Senate is now considering stripping states of their legal authority, so that the safety of cosmetic products used by millions of consumers will now be completely unregulated.
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> The United Food and Commercial Workers Union, which represents barbers and cosmetologists among its 1.4 million members, has a long history of campaigning for stronger Federal regulation of cosmetic products. Over the past twenty years we have testified repeatedly about the hazards of cosmetic products and the need to protect not only the 750,000 professional cosmetologists, but the millions of consumers that use these products daily.

They point out they take strong exception to those protections. Now, why should they be concerned? They gave some excellent testimony several years ago to the Congress. Let me give an example. After 2 years as a wig stylist, a cosmetologist from San Francisco began to experience memory loss, nausea, and dizziness. She had troubles with vision and balance. She stated, ''I can't remember things I did just a short while ago. I have to write everything down.'' Her condition was blamed on the ingredients in hair spray and other products she was using in her work. She appeared as one of the witnesses where Congress was working to regulate the largely unregulated industry.

Another example: Christy Smith enrolled in a beauty college in 1984. Christy began to have trouble breathing, a problem that worsened over the

years. She dropped out of beauty school after 10 months. She was found to have irreversible occupational asthma. Again, her condition was attributed to cosmetics present at her school.

A 1997 study in the Journal of Environmental Medicine found evidence to support the claim that female hairdressers are at a higher risk of asthma as a result of occupational exposure to chemicals found in various hair products. This prompted a related study by the Palmer Group, which found an increased prevalence of respiratory symptoms and diseases among female hairdressers. These diseases included asthma, bronchitis, emphysema, and other chronic lung diseases.

Female hairdressers face daily exposure to many harmful chemicals that are used in a wide array of hair care products on the job. I will give a few examples. These chemicals include persulfates, which are used in hair bleaches and can cause allergic skin and respiratory symptoms. Several indications of occupational asthma among hairdressers have been reported. Polyacrylates mixed with chemicals and hydrocarbons in hair styling agents can cause irritation of airways and adversely affect other respiratory functions.

Ammoniac and sulfur compounds released in hair dying and permanent waving can cause irritation of the airways.

The relative risk of asthma and chronic bronchitis among hairdressers was measured almost twice that of a reference group between 1980 and 1995. This study found that the youngest cohort of female hairdressers experienced the greatest occurrence of asthma, 42 percent; and chronic bronchitis, 44. These women ranged in age from 35 to 44.

Mr. President, this is what is happening in the beauty parlors among beauticians across the country. Why? Because they are inhaling these products. They suffer from the higher concentrations of these toxins, but the women of this country who use these products at home are also inhaling them and endangering their health.

I am not here to say precisely what the extent of this problem is, but we know now that it is happening as a result of studies that the compounds that are being used are more toxic and there are more of them being used every year. The health hazards have to be greater. At a time when the health hazards have to be greater, why are we taking away the rights of the States to render judgments to protect their citizens? This is especially true in an area of traditional State authority.

What if the States want to take some kind of action? We are prohibiting them from doing so. We are denying them that chance to do so. It makes absolutely no sense—no sense at all. It does make dollars and cents because the industry is going to benefit from it, but it doesn't make any sense in terms of the public health. That is why virtually every public health agency committed to protecting women and women's health wants this provision out. It undermines their ability at the State level to give additional protections to consumers, and for no other reason than the financial interest of the cosmetic industry.

Mr. President, I will mention here how the United States compares with the rest of the world. That doesn't happen to be the most important argument made this morning, but we heard on the floor of the Senate last Friday about how we have fallen behind other countries in terms of the FDA's work. In reality, the United States has been compared with the rest of the world, and impartial sources such as the General Accounting Office have found that the United States has the fastest and most vigorous product approvals. American consumers expect the best and that is what they get from the FDA.

But when it comes to cosmetics, the U.S. motto should be: ''Expect the best, but settle for less.''

Looking around the world, it is remarkable how inadequately the United States stacks up against other countries. The European Union requires documented proof of good manufacturing practices and similar proof that extensive testing be carried out on all its products. What do they know that we don't know? What are their scientists and research scientists finding? Are we taking the time of the Senate to go through their various studies that point out the health hazards in their communities? They have done it, and they are providing additional protection.

Let us examine another major economic power: Japan regulates cosmetics likes drugs, requiring the companies to do safety tests before marketing. Why? What is it they understand about cosmetic safety? Is it possible they have reviewed and found the same things that we have talked about this morning? The same things that the GAO has found out about the dangers posed by cosmetic products?

Japan requires testing before marketing. That is exactly what the Congress said in 1952 we should be doing in the United States. Forty-five years later, we are still waiting for safety testing. The Japanese are not.

Let's look at North America. Mexico adopted a regulation mandating expiration dates on all cosmetics. To the north in Canada, manufacturers submit data to show the product is safe under normal use conditions.

The Scandinavian countries: Sweden and Denmark are initiating product registration for cosmetics, something the FDA can't require.

Malaysia already requires mandatory registration of cosmetics. That is something the cosmetics industry would fight tooth and nail.

The bottom line is that the American consumers have less protection than consumers in any other country that I have mentioned. The United States is a First World country with a Third World cosmetics safety system. That is the way it is today, and this legislation is going to make it worse. Much worse. That, Mr. President, is wholly unacceptable.

I want to mention more specifically the products of which I think people should have some awareness. These are five common cosmetics products with potentially devastating health effects:

Alpha-hydroxy acid, used in face cream, causes skin cancer.

Feminine hygiene products cause infertility in young women;

Talc used in baby powder that may cause cancer; and

Mascara that can cause blindness.

Alpha-hydroxy acid is one of the hottest selling cosmetics on the market with sales of roughly $1 billion a year. This product is sold to erase fine lines and tighten the skin, but has devastating health effects that are unknown to most consumers. The agency has received 100 reports of adverse effects with alpha-hydroxy acid products ranging from mild irritation and stinging to blistering and burns. More importantly, these products make users more sensitive to ultraviolet radiation from sunlight which causes skin cancer.

To find out if a cosmetic contains an alpha-hydroxy acid, the consumer has to look for one of the following ingredients: glycolic acid, lactic acid, malic acid, citric acid, L-alpha-hydroxy acid, mixed fruit acid, triple fruit acid, sugar cane extract. All of these are alpha-hydroxy acids, although you'd hardly know from their names.

The cosmetics industry sponsored a study linking alpha-hydroxy acids to increased ultraviolet sensitively and, most likely, skin cancer. An industry panel concluded that alpha-hydroxy acid cosmetics are safe at concentrations less than equal to 10 percent at a pH of greater than or equal to 3.5 percent when directions for use include daily use of Sun protection.

Equal to less than 10 percent. This is what the cosmetic industry says will be safe if used along with these other items.

Wouldn't it be useful for someone else or someone impartial to get a chance to look at the basic science and research that the industry has used to make a judgment? Wouldn't that be worthwhile? Wouldn't it be valuable if the FDA had a chance to have that data submitted to them? They could have their researchers look at it and see whether they come to the same conclusion as to the safety.

But, no, there is a recognition by the industry itself that if there is something wrong, they want to do their own study and make their own recommendations. We, the public, don't know. We don't know whether they are accurate. We don't even know whether there is going to be any kind of enforcement, or by whom. By the industry? How? All we have is the industry's

record and their willingness to comply voluntarily with the FDA. We have less than 3 percent of them willing to submit adverse kinds of reactions to the FDA. So we have no way of knowing about the true safety of cosmetics. What we do know is that the industry itself understands that there are health hazards with this specific product and want to control what's on the warning label.

Don't we want researchers out in the great centers of research in this country to say, ''Look, we'd like to try to find out if and how we can protect people.'' Maybe States with broad exposure to the Sun, such as the South and Southwest, should have particular interest in trying to do this. They might want to do some studies to find out.

Would they be able to try to make some kind of a judgment under this bill? Mr. President, the answer is no. We are preempting those States. Let us look at alpha-hydroxy acids again. Here we have one of the most highly advertised products on the market today. We have the industry's own recognition of their health hazards. Again, are we doing something on the floor of the Senate to protect the consumer from those hazards? Absolutely not. We are undermining what protection there is out there among the States.

Consumers should be aware that alpha-hydroxy acid concentrations and pH are generally not noted on these products, not unless FDA's two employees find the time and resources to initiate rulemaking to establish such a regulation. FDA is reviewing the industry report, as well as other data, about these products and may initiate rulemaking sometime in the future, but do not expect the States to protect their citizens from alpha-hydroxy because under the law, States could not warn their citizens about alpha-hydroxy acid creams.

Feminine hygiene products are other harmful, largely unregulated products, with roughly $100 million a year in sales. Many women who buy these products will be surprised to find the overwhelming majority of these feminine hygiene products are regulated only as cosmetics. These products have been known to cause upper reproductive tract infection, pelvic inflammatory disease, ectopic pregnancies, infertility in women. This reduction in fertility is even greater in young women.

Researchers at the Center for Health Statistics in Seattle, WA, have published studies regarding the risk of pelvic inflammatory disease from the use of feminine hygiene products. These researchers have found that the risk of ectopic pregnancy doubles in women who use feminine hygiene products. Researchers at Brigham and Women's Hospital, Harvard Medical School also published data regarding the adverse health effects of feminine hygiene products. We had better hope that those two people at FDA working on cosmetics labeling and warnings have time to work on adequate labeling for feminine hygiene products.

The National Women's Health Network has testified before an FDA advisory committee that more has to be done to protect the reproductive health of women, which is clearly affected by these cosmetics. Just look at the science. But the industry doesn't want the States to have the authority to warn consumers. So, for the women of the State of Washington, we should say goodbye to the research studies conducted in Seattle and what they found out—because we are preempting what those States can do with them.

Even in my own State, research conducted at Brigham and Women's Hospital found that the risk of ectopic pregnancy doubles in women who use feminine hygiene products.

It is worthwhile to inquire if there are other researchers who come to contrary conclusions. These are studies being done. What State is going to go out and perform studies, and which research centers, when they know they are preempted from doing anything about it? That is why the Women's Health Network is opposed to this provision. And for what reason are we risking women's health? Why are we risking lives? It is because of the cosmetic industry. It is going to be cheaper for them, allegedly, when they don't have to deal with warnings and disclosure of health risks. It's too much trouble for them. Talc is something widely used in baby powder and other body powders.

In 1992, the National Toxicology Program published a study of the effects of talc inhalation in animals and an epidemiology study on exposure to talc and ovarian cancer risk. The researchers reported an elevated risk of ovarian cancer associated with talc use. Workers at Columbia University have reported the detection of talc particles in the ovaries of patients undergoing surgery.

The Cancer Prevention Coalition has submitted a citizen's petition to FDA addressing their concern about the possible health risks posed by talc and requested the agency establish regulations to require carcinogen warning labels on cosmetics containing talc as an ingredient. FDA is reviewing the information and may respond sometime in the future. Those two workers are going to be hard pressed with this one, too. If the State wanted to warn its consumers about the potential carcinogen, they would be prohibited under S. 830.

A technique that has been used to extract ovarian tumor material found talc particles in approximately 75 percent of ovarian tumors examined. Subsequent evaluations have appeared to support the contention of an association between talc and ovarian carcinoma.

The most recent study reported by the American Cancer Society has validated the claim that talc exposure increases the risk of ovarian cancer. Since the use of talcum powder is not an unusual practice for women, further studies need to be conducted to further understand the effects on a woman's female reproductive system. We had hoped that perhaps some of these research centers, some of these States would be interested in this. They might have done some work and might have been able to provide some health and safety recommendations in this area.

But now we are saying that if the State of Washington, that was interested in alpha-hydroxy, or if we are going to find out from Columbia University the work they have done with regard to the finding of talc particles in the ovaries of patients undergoing surgery, if they wanted to do something in warning people in the State of New York, those would effectively be off the table. Why are we not debating how we are going to provide greater protection for women?

We have seen important research done up in Seattle, WA. Why are we not out here debating what we are going to do about it? How can we provide protections? What about these kinds of recommendations in terms of the talc? How dangerous is that to our children? Why are we not out here debating that rather than saying, look, even though we have seen this kind of study, we are not going to permit the States to get into this—into this at all—because the cosmetic industry does not want it.

On mascara, the FDA had numerous reports of corneal ulceration associated with mascara products, some of which caused partial blindness of the infected eye. In addition, many other reports of conjunctivitis caused by contaminated mascara were received.

In a 1969 FDA survey of hand and body lotions and creams, about 20 percent of the products sampled contained microbial contamination. Researchers at the Medical College of Georgia demonstrated that 10 percent of eye cosmetics were contaminated when sold. Bacteria were isolated from about 50 percent of all used eye cosmetics. Popular brands of mascara were marketed without preservative systems and are particularly vulnerable to contamination.

Mascara cosmetics can become easily contaminated during customary use because human skin is not sterile, and contact between the skin and a cosmetic leads to microbial contamination of the products. FDA published a notice asking the industry to provide information covering microbial testing methods and standards of performance suitable to assure that cosmetics do not become contaminated with microorganisms during manufacture as well as use. However, FDA's request for information resulted in no substantive response from the industry. The industry just said no. What can FDA do about it? Since FDA has no authority to request the safety data from the manufacturers or look at industry records, FDA's inquiries likely stops

there. Can the States perhaps do something down the line? Perhaps they could have at some point, but not under this proposal.

Expiration dates would help remind consumers to get rid of cosmetics before the bacterial contamination becomes dangerous. Under this legislation, States could not act to require expiration dating on cosmetics.

So, Mr. President, the cosmetic provision of the bill is utterly irresponsible. It is a flagrant example of a special-interest lobby using its back room muscle to attain unfair advantage over the public interest.

You bring that bill out separately, Mr. President, and let us have an opportunity to debate that on the floor of the U.S. Senate. The votes are not there to carry that individually. And they should not be there. But now we have seen that the cosmetics industry has added this on to legislation that was initially devised for the extension of PDUFA, to ensure adequate funding for FDA's drug review program so that the United States can be first in the world in terms of approving new products in the pharmaceutical industry.

It is time for the Senate to stand up for the health of the American people, reject this unjustified, unwise, unacceptable provision that is nothing more than a tribute to the greed and recklessness of the cosmetic industry. The political power of the cosmetic industry is not a license to ride roughshod over the rights of the States and the health of the Nation's men, women, and children who use their products every day.

The American people deserve safe cosmetics. They have a right to full and fair information about the actual and potential danger of their products. The last thing Congress should do in a bill called the FDA reform is to give the cosmetic industry a blank check, poisoning the American people with its products.

Mr. President, we allow States to decide whether their bottles will be recycled or buried or whether their barbers are going to be licensed, whether their pets will be registered, how close to a crosswalk you can park your car, what hours the stores can be open. But this bill prohibits the States from protecting the consumers from cosmetics that can give you cancer, catch on fire, or cause birth defects.

As I mentioned, the language broadly preempts any public information or public communication. That is an ironclad guarantee that the consumers will know less about their cosmetics. States will not be able to require warnings to parents or children about the dangers of a particular product. American consumers are going to know less about their products. The cosmetic industry introduces 1,000 new ingredients every single year into our cosmetics, everything from lipsticks, hair creams, soap, deodorant, and hair dyes.

Do you think we will know how safe they are if this language becomes law? Who will be looking out after the public interest under this language? I suppose it is left to the two employees at FDA—an agency with limited authority and resources—who are charged with regulating $20 billion worth of cosmetic labeling and packaging. This language that we are considering was drafted by the cosmetic industry itself so make no mistake who it is intended to benefit.

Many challenges to State action have been rejected by the Federal appellant courts because the courts interpret preemption narrowly. This is because the courts cannot imagine that Congress would want to preempt the States from protecting their citizens. So what does the cosmetic industry do? They carefully drafted this language to give them their broad preemption. They have admitted that they drafted this law specifically to force the Federal judges to interpret preemption very broadly.

Mr. President, this provision should not become law.

Mr. President, beyond this issue, I will mention two other important items that I hope we will have a chance to debate in the form of amendments when we move to the bill itself. Others have spoken to them, and I will work with them or introduce legislation on these particular provisions.

The overall legislation includes a number of provisions that will significantly improve and streamline the regulation of prescription drugs, biologic products, and medical devices. I am pleased that, through a long process of negotiation both prior to and subsequent to the markup of the legislation, many provisions that seriously threaten public health and safety were dropped or compromised.

But despite our best efforts, this legislation includes several Trojan horses that I think undermine important positive proposals in this bill. I would like to discuss the changes in the regulation of devices that put consumers at unacceptable and unnecessary risk. They should be removed from the bill before it goes forward. The administration has made it clear that these provisions put the whole bill at risk.

A great deal of negotiation has taken place on the medical device provisions of this bill. I compliment Senator JEFFORDS and Senator COATS and other colleagues in the committee for resolving most of the divisive provisions in a way that is consistent with the protection of the public health. I see in the chair Senator GREGG. We worked with Senator GREGG on the health claims issues in a constructive manner.

But there are at least two medical device provisions in the bill which still raise substantial concerns that could be corrected very simply with negligible effect on the basic purpose and intent of the bill. Yet these corrections have not been made. My colleagues deserve a clear description of the hazards they pose. A brief explanation of how the FDA regulates and clears the medical devices for marketing may be first in order.

Under the current law, manufacturers of new class I and class II devices can get their products onto the market by showing that they are substantially equivalent to devices already on the market. For example, the manufacturer of a new laser can get that laser onto the market if they can show the FDA that the laser is substantially equivalent to a laser that is already on the market.

Similarly, the manufacturer of a new biopsy needle can get that biopsy needle onto the market by showing that it is substantially equivalent to a biopsy needle already on the market. And the manufacturer of new patient examination gloves can get those gloves onto the market by showing that they are substantially equivalent to patient gloves already on the market.

Mr. President, these manufacturers are obliged to demonstrate substantial equivalence to the FDA by showing that the new product has the same intended use as the old product and that the new product has the same technological characteristics as the old product. If the new product has different technological characteristics, these characteristics must not raise new types of safety and effectiveness questions in order for the product to still be substantially equivalent to the older product.

The logic of this process for bringing medical devices onto the market is quite simple: If a product is very much like an existing product, it can get to market quickly. If it raises new safety or effectiveness questions, those questions should be answered before the product can be marketed.

This process for getting new medical devices on the market, commonly known as 510(k), is considered by most to be the easier route to the market. Devices that are not substantially equivalent to a class I or class II device already on the market must go through a full premarket review. Thus, device manufacturers have an incentive to get new products on the market through the 510(k) process. In effect, well over 90 percent of all new devices get on the market through the submission of a 510(k) application.

This legislation seriously compromises the FDA's ability to protect the public health through its regulation of medical devices that are marketed through the 510(k) process. Of the dozens of provisions that we have negotiated and discussed which affect medical devices in this bill, these two still raise fundamental public health problems. Although few in number, these provisions raise substantial risks to public health which simply cannot be ignored.

The first problem raised by the bill relating to medical devices is a prohibition on the FDA from considering how a new device will be used if the manufacturer has not included that use in its proposed labeling.

You may think this approach makes sense. Why should the agency consider the use of a device if the manufacturer has not specified the use on the label? I'll tell you why—because that proposed label may be false or misleading. How would the FDA know that? Because the design of the new device may make it perfectly clear that the new device is intended for a different use.

Let me provide my colleagues with a few examples. Let's talk about the biopsy needle I mentioned before used on breast lesions. Most biopsy needles for breast lesions currently on the market take a tissue sample the size of a tip of a lead pencil. Assume the manufacturer of a new biopsy needle comes to the FDA with a 510(k) submission. But the new biopsy needle takes a tissue sample 50 times as big, the size of a 1-inch stack of checkers.

The manufacturer of this new needle has proposed labeling that says that the needle will be used like the old, marketed needles to biopsy breast lesions. But FDA knows the chunk of tissue being ''biopsied'' will exceed the size of the lesion. This makes it clear to FDA—and any impartial observer—that the needle in most cases will be used to remove the lesion.

Under these circumstances the FDA should be able to ask the manufacturer to provide information on this use. Is it safe to remove lesions? Does it really work? The bill, however, categorically bars FDA from asking these essential questions. This means the FDA would be unable to make a complete review of the device and the public would be deprived of existing assurances that devices are truly safe and effective.

The proponents of this provision have argued that the FDA could simply say that the change in device design or technology—such as the change and size of the biopsy needle—renders the new product not equivalent to the old product. But that is not always true. The manufacturer could argue that there are no new questions of safety or effectiveness for the purpose claimed on the label. In the case of the biopsy needle there are times when a large sample is needed—a sample larger than a pencil tip.

So long as the larger needle is safe and effective for removing a sample, FDA could be barred from obtaining data about the new use of removing lesions and to the extent the needle is used for the new use, women could be put at risk for effective or unsafe treatment of breast cancer.

Another example is surgical lasers that have been used for decades to remove tissue. Several years ago, a manufacturer added a side-firing mechanism to their laser to improve its use in prostate patients. While the manufacturer did not include this specific use in its proposed labeling, it was transparently clear that the new side-firing design was intended solely for this purpose of treating prostate patients.

As a result, FDA required the manufacturer to submit data demonstrating the laser's safety and effectiveness in treating prostate patients. This is precisely how the device review process should work. Manufacturers must prove their devices live up to their claims, while patients and doctors receive all of the information needed to make the best possible treatment choices.

Under this bill, FDA would be prohibited from getting adequate safety data on the laser's use on prostate patients, even though that would be the product's primary use. This defies common sense, yet this is the result of one troubling and indefensible provision. Other examples in the way this provision could allow unsafe and ineffective devices onto the market abound. A stent designed to open the bile duct for gallstones could be modified in a way clearly designed for treatment of blockages in the carotid artery. Without adequate testing, it could put patients at risk for stroke or death. But under this bill, the FDA would be prohibited from looking behind the label to the actual intended use of the device. A laser for use in excising warts could have its power raised so it was also possible for use in smoothing facial wrinkles, but without FDA's ability to assure adequate testing, the use of the laser for this purpose could lead to irreversible scarring.

Most companies, of course, will not try to bypass the process in this pay. But some bad actors will. This legislation should not force the FDA to fight these bad actors with one hand tied behind it. This provision is like asking a policemen to accept a known armed robber's assurance that the only reason he is wearing a mask and carrying a gun is that he is going to a costume party.

The second way this bill undercuts the FDA's ability to protect the public's health and adequately regulate medical devices is the way it forces the FDA to clear a new device for marketing even if the agency knows that the manufacturer cannot manufacture a safe device.

Let me repeat that. It sounds, frankly, preposterous but it is true. One of the bill's provisions actually requires the FDA to allow a new device on to the market even if the manufacturer is producing defective devices. Surprisingly, the proponents of this provision freely admit that this is true.

Under the current law, let's assume that a maker of a new examination glove submits a 510(k) to the Food and Drug Administration and claims that the new gloves are substantially equivalent to gloves already on the market. If the FDA knows for a fact from its inspectors that the company uses a manufacturing process that often results in the gloves having holes, FDA would simply not clear the gloves for marketing. FDA would find that these gloves are not substantially equivalent to gloves on the market because gloves on the market don't have holes. That is common sense, and fortunately that is also the law.

In contrast, this bill would force FDA to clear the gloves for marketing. These defective gloves would be sold to hospitals, clinics, and HMO's where they would be used routinely by doctors, nurses, paramedics, and other health professionals every single day. Every single glove would expose these professionals needlessly to AIDS and hepatitis.

Here is the response of the provision's supporters. They argue that once these defective gloves are in the market and being used by health professionals, FDA can simply institute an enforcement action to remove them from the market. But when hundreds or thousands of defective devices have been distributed, and when dozens or hundreds of facilities may be using these devices, an enforcement action entails more than blowing a whistle or picking up the phone to place a simple call.

In reality, FDA must coordinate with the U.S. Attorney's Office, U.S. Marshal's Office, and persuade the court of jurisdiction to issue appropriate papers. As any attorney or law enforcement professional can tell you, that takes precious time. In the case of a defective device which is exposing people to unnecessary risk, time is absolutely critical. The sooner a defective glove is pulled from the market the sooner the public is protected.

All this makes no sense when the FDA can prevent this from arising. If this provision becomes law, the debater's point distinguishing between different forms of FDA authority will be paid for in the health and safety of American consumers, placed at needless risk of death and injury. In fact, even the regulated industry is willing to compromise on this provision because they recognize it is so unreasonable and should be removed from this bill.

In the end, there is simply no justification for these troubling medical device provisions. Our overriding priority in regulating medical devices should be distinguishing between reforms which preserve the public health and protections and those which endanger the public health.

Mr. President, we have had arguments on the other side of that provision which say, well, on the labeling provision are we going to have to require the manufacturer to dream up every possible use and be able to answer the charges that some nameless person at FDA can possibly imagine that a particular medical device would be used for?

We say, no, that is not what we are looking for. We are looking for what would generally be defined as the predominant or dominant use of the device as a criteria. That ought to be the key. We know many devices are used in different kinds of ways. We are looking here at the predominant or dominant use for the device. That is what we are concerned with.

You might have a pacemaker which can speed up the activities of the heart

and some treatment might require that you slow down the beat of the heart. You might have one pacemaker that has already been approved, and someone else wanted to get on stream and say that they have a pacemaker that speeds up the heart but also may slow it down. So they come in and say, ''We want this approved because it will speed up the heart but it also has the possibility of slowing it down,'' in order to circumvent the safety requirements.

It seems to me we ought to be able to work that out. We are looking, as I said, as a criterium of the predominant and dominant device use as the key. We are not looking for these other, incidental uses. It seems to me we ought to be able to work that through. For the reasons I outlined in discussing the good manufacturing practices provision, it seems to me we also ought to be able to find some common ground in that area, as well, but we are not there yet.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. GREGG. 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. GREGG. Mr. President, I ask unanimous consent to consume as much time as I may require under the pending debate.

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

Mr. GREGG. Mr. President, today, we are debating, in part, the FDA Modernization Act, which is a very important piece of legislation because it goes to the issue of the health and safety of the Nation. I congratulate the Senator from Vermont for having the foresight, ability, and acumen to bring this bill to the floor after a considerable amount of negotiations and debate and discussion and activity within the committee. In fact, we have been working on this ever since I have been on the committee. I believe that would be almost 5 years now.

The need to modernize the FDA is obvious. I think it is obvious to anybody who represents any group of people, as we hear constantly from folks in our States about problems that they have had with getting drugs, getting devices in a prompt way and in a manner that will help them live better lives. I, for example, had an instance where Helen Zarnowski came to my office fairly regularly over the years as she sought to get approval, or wanted to be able to use various Alzheimer's drugs, drugs being developed that were experimental, in order to help her husband, who, unfortunately, had Alzheimer's. She would come and talk about how terrible this disease is—and it is a horrible disease—and how much she would like to be able to try this drug she had heard about, or that drug which she knew was having positive effects. She had heard about some in Europe that had positive effects, which had been approved there. Yet, unfortunately, the process of approval in the FDA involved considerable delay, delay really well beyond what one would consider to be common sense. Regrettably, her husband died in 1995. Some of the drugs that might have been able to be helpful were not approved by then.

Of course, we all, I suspect, have friends or people we know who have contracted the AIDS disease and have had problems with AIDS. They are historic. The FDA has started to address that more aggressively in the last few years. In the latter part of the 1980's, that was not the case. Approval was delayed for an extended period of time in a variety of other areas, especially the device area, where people's lives could be improved dramatically by getting a medical device that would assist in their rehabilitation. Or the testimony which was so heart rending and stark, given within our own committee by our own committee member, Senator FRIST, a nationally prominent heart surgeon prior to becoming a U.S. Senator. He made it so clear that if he had simply had a device that was available in Europe, he could have possibly saved some of his patients. But he could not get it because the FDA would not approve it in a manner that was timely enough to have it available for those patients.

So this is a very personal issue. It is brought up in the context of the bureaucracy and the question of this huge institution called the FDA, but when you get right down to it, like most Government, this is a very, very personal issue of people being impacted by their need to obtain care, by their belief that certain types of care that are available maybe in other countries would help them, and their inability to get it in a timely manner in the United States. The FDA has had some real problems. There has been, without question, an attitude that ran well into the early part of this decade that caused FDA to be ponderously bureaucratic in the manner in which it dealt with drug approvals and especially device approvals. That has changed. It has changed for the better. It hasn't gone as far as it needs to go, no. But that is what this bill is about—to give the FDA the capacity to go even further down the road toward being a positive force for the approval of drugs that may help people live longer, live better lives, and for the approval of devices that would help people live better lives. So especially for those individuals who are going to be impacted, this is a very significant piece of legislation.

In addition, of course, it has the PDUFA language in it, which is critical because PDUFA is the manner in which we fund the expedited approval process for all intents and purposes. And we need to have that fee system reauthorized so that we can keep on board the 600 or so people who are employed through the PDUFA fee process to help us expedite approvals. So that is one approval. In addition, it deals with the question of a variety of questions such as health plans and what can be said. And we approve that language in the bill. The issue of uniformity and how we deal with that—we have improved that language in the bill for a variety of areas. But, most importantly, it is a piece of legislation which will—to use a nice term— ''modernize'' the FDA and help us move more promptly to the approval of drugs and devices which will cause for better caring for Americans.

There has been a lot of discussion on this floor about the question of national uniformity in the area of over-the-counter drugs, and national uniformity in the area of cosmetics. Certainly the Senator from Massachusetts has expanded considerably on this topic. I must say that at an entry point I do find it ironic that this bill would be filibustered because when this bill is filibustered it slows down the approval process for people who have problems, for people who confront diseases and who need new drugs and new devices. And the filibuster by very definition when it was initiated on this floor in opposition to this bill means people are going to have further delays—delays beyond just the bureaucratic delays, which are bad enough —delays which are created by the politics of the process. That is just not right. If the Senator from Massachusetts has a serious concern, which he, obviously, does about one or two items in this bill, he shouldn't be filibustering this bill. He should be offering amendments to the bill letting us vote them up or down and decide whether or not his position has the support of the body, or the bill as it was reported has the support of the body. Clearly a filibuster is totally inappropriate and tremendously ironic in the context of an issue which we are trying to expedite the approval of. And we run into a filibuster. It is bad enough, as I said, to have a bureaucratic slowdown of the approval process. But to have a political slowdown of the approval process is really, I think, unconscionable.

Independent of that point, let's go to some of the specifics here of the concerns. The issue of uniformity is an issue which has been addressed and discussed at dramatic depths and lengths over the last decade, at least—probably prior to that. That is the only time I recall over the last decade. There have been commissions of very thoughtful people who are extraordinarily expert on the issue of how we deal with the approval process and management of the drug and device delivery system in this country, and who have looked at this. In fact, there was a study, a group, a commission put together headed up by Carl Edwards, who was at one time head of the FDA, and the conclusion of that commission, which was

put together at the request of the Congress as early as 1991, was that Congress should enact legislation that preempts additional and conflicting State requirements for all products—not a few, all products—subject to the FDA jurisdiction. States should be permitted to seek a preemption in areas where the FDA has acted based on convincing local needs. States should in addition be allowed to petition for the adoption of national standards.

That is exactly what is proposed in this bill relative to the two items that the Senator from Massachusetts appears to have problems with—over-the-counter drugs and cosmetics. It should, also, according to this language, have been proposed for food. We should have done uniformity for food if you follow the presentation of this commission proposal. And maybe there will be an amendment coming as we move forward on FDA reform which addresses the issue because I know there is a lot of support on both sides of the aisle for the issue of uniformity on food regulation as well as drugs—over-the-counter drugs and cosmetics.

But the point here is that an independent, thoughtful, congressionally supported commission headed up by the former head of FDA concluded that this type of uniformity is exactly what we need in order to effectively administer and protect—administer the issue of food and drugs and protect the public. In their 1-year review of their report—1 year later. That was a unanimous agreement, I should have mentioned, reached by the commission, and 14 of the 17 people on this commission said, ''We reaffirm our original recommendation that Congress should enact legislation preempting conflicting or additional requirements for products subject to FDA regulation with provisions for the States to be able to demonstrate a genuine need for distinctive requirements to seek an exemption. Failing action by Congress, FDA should adopt regulations to accomplish the same rules for national uniformity.''

They went a step further. They said even, ''If the Congress doesn't go the uniformity route, the FDA ought to do it unilaterally with regulation.''

I don't agree with that. I think it is the prerogative of the Congress to decide this type of issue. But the fact is they felt so strongly about this as a group of commissioners who had expertise in this area that they asked for that type of an extraordinary action. That would have meant uniformity for drugs, food, over-the-counter drugs, and uniformity for cosmetics.

Then Commissioner Edwards reaffirmed this point in a letter that he sent to Chairman JEFFORDS by saying ''national uniformity should play a greater role in FDA-State relations. If not, the agency's ability to protect''—this is the issue; how do you protect?—''to protect consumers will be further eroded and unnecessary concerns will be imposed on the national Congress.''

Former Commissioner Arthur Paul Hayes wrote in July 1997, ''I write in strong support of the national uniformity provisions in S. 830 for the nonprescriptive drugs and cosmetics, I have long believed that a single national system for regulations for these FDA-regulated products is essential and now overdue.''

So you have a commission which was the brainchild of the Congress to determine what FDA should do and how they should manage the issue of drugs, cosmetics, over-the-counter drugs, and food; a commission saying: Use uniformity. Why did they say that? They said it because they believe that to have 51 FDA's running around the countryside—50 States plus the Federal FDA—would create chaos. It would confuse the consumer and create a situation where a consumer in one State was to be given one piece of advice and the consumer in the next State was being given another piece of advice, and as a result, rather than having an encouragement of a comprehensive, thoughtful approach to health protection, you would have confusion and anarchy in the public's mind as to what was correct in the area of health care and protection.

It is a pretty logical position. I have to say as someone who comes from the States' rights viewpoint, and who has spent most of my life defending States' rights, that it runs against my grain to want one Federal agency to run the country on one issue but, when you think about it, to do it any other way would be to undermine the health, and certainly the veracity and the confidence of the public on the issue of health care provided.

This is especially true in the area of FDA because even though the FDA has been excessively bureaucratic, nobody would argue that they haven't been extremely professional. They are an agency which has and maintains the view that they are the world's premier reviewer and protector of public health. And I think they have credibility in taking that position.

That is why I think as a States' rights advocate I am willing—or one of the reasons I am willing—to say yes in this area. The role of the FDA is unique, and to undermine the role of the FDA—that is what you would be doing—to undermine the role of the FDA by allowing the 50 States to basically pursue arbitrary independent views in areas where the FDA has the authority to regulate would be a big mistake. It would run counter to the basic goals of having a strong system of health protection in this country.

So we are talking here about how you protect the public health. And what we have is a commission set up with the support of the Congress which concluded—we have experts; they weren't Members of Congress on this—concluding that the way to protect the public health is to have uniformity.

So let's give that a fair amount of credibility. Let's not just discard that. I think that is a fairly persuasive point in favor of the language in this bill which tracks the proposal of the commission, the Edwards Commission, for all intents and purposes, and which was brought forward out of committee with a vote of something like 14 to 4—overwhelming support because the people on the committee who have taken a long time looking at this sort of thing understand that the commission made sense when it came to these conclusions.

Before I get into the specific responses to some of the points made here, there is another general theme that comes out which is that if you take the argument coming in opposition to the uniformity standards in this bill you are essentially taking an argument that says the FDA can't do its job; the FDA isn't competent; that the States are more competent than the FDA. The corollary to that is you are saying the FDA doesn't care; the FDA isn't really interested in health and safety; that there are areas of health and safety under its regulatory responsibility, under its portfolio, that it has no responsibility, and that it is going to walk away from it. Those are heavy charges to make against the FDA.

But that is essentially the subtlety of the position in opposition to uniformity: It is that the FDA isn't capable of administering its portfolio and it doesn't care about safety. I personally disagree with that. If anything, the FDA consistently errs in favor of safety, which is probably the right way to do it. We are asking in this bill that they streamline their efforts, that they expedite their procedures, but we are not asking that they do it at the expense of safety. And to imply that they aren't going to fulfill their obligations—which is not an implication but basically a statement made here on numerous occasions—citing that only two people are doing this, three people are doing that, to imply that they are not going to fulfill their obligations is I think incorrect. I think the track record shows that the FDA does fulfill its obligations in many ways, and it maybe is a little slow in doing it sometimes. But it sure does get into the issue of safety. And to presume that it would not is I think inappropriate or inaccurate. ''Inappropriate'' is not correct. Obviously, you can presume anything you want. So that is another point.

First, we have the commissions' support for this proposal.

Second, we have the logic of the committees' support for this proposal.

Third, we have the fact that the FDA is perfectly capable of pursuing this proposal and should be pursuing this approach because a single uniform approach is what makes sense for the health and safety of the American citizenry.

There were a number of specific points made in representations relative specifically to cosmetics. But you have

to remember that cosmetics isn't any different here than over-the-counter drugs for all intents and purposes. Thus, I am surprised with the intensity of opposition of the colleagues; that we don't have the same intensity of opposition to over-the-counter drugs. It seems to be inconsistent to me. And it may just be that the photographs are better for cosmetics than over-the-counter drugs. I doubt that. You can probably find some pretty heinous photographs that relate to over-the-counter drugs. But the fact is that, I think, that is inconsistent.

In specific, the statement was made that the States will no longer be able to regulate, or to paraphrase it, the States will no longer be able to regulate the packaging and labeling of cosmetics. That isn't really accurate. Nothing preempts State enforcement powers. States may seize, embargo, or pursue judicial proceedings whenever necessary to enforce the law; Federal law; the FDA law.

(Ms. COLLINS assumed the chair.)

Mr. GREGG. States are also free to publicize any information or warning they deem necessary. They simply cannot force the manufacturers to post warnings unless they can get the FDA to agree that that warning is legitimate.

What is wrong with that? Nothing. FDA is certainly going to want a warning on a bottle if it is proven to cause cancer. It is absurd to think they will let the bottle or whatever it is out on the market. If there is some threat that is created by something, the FDA is going to step forward.

States will have two specific options under this legislation. The States may use the existing authority provided under 21 CFR 10.30 to petition the FDA to make any requirement a national requirement. So they can ask that their proposals, their ideas, be moved up to the national level. Under this provision, States may seek an exemption. If you have a law or requirement that is different from the FDA's, the States can come to the FDA and say we think there should be a national protection.

For example, the Senator from Massachusetts was talking about the studies in the State of Alaska and what the State of Massachusetts was doing in the area of caring for women. If they feel strongly about that, they can go to the FDA and ask that those types of disclosures which they think are appropriate in the State of Washington and the State of Massachusetts be national. Why shouldn't they?

The other side of that argument is that, well, women in Washington and women in Massachusetts should get a different warning label than women in New York State or women in Oregon. Why? If it is that serious, why would you want the people in Washington to know something different than the people in Oregon? Obviously, you would not. The logic is that the FDA should make the determination as to whether or not it is serious enough to require national disclosure or to make a determination whether it isn't so that you don't arbitrarily scare the people in one State versus another State. It really makes no sense to have a hodgepodge of disclosures on these over-the-counter drugs and cosmetics, requiring that over-the-counter drugs and cosmetics are not drugs in the traditional sense that they are defined by the statute. Drugs are clearly something that the FDA is going to be involved in.

So it is just an inconsistency here to this argument that the FDA should not be making the decisions but that the States should be making decisions because you end up with inconsistency from State to State by definition. So I don't think that argument really applies.

Now, there was another representation that I believe 47,000 injuries resulted last year from cosmetics use. This calculation was not analyzed in its representation, the specifics of it. I think it should be.

The Consumer Product Safety Commission's National Electronic Emergency Injury Surveillance System came up with this figure in a 1988 House hearing. I believe that is what is being referred to here. Their calculation included things such as slipping on soap in the shower, suicide attempts, injuries from broken bottles, plus in the context of total usage 47,000 injuries, some of which clearly weren't involved in the character of a cosmetics, represents .00044 percent, which I believe is less than five ten-thousandths—five ten-thousandths—of the number of products sold in the country; 10.5 billion products sold in the country and 47,000 potentially caused injuries, some of which involved slipping on soap or broken bottles or possibly ingesting things intentionally to cause harm, and that represented .00044 percent or less than five ten-thousandths of the products sold.

You have to put that in a little bit of context here because, as studied by the same group, injuries caused by couches and sofas were 70,000. Almost twice as many injuries were caused by couches and sofas as were caused by cosmetics. And 117,000 were caused by drinking glasses. Are we going to have that be State regulated—drinking glasses? And 253,000 were caused by pillows, mattresses, and beds. What is that, almost six times the number caused by cosmetics studied by the same group. So when that number is thrown out here, I think it has to be put in context, and I think that puts it in the context of ''less than persuasive'' would be the adequate term to put to that statement.

Now, also, the point was made that cosmetics pose an inherent threat to a person's health and safety. I think we just saw from the numbers it is not very inherent if it is less than five ten-thousandths of a percent that are impacted.

But cosmetics by definition are inherently the safest products FDA regulates. Cosmetics, as defined by the Federal Food, Drug and Cosmetics Act, section 201(I), means:

> Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

We are not talking about products that affect the structure of any function of the body. Such products are viewed as drugs. So if it affects structure, if it affects function of the body, it is a drug; it is not a cosmetic.

In fact, former Commissioner Kessler stated in a hearing in the House, again in 1991:

> People can take comfort from the fact that the cosmetics industry is as safe as they come.

So cosmetics are not inherently dangerous, which would be what you would think if you listened to the debate here for the last couple of days.

There are problems with cosmetics. Nobody is going to deny that. And that is what we have the FDA for. When there is a problem, that is what the FDA is there for.

Now, there was another statement, I believe, made that 884 cosmetic ingredients have been found to be toxic. That is a pretty strong statement. Of course, we all know that things that are toxic are things that we deal with every day. Salt is toxic if you take too much of it. In fact, that list included chemicals such as water, salt, and vinegar. This was a list derived from a list published by the National Institute of Occupational Safety and Health Registry of Toxic Effects of Chemical Substances, which list, as I mentioned, included such things as water, salt, and vinegar.

So toxicity depends on the manner in which it is used and the manner of application as versus by definition that the substance is toxic. ''Many substances that are common in everyday life are obviously toxic.''

Mr. President, 884 ingredients were evaluated by the Cosmetic Ingredient Review Expert Panel to determine if they were toxic. This was not mentioned, I don't think, during the debate. They found no significant health effects with the cosmetic use of any of them. So, again, I don't think that argument is persuasive.

Then there is the GAO report on which a considerable amount of discussion has been spent. I believe the Senator from Massachusetts was referring to the 1978 GAO report that listed 125 ingredients which were then available for use in cosmetic products that were suspected of causing cancer, 25 that were suspected of causing birth defects, and 20 that were suspected of adversely affecting the nervous system.

The GAO report goes on to state that:

> Neither we nor NIOSH—

Which is the other Federal agency that would have responsibility here; I just quoted their numbers—

has reviewed the adequacy of the tests performed or the applicability of the tests performed or the applicability of the results to exposure to the ingredients through the use of cosmetics.

They haven't reviewed that. In fact, much of the limited scientific work done before this list was first compiled by NIOSH was done at extremely high exposure levels, rather than against a relative baseline.

Anytime the FDA would like the Cosmetics Review Panel, in its capacity as an independent expert panel meeting the same criteria as any FDA review board, to review the data, to review the safety data on anything that can be used as a cosmetic ingredient, they may request that it be done. But the FDA has never asked them to do that. The CIR has never denied such a request. The FDA may have asked, but the CIR has never denied the request. The fact is that if something causes cancer and if it were being used in some sort of cosmetic and as a result cancer was being generated, you would have FDA action.

What do we think the FDA is, a potted plant? They are not going to sit around if there were any cancer-causing substances that were being generated by any cosmetic that were a threat. The idea that a State is going to step up and do a better job of evaluating whether or not there is a carcinogenic effect to anything is, I think, a bit of an affront to the FDA. The fact is the FDA takes cancer pretty darned serious. And they aren't about to walk away from anything or not get involved in anything that has a cancer issue, a serious cancer issue. So bandying around numbers like that may create headlines, but I don't think it is persuasive if you look at the substance of this.

Now, there has been some representation that FDA doesn't have a whole lot of regulatory authority here. It has a lot of regulatory authority, as was shown again by the Edwards Commission. FDA is the regulatory agency, and that's why there should be uniformity.

Just let me read a few of these.

Section 301 prohibits the introduction into, or receipt of, any cosmetic that is adulterated or misbranded in interstate commerce.

Section 303 lists the penalties for violating section 301, starting at imprisonment for up to 1 year and a $1,000 fine.

Section 601 defines ''adulterated''—if it contains a poisonous or deleterious substance; contains a filthy or decomposed substance—we are not even talking about things that are going to cause you cancer here; we are talking about a filthy or decomposed substance—if it was prepared, packaged or stored under unsanitary conditions; its container is made of an adulterated substance; or if it contains a color additive not approved by the FDA.

We heard a lot about color additives earlier.

Section 706 requires FDA to approve color additives as safe before they can be used in cosmetics.

Again, we heard a lot about color additives, but the FDA has authority here.

Section 602 defines ''misbranded'' as: False or misleading labeling; if the package is not labeled with the name and place of business of the manufacturer, packer, or distributor, and with accurate quantity; if any word required by Federal law or regulation to appear on the label is not prominently displayed in a readable and understandable manner; if the container is misbranded; if the color additives don't conform with requirements; or if the packaging or labeling violates the Poison Prevention Packaging Act.

Section 201(n) states that misbranding must also calculate the extent to which the required facts are not revealed.

The FDA has broad authority—broad authority—here. And they will use that authority.

The FDA can ban or restrict ingredients for safety reasons, mandate warning labels, inspect manufacturing facilities, issue warning letters, obtain court orders to seize illegal products, obtain court orders to enjoin activities, prosecute any violators, publicize public health issues, and work with manufacturers to implement nationwide recalls.

There are 41 pages—41 pages—in the FDA, in the Federal Food, Drug and Cosmetic Act applying to cosmetics—41 pages. There are 32 pages of FDA regulations of cosmetics in the Code of Federal Regulations. The fact is that the FDA knows this issue and has the capacity to deal with this issue. The idea that the States are going to do a better job—well, I suppose that if they are they can come to the FDA, under the law as proposed in this bill and say, ''We have done a better job. Change the Federal rule.'' And the FDA will do that, because that is what the law gives them the authority to do. Or if they think it is a unique situation, then the States can come and say we want special treatment for this, and the FDA will give them that authority.

But the point here is that you should not have—and my colleague uses the term women or children a great deal. I think it is just about anybody who would be impacted. But you should not have women in Washington State getting a different instruction from women in the State of Oregon, because it is going to confuse people. Who is going to know who is getting the better instruction, the people in New York versus the people in Massachusetts? Let's have it done consistently, across the country. That is why the commission decided in favor of uniformity. Uniformity on over-the-counter drugs, uniformity for cosmetics, uniformity for food. We don't have food in this bill. Maybe we will. Maybe there will be an amendment.

There is some representation—I couldn't get it clear but I think there was a representation relative to California's status. Let's define California's status. This law is prospective. It doesn't affect the California situation at all. Prop 65 remains effective in California. So that bit of red herring should be put to bed.

There has been this representation there are only two people over at the FDA doing this or that. The FDA regulates cosmetics. It has the financial capability—and we will give it the financial capability if it feels it doesn't have it—to have the personnel to do the job right. And I believe that, as part of its portfolio, the leadership of the FDA will do the job right. To say they will not or imply they will not, which is the representation, I think, as I said earlier—the subtle undercurrent of these representations in opposition to this language that the FDA cannot do its job is, I think, incorrect. I think the FDA has shown its capacity. So, resources, here, is not really an issue at all. Resources may be an issue for us as the Congress. But I can assure you that, as a member of the Appropriations Committee—sitting not on the FDA subcommittee but on the overall committee—I would have no problem funding whatever is needed in this area. I suspect none of my colleagues would either. In fact, this bill is about that, with the PDUFA language. It is about funding the FDA in a more effective way. In fact, I put an adjustment in this bill so we would not end up cutting FDA, as a result of the PDUFA funding from base funding, which is critical.

There was also, I believe, a representation that this prevents the States from providing public information. No, it does not. Under this provision, the States remain free to publicize any information or warning they deem necessary. They simply cannot force manufacturers to post the warning unless the FDA says they agree with it. As I said earlier, what's wrong with that? If a State decides that something needs to be put on a warning label, they can come to the FDA, say, ''This is important.'' The FDA will evaluate it and tell them, ''Yes, it works,'' or, ''No, it doesn't work.'' If you do it another way, you get into this confusing, anarchic situation I spoke about earlier. This is a transient society. People coming from different States are going to see different statements, different warnings. They are not going to know what to think, and that undermines health because it undermines confidence. It's better to have a single agency making that decision because, when you are dealing with health, you have to have confidence.

There are a couple of specific claims—lead in hair dye was one, I believe. In 1980 the FDA approved the use of lead acetate as a color additive, ''safe for use in cosmetics that color the hair.'' That approval was based on extensive testing that showed there was no toxicological risk of lead absorption through the skin from lead acetate in hair dye. Hair dye is one of the most stringently tested products on

the market today. The FDA has the authority to impose any warning it chooses to promote the continued safety use of hair dye. The fact is, the FDA is engaged in the issue and has made the decisions which it deems appropriate for safety. We should have a consistency across this country, based on what they have decided.

Mercury in lipstick and nail polish was also cited as an example. Mercury, through the Code of Federal Regulations, has been affirmatively banned for use in all cosmetic products except eye area preservatives, so I am not sure why this idea was thrown out. Maybe it was a red herring.

''Alpha-hydroxy in face creams causes cancer.'' That was, I believe, the representation. Certainly it has been discussed at considerable length as a concern. In 1995, the Office of Cosmetics and Colors' Director stated that appropriate actions can be taken in product characterization or through proper label warning statements in regards to reactions to alpha-hydroxy. So the FDA stepped up to this issue. He noted that the adverse reactions reported—often allergy-type symptoms—could be due to the pH factor in the product and not the actual concentration. He did not raise any concerns about it causing cancer.

If the FDA is concerned that this type of product is causing cancer, it already is investigating such products generally and why would it leave this product on the market? Obviously, it would not. Alpha-hydroxy has been used literally for 3,000 years, in hundreds of different ways. Just this past June the Cosmetic Ingredient Review of this independent group I mentioned before, unanimously confirmed after public debate that alpha-hydroxy is safe for use in a variety of products. However, if there is evidence now, or that comes to light later to the contrary, I am certain that the decision would be reversed and these products would be prohibited nationally. And they should be prohibited nationally if they are that much of a problem. Why should they be prohibited in just one State? Obviously, they should not be. Why would you protect one State over another State? If the legitimacy of the science is such that it is determined that the product is a problem, then obviously the FDA is going to sign on to that debate at that point, and you are going to have a national ban or national warning.

But to have the people in the State of Washington told one thing and the people in the State of Oregon told another thing and the people in the State of Nevada told another thing—six States in New England that sit right on top of each other such that you can't go shopping without going to one of the other States. At least that is what we hope. We hope that everybody from Massachusetts goes to New Hampshire to go shopping. The fact is, What are you going to do? Are you going to tell them they are going to get a different labeling than they get in Massachusetts? Foolish, worse than foolish, because it undermines confidence in the health care delivery system and the safety and efficacy of it, which has always been the core, always been the core, really, of one of the great strengths of our health care system in this country, which is that we have public confidence in its safety, primarily as a result of the work of the FDA.

If you have a lot of different States moving into this area you have confusion, and confusion leads to lack of confidence and that is why, again—it was not my idea. It was not the committee's idea to go to uniformity. It was a commission, set up by the Congress, with professionals, who said uniformity makes sense. It not only makes sense, it's essential—essential. So the alpha-hydroxy, I think is, again, a matter of hyperbole, maybe, in this debate. Certainly the photographs have been aggressively used. But is it substantively an issue? No. Because the FDA is already involved in that debate, has made initial decisions on that debate, and if it were determined that there were further decisions that had to be made on that product, it would make them.

A side point—I believe there was a statement there is no cosmetic hotline. There is a cosmetic hotline. It's at the FDA. In fact I'll give it to people, 1–800–270–8869. Call it up if you have a question.

As I mentioned, Prop 65 has been addressed.

So, overall this goes, not only to uniformity of cosmetics, that's just one, the uniformity of over-the-counter drugs, uniformity of management of our health care system in the area of drug protection and quality of the drug delivery system in our country is something that has been concluded to be essential. This bill tries to accomplish that and pursues that course.

I am not sure what energizes the opposition with such enthusiasm, except the leader of the opposition is an enthusiastic individual. But I do not feel the facts or the substance support any of the—or even a marginal amount of the presentation made from the other side. The facts and the substance support the position of the committee; the position of the committee, which it passed out 14 to 4, which is that uniformity protects the public. It protects the public health, maintains confidence in the public system, and allows us as a nation to deliver better health care.

I yield the floor to the Senator from Vermont.

Mr. JEFFORDS. Madam President, I commend the Senator. His expertise in this area has helped us greatly and I am sure will lead us to a final conclusion here.

I would also like to point out as another member of a small State, how we would suffer if we had to rely upon others, since we have no resources to do any of this investigation ourself. We would be placed in a position without uniformity to have to rely on some big State or something to tell us what we should or should not do. We really have no ability in ourselves to protect our citizens, that we would like to. I wonder if you would agree with that as well?

Mr. GREGG. I agree 100 percent with what the Senator from Vermont is saying, being from New Hampshire, an equally small State, and knowing it would be confusing to our consumers who cross the borders all the time to purchase products, if they were not able to rely on a nationally regarded, highly expert agency to evaluate their health care products instead of a hodgepodge from the States.

The PRESIDING OFFICER (Mr. ROBERTS). Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I only anticipate speaking for a few minutes. I know Senator COATS will follow me.

This legislation to modernize the Food and Drug Administration and reauthorize the Prescription Drug User Fee Act will, upon enactment, streamline the FDA's regulatory procedures. This modernizing will help the agency review medical devices and drugs more expeditiously and will let the American public have access sooner to newer, safer, and more effective therapeutic products.

I am disappointed that some of my Democratic colleagues are still attempting to block this bill.

I am especially chagrined given the months of bipartisan negotiating that have led to this bill. Each major provision—every drug issue and all but one medical device provision of this measure, represents long-sought agreements with the minority and with the FDA itself. We have made significant concessions on the uniformity provision objected to by the Senator from Massachusetts to ensure that a State may act on cosmetic safety issues in the absence of FDA action. I do not understand this continued objection and delay. In particular, I am disappointed that after countless hours and many concessions to his point of view, the ranking minority member is opposing progress in passage. And I must add that I wish to applaud his willingness—and his tenacity—in working through several difficult issues to reach a consensus on 99 percent of this legislation. In addition Secretary Shalala and the FDA itself, has worked diligently, to reach reasonable, sensible agreements.

This is a good, bipartisan measure that represents moderate, yet real reforms. There is no reason for further delay.

On June 11, prior to the committee markup of S. 830, I received a letter from Secretary Shalala outlining the Department's key concerns. In her letter the Secretary stated:

> I am concerned that the inclusion of non consensus issues in the committee's bill will result in a protracted and contentious debate.

Before and since our committee markup, we have worked hard to achieve a consensus bill. And the measure before us today accomplishes that goal. Bipartisan staff have worked diligently with the agency to address each of the significant nonconsensus provisions raised by the Secretary.

The American people will hardly believe that anyone would suggest that disagreement over 6 pages out of a total of 152 is grounds for holding up consideration of this important bill. A little over a month ago, we all joined together to further the economic health of the country by voting for an historic budget bill, despite our many misgivings, on each of our part, on far more than 6 pages of that legislation. We must do no less here to promote the physical health of our citizens by moving forward to approve S. 830.

In her letter, Secretary Shalala felt the legislation would lower the review standard for marketing approval. Key changes have been made to the substitute to address these concerns. With respect to the number of clinical investigations required for approval, changes were made to assure that there is not a presumption of less than two well controlled and adequate investigations—while guarding against the rote requirement of two studies. The measure clarifies that substantial evidence may, when the Secretary determines that such data and evidence are sufficient to establish effectiveness, consist of data from one adequate and well-controlled clinical investigation and confirmatory evidence, totally under the control of the FDA.

Concerns were raised also about allowing distribution of experimental therapies without adequate safeguards to assure patient safety or completion of research on efficacy. Changes to accommodate those concerns were made. We tightened the definition of who may provide unapproved therapies and gave the FDA more control over the expanded access process.

Other changes will ensure that use of products outside of clinical trials will not interfere with adequate enrollment of patients in those trials and also give the FDA authority to terminate expanded access if patient safeguard protections are not met. The provision allowing manufacturers to charge for products covered under the expedited access provision was deleted also.

In mid-June, the Secretary argued that S. 830 would allow health claims for foods and economic claims for drugs and biologic products without adequate scientific proof.

In response, Senator GREGG agreed to changes that would allow the FDA 120 days to review a health claim and provide the agency with the authority to prevent the claim from being used in the market place by issuing an interim final regulation. In addition, the provision allowing pharmaceutical manufacturers to distribute economic information was modified to clarify that the information must be based on competent and reliable scientific evidence and limited the scope to claims directly related to an indication for which the drug was approved. That problem is taken care of.

This bill was further changed to accommodate the Secretary's opposition to the provision that would allow third party review for devices.

Products now excluded from third party review include class III products, products that are implantable for more than 1 year, those that are life-sustaining or life-supporting, and products that are of substantial importance in the prevention of impairment to human health. In addition, a provision advocated by Senator HARKIN has been incorporated that clarifies the statutory right of the FDA to review records related to compensation agreements between accredited reviewers and device sponsors. I would add that FDA's existing stringent regulations which protect against conflicts of interest in today's third-party review program would apply to the expanded program created by this bill.

Finally, the Secretary was concerned about provisions that she felt would burden the Agency with extensive new regulatory requirements that would detract resources from critical agency functions without commensurate enhancement of the public health. This legislation now gives FDA new powers to make enforcement activity more efficient, adds important new patient benefits and protections, and makes the review process more efficient.

First, we give FDA new powers and clarify existing authority, including mandatory foreign facility registration, seizure authority for certain imported goods, and a presumption of interstate commerce for FDA regulated products.

Second, to assist patients with finding out about promising new clinical trials, we establish a clinical trials database registry accessed by an 800 number. Patients will also benefit from a new requirement that companies report annually on their compliance with agreements to conduct post-approval studies on drugs.

Third, FDA's burden will be eased by provisions to make the review process more collaborative. Collaborative review will improve the quality of applications for new products and reduce the length of time and effort required to review products. We also expressly allow FDA to access expertise at other science based agencies and contract with experts to help with product reviews.

Lastly, by expanding the third-party review pilot program for medical devices, we build on an important tool for the agency to use in managing an increasing workload in an era of declining Federal resources.

In closing, I would echo another part of Secretary Shalala's June 11 letter:

> I want to commend you and members of the Committee on both sides of the aisle on the progress we have made together to develop a package of sensible, consensus reform provisions that are ready for consideration with reauthorization of the Prescription Drug User Fee Act . . .
>
> . . . a protracted and contentious debate . . . would not serve our mutual goal of timely reauthorization of PDUFA and passage of constructive, consensus bipartisan FDA reform.

From the beginning of this process, all of the stakeholders have been committed to producing a consensus measure—and we have accomplished that goal. There is overwhelming agreement on this bill. For those who still oppose a few pages of this bill I can only say that we will continue to bend over backward to accommodate their concerns and to bring about an even closer consensus. Dozens and dozens of changes have been made. The Secretary of Health and Human Services knows that we will continue to work with her—this is not the end of the line. But at some point, the Senate must move on, and we have reached that point, Mr. President.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield the Senator such time as he may consume.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I know this debate today doesn't have the fireworks that the debate on Friday had about FDA reform. I know we are today detailing some of the specifics of the reform legislation that is before us, but I think it is important for us to lay out this record as to why it is important to go forward with FDA reform and what the FDA reform bill that is before this Congress actually proposes.

On Friday, I laid out the why of the need for reform, but I didn't lay out the what it is that we are actually doing to bring about this reform and what is included in this bill. I think it is important for our colleagues and Members to focus on the constructive things that we have done through our exhaustive process in the Labor and Human Resources Committee to conduct an FDA reform bill that can truly bring greater efficiency to this agency.

On Friday, I indicated how much many of us resent the charge that we are somehow gutting the FDA. FDA is an important agency. It is an agency that does protect the health and safety of Americans, and we want to do all that we can to give that agency the kind of resources and the necessary support that it needs to continue that effort. Yet, clearly, I think the case

that was laid out Friday indicates the need for substantial reform of the agency on how it does its business, how it is going to proceed in the future.

Senator KENNEDY from Massachusetts has stated the agency has improved so much in the last few years—and others have said the same thing, including a former commissioner—that it doesn't need congressional reform. I think the facts indicate otherwise. As I outlined on Friday, the agency can't come close to meeting its statutory deadlines for approval of either drugs or devices. There have been egregious examples of delays that have affected people's safety and health, and we want to do everything we can to minimize those delays and to make the agency a more constructive force in terms of dealing with these questions.

The President's latest budget is outlined in this publication I have entitled ''Department of Health and Human Services Food and Drug Administration, Justification of Estimates for Appropriations Committee.'' This is a backup document, material facts in terms of the President's budget decision, as to how much we should fund FDA for the next fiscal year.

Having outlined all of these problems that exist at FDA in approving drugs, in approving devices and expediting the process and even beginning to attempt to meet their statutory requirements, it is astounding that the President's budget for next year does not only not strengthen the agency, it diminishes its effectiveness.

The proposal here plans to cut the agency's total appropriated budget by 8 percent and cut the device center budget—that is the center that reviews and approves medical devices—by 27 percent. This is at a time when, if we need to do anything, we need to increase the funding for the agency or at least find ways to help the agency with outside sources to try to do its job more effectively and more efficiently.

So that alone—I guess this was designed to meet some budget numbers, but it certainly doesn't square with the assertions that the agency is well on the way to solving its problems and, given a little more time and few more resources, those problems will be solved. It also flies in the face, I think, of the facts that have been presented on this floor in terms of the agency's inability to meet its statutory requirements for review and approval of devices.

In just a couple of areas, with respect to the 510(k) submissions, the agency itself predicts that it will complete 6 percent fewer applications in fiscal year 1998 over fiscal year 1997 because it has fewer resources. It also predicts that it will review them 20 percent slower than it did in fiscal year 1996. In fiscal year 1996, it took them an average of 110 agency days for review; in fiscal year 1997, 120 days; for fiscal year 1998 it is predicted to be 130 days and will only complete 40 percent of the submissions in the statutory 90-day period compared with 60 percent last year.

So it makes no sense whatsoever to assert that the agency is well on the way to reforming itself and this legislation isn't needed when the agency's own predictions, own plan for what it is able to do with the resources it has for next year, indicates that it is going in the other direction, not toward reform, not toward more efficiency, not toward meeting their statutory requirements, but in the opposite direction.

With respect to PMA applications, the agency has said, while it expects to receive slightly more PMA applications than in recent years, it will complete 27 percent fewer applications. In fiscal year 1997, they completed 75. But for fiscal year 1998, they predict they will only complete 55, and that they will review those applications 15 percent slower than last year, 250 days of review as opposed to 220 days, that they will complete only 35 percent within the first 180 days—that is the statutory limitation—as compared with 53 percent last year, and they will have a 17 percent increase in the backlog.

If there has ever been justification for reform of FDA, it is in looking at their own estimates of what they will be able to do next year as compared to previous years. And so they are certainly not reforming themselves, certainly not going in the right direction. They are going in exactly the opposite direction.

What we are trying to do here with this legislation that Senator JEFFORDS is leading the effort on—I might add with a lot of bipartisan support, both Republicans and Democrats, as indicated by the cloture vote last week with I think only five votes in support of Senator KENNEDY's support of a filibuster. People want to move forward here. We know that hanging in the balance are decisions that can affect people's health and safety and their very lives. We want to do this in a more efficient and effective manner. So I think there is certainly justification for going forward with this reform bill.

I just point out, for the benefit of my colleagues, that even after extensive debate and markup in the committee, which produced a vote of 14 in favor and only 4 against on the legislation that we are discussing today, there has been considerable negotiation. I have in my hand here a list of 33 separately negotiated compromises to try to accommodate the Senator from Massachusetts, four pages of single-spaced negotiations on 33 separate items to try to address the concern of the Senator from Massachusetts and a couple of other Senators on the committee who thought that perhaps we should have addressed these in committee.

In good faith, we sat down with them and attempted to address their concerns. I know that Senator HARKIN had a particular concern during the markup, and we were very close to getting an agreement on that. And I take responsibility for not accepting it at the time. In retrospect, I think Senator HARKIN was correct. I think what he was suggesting in terms of how we classify medical devices and what devices will be eligible for outside third-party review was correct. And so we notified him of that. We worked with his staff, and we made the change.

So the bill before us incorporates the change that he thought we should have made in committee. In retrospect, I wish I had made that change in committee. I think it probably would have changed the Senator's vote. And I think it would have been wise for us. We would have then had a 15 to 3 vote or maybe even a 16 to 2 vote if that was the case. In review of that action, that was one of the compromises or one of the negotiations that were made.

But to say that, you know, we are standing here on the floor unwilling to look at reasonable requests for some of the concerns and objections of the Senator from Massachusetts, or from others, I think this undermines that assertion. Mr. President, 33 changes have been made to address the concerns raised by the Senator from Massachusetts and from others.

Mr. President, I sincerely hope that we do not have to engage in another filibuster effort as we move to the bill itself and open the bill up for amendment and consideration. With that vote on Friday, only five votes in favor of proceeding with discussion of the bill, I think it would be a disservice to the American people, a disservice to the FDA, and to this body for us to engage in additional lengthy filibusters of this where we have to go to another cloture vote.

So I hope that as soon as we finish the Labor-Health and Human Services appropriations bill, we can move with a definitive timetable which will allow amendments to be offered, hopefully debated with some kind of limitation on the time so we can move and then vote on, and then move forward with this. It makes no sense to continue to delay it.

Mr. President, let me just talk a little bit about what the bill includes—we talked about why we need it—about what the bill includes.

Back in 1990, I authored legislation which would allow some expedited provisions within FDA for review of what is called humanitarian devices. These are devices that affect only a small class of people and really are not in the manufacturer's financial interest to proceed with these devices because there is not a broad enough market for them. But yet there are individuals that can benefit from these devices, and it makes no sense to have the same convoluted, time-consuming process, and particularly some of the specifics of what the FDA requires for approval of these devices, if the sum total of all of that discourages the manufacturer from going ahead because there is such a limited class for whom these devices

are applicable. Then the only losers in this are the people for whom the devices could have improved their quality of life or perhaps have been of great benefit to their health.

And so in 1990 we enacted some humanitarian device provisions. But since that time, as a result of I think what can only be described as bureaucratic delay and inefficiency, since that time only one company has been able to take advantage of this provision. The bill that we have before us expedites certain agency procedures. It allows a waiver of prior hospital review committee approval if the patient would suffer harm or death while waiting for supervised approval. So if a patient is in a position where waiting for approval could result in their death, it allows for the provision for a waiver of the agency procedures.

In addition, the agency is ordered under this legislation to review the application in 75 days, and that is one of those compromises. We originally had 60 days. The agency thought they needed a little more time. We agreed to allow them to have 75 days. And the agency was no longer allowed to arbitrarily force the manufacturer to seek reapproval of the product. In the past legislation the approval was only good for a limited period of time and then they had to go through the whole procedure again to get reapproval. We are saying once the agency approves it, absent evidence to the contrary, that approval sticks.

In addition, the humanitarian device provision is made permanent whereas before it had a sunset. Now, perhaps one of the most important parts of this legislation is the increased access to expertise, outside expertise, to allow the agency to accomplish its reviews and approval process in a much more expeditious timeframe.

We, in the bill, require the FDA to enter into contracts with nongovernmental experts—non-FDA scientists and reviewers—to assist in product approvals. We are still talking about medical devices here to assist in product approvals if the agency determines that doing so would improve the timeliness or the quality of the review.

It is important to understand that the agency is going to retain final approval authority over the review, but for the first time we are requiring them to utilize outside experts, outside resources to help them with that review. They are saying, ''We're overwhelmed. We have all these applications. We don't have enough employees to review it. And that's why we have the delay.'' We are saying, ''There are organizations, institutions, agencies outside of the FDA that can help provide these reviews. We are asking you to look to these to provide some assistance. But you, the FDA, have approval authority.'' In other words, it does not automatically go to an outside reviewing group, but it can go to a group that the FDA approves of.

I do not see what the problem is with that. I mean, final authority rests within the FDA. But if there is an organization outside the FDA that the FDA can contract with or that the manufacturer can contract with, to expedite it, as long as FDA retains approval authority, then why not utilize this? It is going to expedite the process.

The agency currently has a pilot program in place with which it is testing out this concept. We want to expand that pilot program. We would like to require that 60 percent of the nonexempt 510(k) submissions be included in the pilot. We also have language in here which limits the agency's ability to write all the guidance documents for these organizations. Sometimes the writing of the guidance documents takes months, if not years, and in a sense is unnecessary because the agency can allow the outside organization to go forward without that as long as it retains authority.

We are concerned about a manufacturer contracting with an outside agency just to seek approval. And if the manufacturer were allowed the contract with that outside agency, and they just said, ''OK, we reviewed it. Here is the approval. You have to take it,'' there would be legitimate grounds for objection to that. But we have built in total oversight authority and control into the FDA so that they really are not giving up jurisdiction here, they are just utilizing that outside source to help them do their work. It is not like somebody subcontracting work out if they do not have the capacity to do it within their factory or within their business.

But because public safety and public health is at risk here, we want to make sure that FDA retains sufficient authority to oversee all of this. FDA is given the authority in the bill to establish conflict of interest protections because we do not want to get into a situation where there is a conflict of interest between the manufacturer and the review authority. FDA decides what those protections are. FDA accredits the pool of qualified organizations. In other words, a manufacturer cannot go to any organization unless FDA has preapproved that organization, that outside agency for review. They have to get FDA's stamp of approval, good seal of approval, before they are even eligible to do the work to assist FDA.

FDA selects from a pool of two or more accredited parties from whom the product sponsor may select. In other words, FDA says these agencies are certified to do this work; the company selects one or two or a pool of accredited parties, and FDA then makes that selection. FDA has authority to revoke the accreditation if it feels that it is not proceeding according to the way they want it to go. It has the ability to investigate any kind of conflict of interest and it has final approval authority.

Now, this is important, this final approval authority. At one point, I threw up my hands and said the FDA has so much authority why are we going outside? Are we not just defeating the purpose? But in order to get the legislation addressed, we built in all these protections, additional protections, and of course the best protection of all for FDA is that it has final approval authority.

If it does not like what comes back from the outside agency despite all these other steps where it accredits and so forth it can say we do not approve because we do not think the agency did such and such. So it has preapproval authority. It has process approval authority. It has final approval authority. That is plenty of protection.

All of what you hear about how risky it is to American health and so forth, some agency which is not part of the Federal Government is involved in approving a particular product, that is not the case, because we have built into the legislation approval authority for FDA all up and down the line.

Title III improves the collaboration and communication between FDA and the various drug and device companies. There is a list of items that I will not take time to detail.

Title IV clarifies a lot of the rules currently in place and improves the certainty of the process. We address the whole question of policy statements. In recent years, FDA has increasingly developed informal policy statements without involving the public and has failed to make the policies available to the public. In response to a petition from citizens in my State, a group of Indiana manufacturers, the agency published guidance that radically changed these practices. The bill requires the FDA to make this ''Good Guidance Practices″ document permanent by promulgating it as a final regulation in 2 years.

In the area of labeling claims for medical devices, in the past the agency has looked beyond a manufacturers' legitimate labeling claims and requires that the company making the product provide extensive data on a variety of claims for which the company never intended the product to address. The product was designed for a specific purpose. The FDA said we want you to conduct all kinds of trials and provide extensive data for what other things it might be used for, not for what the company is marketing it for, not for what the company has designed it for, but what it might be used for. That has clearly delayed the ability to review products and to get them approved.

The bill clarifies the relationship of labeling claims to approval and clearance of products, and it further limits FDA's review of device submissions to the intended use of the device set forth in labeling.

We tried to build in certainty of review timeframes. I will not go through the details of that, but that is extensive and brings some certainty to the process.

We have placed some limitations on initial classification determinations.

Recently the agency denied due process of law to manufacturers by withholding a substantial equivalence determination even when the product was in fact substantially equivalent whenever the manufacturer was determined to have even a technical defect in the GMP inspection. The bill prohibits the FDA from withholding the initial classification of a device based on failure to comply with unrelated provisions of the act, including good manufacturing practices. The agency is directed to use its ample existing enforcement authority to ensure that products that have the GMP violations at the time of classification do not reach the market.

Title V, improving the accountability. It sets an agency plan for statutory compliance in an annual report so we have a better handle on what is going on within the FDA.

Title VI, better allocation of resources by setting priorities. We exempt certain classes of devices from premarket notification requirements. This really expands on the administration's reinventing Government initiative that exempts class I and class II medical devices that pose little risk by exempting all class I devices, the least risk devices, except those that are important in preventing impairment of human health or presents potential unreasonable risk of illness or injury.

We had extensive discussion on this. This is an area where Senator HARKIN raised what I believe are legitimate concerns and we have tried to address those concerns in this legislation.

We have evaluation of automatic class III designations. Current law requires that all new devices not substantially equivalent to a device already on the market must be automatically classified in a highest-risk category. This does not make sense. If a very simple device that would otherwise be a class I or class II device is not substantially equivalent to a device already on the market, it has to be automatically classified as the riskiest of all devices and therefore falls into class III for the review process, and the approval process, which takes an extraordinary amount of time and requires an extraordinary amount of data, clinical trials and so forth. That is not necessary. So we have changed that so that it does not automatically fall into class III.

It says ''if it is not substantially equivalent,'' what we have done here is allow the agency to make a determination as to which category it would fall in rather than automatically go to class III. So the agencies could look at it and say we think this is class I or class II and is subject to those review procedures rather than automatically moving into class III. It is a sensible change in the current status of how this is handled.

We made changes regarding health care economic information, health claims for food products, and pediatric studies of drugs.

Title VII, we have extended, and of course this is the engine that drives the train here, and another reason why it is so necessary to move forward with this legislation. We have reauthorized the Prescription Drug User Fee Act for 5 years. That is the so-called PDUFA legislation which the prescription drug companies have agreed to support. It is a tax on those companies for the specific purpose of providing extra funds for FDA to hire personnel to expedite the reviews of drugs which are submitted for review and approval to the FDA.

It has worked out very, very well in response to an overwhelmed FDA who could not begin to meet their statutory requirements for review of drugs. A proposal was made that we would enact a tax against the companies submitting the product and the proceeds of that tax will be used to hire personnel and establish procedures whereby we could expedite the approval drugs. It was needed. It was supported. It has worked. We need to reauthorize it because it expires October 1 this year. That is why it is so important to move forward with this legislation.

There are other things in the bill, Mr. President, but in the interests of time I will not detail them unless the President wants me to go through them point by point, but I do not think we have the time still allotted. I know the majority leader is anxious to move back to the Labor-Health and Human Services appropriations bill.

Again, I thank the Senator from Vermont for his leadership on this issue. It has been a cooperative effort that has reached across the aisle and involved Members from both parties in a very substantial number. Hopefully, we can move forward now in getting to the bill itself and the amendments and move this very needed legislation forward. I will be involved in this. I know there are a number of discussions coming up with some of these amendments.

I appreciate the leadership and support of the Senator from Vermont, who is not testing but actually utilizing a medical device to address an unfortunate accident he had just last week.

I yield the floor.

Mr. JEFFORDS. I commend the Senator from Indiana who has been extremely helpful on this whole bill in helping us bring it to conclusion. He made many offers, very reasonable, and I hope we can find the magic one to bring us to fruition very quickly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. JEFFORDS. 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. JEFFORDS. I have the authority to yield back the balance of the time for the minority, as well as the majority on this side.

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

Mr. JEFFORDS. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The clerk will report the bill.

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Coats-Gregg amendment No. 1071 (to amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Specter amendment No. 1069, to express the sense of the Senate that the Attorney General has abused her discretion by failing to appoint an independent counsel on campaign finance matters and that the Attorney General should proceed to appoint such an independent counsel immediately.

Nickles-Jeffords amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Craig amendment No. 1083 (to amendment No. 1081), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1087

(Purpose: To increase funding for the Head Start Act)

Mr. WELLSTONE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1087.

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

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

The amendment is as follows:

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out the Head Start Act shall be $4,636,000,000, and such amount shall

not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the amendment be temporarily laid aside.

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

AMENDMENT NO. 1088

(Purpose: To increase funding for Federal Pell grants)

Mr. WELLSTONE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1088.

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

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

The amendment is as follows:

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 shall be $7,241,334,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the amendment be temporarily laid aside.

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

AMENDMENT NO. 1089

(Purpose: To increase funding for the Education Infrastructure Act of 1994)

Mr. WELLSTONE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1089.

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

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

The amendment is as follows:

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out the Education Infrastructure Act of 1994 shall be $371,000,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the amendment be temporarily laid aside.

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

Mr. WELLSTONE. Madam President, this is not an amendment, and I know the managers are not here. It is not really a debate I am trying to generate here. I thought I would take a little bit of time, while I have the floor, to thank the managers of the bill for their work. Really, I think they have done a very, very impressive job, especially when you consider what they have been able to put into this bill.

These amendments that I have introduced have more to do with what is not in the bill, and we will be debating that later. I want to also thank the managers of the bill for including an important item in this appropriations measure. This bill, on the Senate side, it is my understanding, includes the full amount requested by the President for the budget of the Department of Labor's Mine Safety and Health Administration.

As the ranking member of the Labor Committee's Subcommittee on Employment and Training, I am very interested in this whole area of occupational health and safety. But, today, what I want to do is talk about one aspect of this policy, and that is the sampling of coal mine dust and its relation to black lung disease. Madam President, this is of particular interest to me because of a recent trip that I took to eastern Kentucky. I met with a number of coal miners, and I do think that their story deserves to be told. It is a story that I intend to follow, hopefully, as we in the Congress take further steps to make sure that the Federal Government lives up to its responsibility regarding miners' health and safety.

Mining has been really one of the most dangerous professions, and the Federal Government has done much to correct or address some of its hazards. But what I want to focus on is the Mine Safety and Health Administration and a request for new staff and money—which we have on the Senate side, it is my understanding—to increase the Federal Government's sampling for respirable coal mine dust. The request is modest, but it is significant; it calls for 24 new full-time employees and $1.7 million.

Madam President, though it is a small amount of money, I think it is very important that we keep this in conference. Last year, there was an advisory committee appointed by the Secretary of Labor, which recommended that a key step that the Federal Government could take toward eliminating black lung disease would be to increase the responsibilities of the Mine Safety and Health Administration for coal mine dust compliance sampling. Simply speaking, that is a measurement of coal mine dust levels to determine whether or not they are a threat to the miners' health.

Madam President, the problem is that the majority of the dust sampling is done by the mineowners themselves—that is to say the coal companies. When I was in east Kentucky last week, what I heard over and over again were really miners describing conditions that I think many Senators would feel like they were in a time warp and they were really living 50 years ago. We are talking about too many miners who work in crawl spaces about this high for 12 or 14 hours a day and can't see 6 inches in front of them because of the dust level. So the problem is, when you depend upon the companies to actually do the measurements of the dust levels, there is a pretty obvious conflict of interest. As a Senator, I am not naive to these conditions. Most of my work has been in communities around the country, starting in Minnesota, with hard-pressed people.

I met a woman—to expand this discussion—whose husband had begged the company over and over again to please give him some relief from his particular work situation. He was afraid he was going to be electrocuted. Basically, the position of the company was: Look, if you don't like the job, leave. When there aren't a lot of $20-an-hour jobs, people don't have much of a choice. She spoke. She was 27 years of age. Her husband was electrocuted. He lost his life.

I met other miners suffering from black lung. I met one woman, and she is the only woman who is a deep mine miner. I said, ''Aren't you afraid * * *''—the common complaint is that most of the mines are nonunion, and if people complain, they lose their jobs. I said, ''Aren't you afraid * * *''—since there were TV cameras in Hazard, KY—I said, ''Aren't you afraid that you are going to lose your job?''

She said, ''I don't think I will because I am the only woman miner. I don't think they will let me go. I feel like I am speaking for a lot of other miners that aren't here.''

I said to her and to the other 12 or 14 miners sitting around talking, ''Look, I have to ask you this question. Can you tell me very honestly and truthfully, if all of your friends and coworkers could be here, without fear of losing their jobs, would they be saying the same thing, or are you exaggerating in any kind of way?''

All of them, starting with this woman miner said, ''They would say the same thing to you, except that people are afraid they may lose their jobs.''

I will tell you, it was a very, very powerful meeting. So this is a small step here to make sure there is some additional money for at least some

compliance of the dust sampling. But it is terribly important.

Let me read from the testimony of Earl Shackleford, Jr., from Wallins Creek in Harlan County, KY. He was 36 years old last year. This was presented last year to the Secretary of Labor's advisory committee on the elimination of black lung disease. He had been working as a miner 17 years, though he is only 36. His testimony indicates that he, his father, his grandfather, and other friends and relatives all suffer from black lung disease. Someone from my wife Sheila's family from Cumberland in Harlan County, KY, also suffered from black lung disease. I will read four sentences from the conclusion of Mr. Shackleford's testimony:

> There is nothing more terrible to me than watching a fellow coal miner smother to death, one slow gasp at a time. There is nothing anybody can do for a dying miner but pray for him. But we can do something for the miners who labor in the mines today. We can make sure that the coal dust they breathe is accurately monitored by a Government that cares about their health and safety.

Madam President, this bill takes a step toward better Federal monitoring of coal mine dust sampling. I hope we can keep this additional funding in the conference committee. At the same time, I point out that I agree with the recommendation of the Secretary's advisory committee on the elimination of black lung disease, which is that the Federal Government should take more responsibility in this area—perhaps full responsibility—of dust sampling.

I am going to be working with other colleagues. Eventually, I want to come to the floor and push very hard on this. The story of these Kentucky coal miners cannot be ignored. I had a chance to talk to Senator FORD, who has cared about these issues and about what the miners are facing. The testimony of Earl Shackleford, Jr., and others, cannot be ignored.

I would like to thank the managers again of this bill for putting money in here for at least some compliance work. I hope we can keep that in conference committee.

I want to say to colleagues that one of the best things about getting a chance to travel sometimes outside of your State—not necessarily to another country, but in other communities—and for me, focusing on poverty in the country has been a tremendous education and very important. I met a lot of people who should be famous, a lot of strong people who, under incredibly difficult conditions, can still manage to survive and not only survive but flourish. But of all the meetings I have been to and of all the things I have seen—and I have seen a lot of children and a lot of pain, and I have seen a lot of housing that nobody should ever have to live in, and I have seen schools that are just as dilapidated as the schools that we talk about, where you can walk in the hallway and you can smell the stench of urine, and you can go into the bathrooms where the toilets don't even work, I have seen all that and more than I want to see. But this meeting with these coal miners in eastern Kentucky was jolting.

I asked one of the journalists that was there, off the record, to tell me whether or not she thought they were exaggerating. She said, ''Absolutely not.'' My guess is that in some of the investigative work that I hope will be done by journalists, we are going to see more reports of these conditions. We are talking about conditions that these coal miners are working under that we thought existed 50 years ago—people not able to see 6 inches in front of them because of the dust levels, which not only means people are gone to go suffer from and die from black lung, it also means, it is my understanding, that when you have that high concentration of dust levels, you have the ingredients for all kinds of possibilities of explosions within the mine. And then somebody will talk about a mine accident as if it were impersonal and random and never should have happened.

We have a huge problem here because the coal mine operators, the companies, are actually the ones doing the measurement of the dust levels. I don't see how we can really get an independent and accurate measurement of the dust levels and how that affects these miners, unless we do much better by way of expanding the responsibility or at least the resources for the Department of Labor's Mine Safety and Health Administration. I am sure other people in the Senate would say the same thing. But it is very difficult to meet with people and have a couple of people talk about loved ones who were killed in the mines. I still cannot remember. She is 27 years old. Her husband was 28 years old when he was electrocuted. I have met a lot of the older miners who were suffering with black lung. For reasons I don't actually understand the actual motive for being turned down when they applied for disability, which is something I want to know more about.

But at the very least, I think we have to make sure that somehow the clock has not been turned back 50 years. People ought not to have to work under conditions which are uncivilized. People have every right in our country to be able to focus on how they earn a decent living and how they have a job that pays a decent wage under civilized working conditions. The miners in eastern Kentucky, or some of the miners and the miners that I met with, should not be in a situation where if they should speak up about this, they lose their jobs. The choice for them is whether you do and, if you work, you work under these uncivilized conditions and it is going to take years off your life, possibly kill you, or you don't work and you lose your job.

I know that some of these issues are just like off the radar screen here in the Senate. But I think really this should be part of our focus.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1087, 1088, AND 1089 WITHDRAWN

Mr. WELLSTONE. Madam President, I withdraw my amendments.

The PRESIDING OFFICER. The amendments are withdrawn.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Maine, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1090

(Purpose: To increase the appropriations for the Mary McLeod Bethune Memorial Fine Arts Center)

Mr. MACK. Madam President, I have an amendment on behalf of myself and my colleague from Florida, Senator GRAHAM, that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Florida [Mr. MACK], for himself and Mr. GRAHAM, proposes an amendment numbered 1090.

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

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

The amendment is as follows:

> On page 57, line 24, strike ''$929,752,000, of which'' and insert ''$934,972,000, of which $6,620,000 shall be expended to carry out Public Law 102–423 and of which''.
>
> On page 85, line 19, strike ''$30,500,000'' and insert ''$35,720,000''.

Mr. MACK. Madam President, this amendment would provide an additional $5.2 million to fund the construction phase of the Mary McLeod Bethune Memorial Fine Arts Center and Hospitality Management Training Facility. It would bring the fiscal year 1998 appropriation for this center to $6.6 million, which is the same as the House committee recommendation. This center was authorized in 1992 as a freestanding bill and became Public Law 102–423. It would be offset by decreasing the salaries and expense accounts.

Madam President, I ask unanimous consent that this amendment be temporarily laid aside.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Madam President, I ask unanimous consent the pending business before the Senate be laid aside for purposes of proposing an amendment.

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

AMENDMENT NO. 1091

(Purpose: To eliminate medicare incentive payments under plans for voluntary reduction in the number of residents)

Mr. MCCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. GRAMM, proposes an amendment numbered 1091.

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

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) Section 4626 of the Balanced Budget Act of 1997 (Public Law 105–33) is repealed.

(b) For any fiscal year (beginning with fiscal year 1998), the Secretary of Health and Human Services may not enter into an agreement with any institution to provide incentive payments to the institution for the reduction of medical residents in the approved medical education training programs (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)), of that institution.

(c) The repeal made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33).

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I would like it known I also have one other amendment that I want to have considered by the Senate on this legislation. I will wait before proposing that amendment, but make it clear I do have another one.

Madam President, I also intend to ask for the yeas and nays on this amendment. I understand there is still some uncertainty as to when a vote will be held on this particular amendment.

Madam President, I rise, with my colleague, Senator PHIL GRAMM, to offer an amendment that would eliminate the financing incentives created in the Balanced Budget Act for teaching hospitals to reduce their medical residency programs. This new program will make teaching hospitals eligible for hundreds of millions of taxpayers' dollars for not training medical students. Let me repeat that, Madam President. Under the Balanced Budget Act, which we voted on before we went into the August recess, a program was created that would make teaching hospitals eligible for hundreds of millions of taxpayers' dollars for not training medical students—not for training medical students, but for not training medical students. In short, the Federal Government will pay hospitals for doing nothing.

Unbeknownst to most of my colleagues when we considered and voted for the Balanced Budget Act, that legislation created yet another wasteful, unnecessary, and inappropriate Federal subsidy program. This newly created subsidy is no different from the wasteful agricultural subsidy programs which pay farmers millions of dollars not to grow certain crops or to reduce their production of a certain crop. This is wasteful and a blatant misuse of taxpayers' funds.

Proponents of the new incentive program argue that there is an overabundance of medical doctors, particularly specialists, in this country. They believe that providing financial incentives to hospitals to reduce the number of medical students is a solution to the supposed glut of physicians in our country. Madam President, it springs to my mind that there is an argument that is being made by a lot of us today who are not members of the legal profession that the same problem exists in that the country has too many lawyers. I wonder if in the next Balanced Budget Act agreement, we are going to pay hundreds of millions of dollars to law schools, because we have an overabundance, not to teach lawyers. I might say, Madam President, as a personal preference I might lean toward that program more than the one that we have just enacted in the Balanced Budget Act.

Let me also just point out here, the Berlin wall fell. Socialism, that is communism, is a failure. It is only in Communist countries where they pay people not to do things. This might have been a great idea in North Korea, Cuba, or perhaps some other countries in the world, but certainly not in the United States of America should we be paying hundreds of millions of dollars so that we will not train anybody, much less not train doctors. As I will point out later on in my remarks, Madam President, there are 46 million Americans who do not have access to medical care. Yet we are going to spend hundreds of millions of dollars in order that teaching hospitals will not teach—will not teach.

It is not the role of the Federal Government to determine if we have an appropriate amount of physicians or any other professionals in this country. This subsidy is a misguided attempt by the Federal Government to restrict the career choices available to individual Americans. This program places the Federal Government in control of a specific labor segment in our country and allows the Government to directly restrict the freedom of choice of our citizens who may want to become physicians.

I have children. Most of the Members of this body have children. If one of my children decides he or she wants to be a physician, should that child be restricted from doing so if otherwise eligible to train as a physician? In a democracy, the Government does not determine the makeup of the labor force or regulate the supply of workers in a specific field. That was done in the former Soviet Union. Demand, not the Government, in a market-driven economy, drives the number of practicing physicians. As the need for doctors increases or decreases, medical schools and teaching hospitals must determine how many applicants to accept and if there is a need for expanding or reduction.

Government rationing of medical training and ultimately rationing of health care smacks of socialism not democracy.

Second, Federal subsidies don't work. They cost money and usually don't achieve their stated goals. Every time we have ignored market-based solutions to our Nation's health care problems and called for Government intervention, we have had paradoxical results. In the 1960's, the Government predicted an undersupply of doctors and created incentives for individuals to pursue a medical career. The result was a perceived glut of medical doctors by the late 1970's.

Third, this new subsidy program totally ignores the needs of 46 million Americans residing in rural communities and inner-city neighborhoods who are faced with a shortage of physicians and health care professionals. While proponents of this initiative argue that our country is producing more physicians than we need, many communities have no resident physicians and have only limited access to trained medical care.

I am seriously concerned about the disproportionate number of physicians who elect to practice only in urban settings, leaving rural and inner-city neighborhoods underserved and without access to critical medical services.

A better use of taxpayer dollars might be to strengthen existing programs already in place to increase access to health care providers and services in underserved areas. This includes the National Health Service Corps, Area Health Education Centers, Interdisciplinary Training for Health Care in Rural Areas, Community Health Centers, Migrant Health Centers, and the Health Professions Workforce Development Program. Those are all good programs. I have seen the community health centers in my own State serve people who otherwise would not receive health care. I repeat, 46 million Americans are underserved or not served at all in light of their medical needs.

Finally, this subsidy will be financed using the Medicare part A trust fund. As we all know, without significant reform to the Medicare system, this trust fund is expected to become insolvent. Using scarce Medicare resources to finance another Government subsidy program is unwise in the near term and unnecessary in the long term if market forces are permitted to determine the need for doctors in this country.

There is also going to be an argument raised that this would somehow upset the delicate agreement that was made in the Balanced Budget Agreement Act; that somehow this was an ironclad commitment that we would agree to every single aspect of the balanced budget agreement. I want to state right here, what a lot of us did was hold our nose and vote for it. A lot of people didn't vote for it, but a lot of us held our nose because we didn't like a lot of things associated with it. And to say that we should subsidize a program that is pure socialism in the name of preserving the balanced budget agreement, I think, borders on insanity. But yet, strangely enough, Madam President, you will see Senators come to this floor and say that if we vote not to subsidize through hundreds of millions of dollars teaching hospitals not to teach, then somehow it will upset the balanced budget agreement. I find that argument absurd, and we will hear it.

I understand that there was a request by others to speak against this amendment. I also am not clear as to whether the votes will be held this afternoon or later.

I ask unanimous consent to set aside the pending McCain amendment so that I may present another amendment.

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

AMENDMENT NO. 1092

(Purpose: To ensure that payments to certain persons captured and interned by North Vietnam are not considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act)

Mr. MCCAIN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. KERRY, and Mr. REID, proposes an amendment numbered 1092.

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

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) Notwithstanding any other provision of law, the payments described in subsection (b) shall not be considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act.

(b) The payments described in this subsection are payments made by the Secretary of Defense pursuant to section 657 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2584).

Mr. MCCAIN. Mr. President, this amendment is basically to correct a technical problem that exists. It is to pay the Vietnamese commandos that we authorized by legislation last year. They are a group of Vietnamese soldiers who were recruited and trained by the United States to promote our cause during the Vietnam war. Unfortunately, they were captured soon after their deployment and imprisoned for 20 years for fighting on our side.

Last year, we passed legislation authorizing payment to the commandos for their sacrifice, $2,000 a year for the 20 years they were detained, for a total of $40,000 each. However, this payment, if interpreted as 1 year's income will disqualify the commandos from Medicaid and other benefits they currently receive, because it ostensibly raises their income beyond the cutoff point for benefits.

This is a payment accrued to the commandos over the 20-year period during which they were detained. As such, it represents not 1 year's income but an annual payment of $2,000 over 20 years and should not, therefore, disqualify them from Medicaid and SSI.

Mr. President, we have now placed the commandos in the awkward position of being forced into accepting the funds we rightly owe them or maintaining their eligibility for needed benefits. This amendment, by myself and Senator KERRY, simply states the $40,000 payment to each commando will not disqualify him from the various welfare benefits he currently receives. This measure has no cost and merely ensures the commandos don't lose the benefits they already receive.

We are in debt to these men for their wartime sacrifices, and we cannot compensate them with one hand while we take away their benefits with the other.

I urge my colleagues to join in supporting this measure to make sure the commandos are not unjustly penalized for accepting the accumulated payment our country rightly owes them. I hope this will be a routine amendment. I yield the floor.

Mr. KERRY. Mr. President, last year Congress enacted legislation that I sponsored with Senator MCCAIN to provide payment to some 450 Vietnamese commandos who were captured by North Vietnamese forces while performing covert operations for the United States behind enemy lines and subsequently incarcerated in North Vietnamese prisons for 20 years or more. Under this legislation, each of the commandos would receive a lump sum payment of $40,000—payment their families did not receive during their years of incarceration because the Pentagon wrote them off the employment rolls by declaring them dead.

Presently about 200 of the commandos reside in the United States. Most are either U.S. citizens or resident aliens applying for citizenship. Many of them receive Medicaid and related benefits. The problem is that receipt of the long overdue lump sum payment will disqualify them from Medicaid and other benefits they currently receive because it raises their income above the cutoff point for benefits.

Let me give you an example. Last year, I met with a group of commandos including Ly Pho, who lives in my home State of Massachusetts. Ly and his colleagues wanted to express their thanks for our efforts to provide them compensation. Shortly after the meeting, which was widely reported in the press in Massachusetts, Ly was notified by his social service case worker that his Medicaid assistance would be terminated once he received the compensation.

Inadvertently, we have placed the commandos in an untenable position which forces them to choose between the funds we rightly owe them for their services and loyalty to our cause during the war and the benefits they now receive. The amendment Senator MCCAIN and I are offering today is designed to eliminate this Hobson's choice by making it clear that the payment each commando receives will not disqualify him from receiving these benefits.

I believe that this amendment is necessary and fair. These men made great sacrifices for the United States. They were incarcerated for years and many of them were tortured during their incarceration. We are in their debt. We cannot give them compensation with one hand and take away the life sustaining health benefits that they need with another.

This is an important amendment with no additional financial burden to the U.S. Government. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I not lose the floor in the process of yielding to my friend from Idaho. Prior to doing that, I ask unanimous consent that I be listed as a cosponsor on the last amendment offered by my friend from Arizona, and I will also say that the statement he just made regarding the doctor issue is something we need to talk about and discuss. I think it is a very important amendment and needs to be discussed in some detail rather than just let go through as it is now on the legislation before us.

Mr. McCAIN. If the Senator will yield, it has been made clear that there will be a significant amount of debate on this amendment.

Mr. REID. I say to my friend, I am not opposed to it. It is just an issue we should talk about.

The PRESIDING OFFICER. On the request of becoming a cosponsor, without objection, it is so ordered.

Without objection, the request of the Senator from Nevada regarding yielding to the Senator from Idaho is agreed to. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague from Nevada for yielding. May I inquire of the Chair, has the last McCain amendment been set aside?

The PRESIDING OFFICER. It has not.

Mr. CRAIG. I ask unanimous consent that that amendment be set aside.

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

AMENDMENT NO. 1093

(Purpose: To amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. BINGAMAN, proposes an amendment numbered 1093.

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

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

The amendment is as follows:

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

SEC. . Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after ''water'' the following: '', at least 90 percent of which is ultimately delivered''.

Mr. CRAIG. Mr. President, I offer this amendment on behalf of myself and Senator BINGAMAN. I am offering an amendment to S. 1061 that would make a very narrow change in the Fair Labor Standards Act. This is a small amendment, but it is critically important to irrigators in Idaho and across the West.

My amendment would solve a problem with the interpretation of a provision of the Fair Labor Standards Act clarifying that the maximum hour exemption for agricultural employees apply to water delivery organizations that supply 90 percent or more of their water for agricultural purposes.

My colleague, Congressman MIKE CRAPO, has introduced a like measure in the House. This is an issue we struggled with for some time, Mr. President. What we are simply saying is that nonprofit co-ops that deliver water are exempt. We have always done it. We have done it for other provisions under the fair labor standards. But if that irrigation ditch happens to cross a pasture and cattle drink out of it and there is some other measure or use other than irrigation that falls under fair labor standards, we are saying OK, but a narrow window. Ninety percent has to be for that purpose, the other 10 percent might accidentally be used for those purposes and might not fall under the qualifications. The intent of the amendment, I think, clarifies, and certainly irrigators across the West working with other organizations had hoped we could resolve this issue. It has been some time in the making.

Representative MIKE CRAPO of Idaho and I previously have introduced a similar provision as a bill—S. 259 in the Senate and H.R. 526 in the other body. Our amendment would restore the flexibility that was always intended by Congress.

Nonprofit organizations, such as independent water districts or nonprofit corporations, which deliver water for agricultural purposes, are exempt from the maximum-hour requirements of the FLSA. The Department of Labor has interpreted this to mean that no amount of this water, however minimal, can be used for other purposes. Therefore, if even a small portion of the water delivered winds up being used for road watering, lawn and garden irrigation, livestock consumption, or construction, for example, delivery organizations are assessed severe penalties.

Such uses may be closely related, but technically not interpreted as being, ''agricultural purposes.''

The exemption for overtime pay requirements was placed in the FLSA to protect the economies of rural areas. Irrigation has never been, and cannot be, a 40-hour-per-week undertaking. During the summer, water must be managed and delivered continually. Later in the year following the harvest, the work load is light, consisting mainly of maintenance duties.

This adjustment would be better for employers, workers, and farmers. It would reflect more accurately the realities of agricultural water delivery.

Winter compensation and time off traditionally have been the method of compensating for longer summer hours. Without this exemption, irrigators are forced to lay off their employees in the winter. Therefore, this amendment would benefit employees, who would continue to earn a year-round income. It also would keep costs level, which would benefit suppliers and consumers.

I urge my colleagues to support this modest amendment.

Mr. President, I ask unanimous consent that my amendment be set aside, and I yield the floor to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1094

(Purpose: To provide for the conduct of a study concerning the health and safety effects of perchlorate on human beings)

Mr. REID. Mr. President, I send an amendment to the desk on my behalf and Senator BOXER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mrs. BOXER, proposes an amendment numbered 1094.

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

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) STUDY.—From amounts appropriated under this title, the National Institutes of Health shall conduct a study on the health effects of perchlorate on humans with particular emphasis on the health risks to vulnerable subpopulations including pregnant women, children, and the elderly.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, the National Institutes of Health shall prepare and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report concerning the results of the study conducted under subsection (a), including whether further health effects research is necessary.

Mr. REID. Mr. President, the amendment that I have offered on my behalf and that of the Senator from California deals with a serious problem. The city of Henderson, NV, where I went to high school, has been in existence since the Second World War. Henderson, NV, was developed as a result of the war effort during World War II. It is Nevada's only industrial city.

At one time, that was the whole city. Everything in that town supplied a job related to what we called the basic magnesium complex, BMI. So for more than 50 years, Henderson has been supplying products for our war effort—the Second World War, Korea, Vietnam, the cold war.

During the cold war, the biggest use of products out of the complex, at least one part of the complex, was providing the fuel to send spaceships into the air, a product called ammonium perchlorate.

We, it is said, take our water for granted, especially the water we drink. Those of us in the western part of the United States are very concerned about water, as we should be, because we have so little of it. Just in the last 30 days, there are people in California and Nevada who are concerned about the safety of the water. We have been told that the water in Lake Mead is safe, and I am hopeful and confident that it is. But as people in this body know, water is an enormous issue for those of us from the West. The scarcity of water and its availability requires us to be extremely careful in how we apportion and use this most basic natural resource.

In the Las Vegas area, for example, Mr. President, the annual rainfall is less than 4 inches a year. We get very, very little water in the Las Vegas area. Henderson is a suburb of Las Vegas. Because of this, we do everything we can to make sure that the water is protected. This is no easy task. The problem that we address in this amendment deals with something called ammonium perchlorate. It is an interstate problem. It involves not only the State of Nevada, but also the States of California and Arizona. Why? Because we share water out of the Colorado River and the lakes that are up and down the Colorado River.

Over the August recess, it was reported that perchlorate was turning up in certain samples they were doing of the water at Lake Mead, southern Nevada's primary drinking water source. Perchlorate is also being detected, at really low levels, in Los Angeles, in the water they think they get from the Colorado River. It has been detected in California in over 70 drinking water wells throughout that State.

As I mentioned, Mr. President, perchlorate is a common ingredient in the manufacture of rocket fuel—especially rocket fuel—munitions, and fireworks. Forms of perchlorate are ammonium perchlorate, which we manufacture in southern Nevada, potassium perchlorate, sodium perchlorate, and perchloric acid. Currently, the only treatment for that is reverse osmosis and ion exchange.

Mr. President, perchlorate is not a compound that is regulated under the Safe Drinking Water Act. Why? Because all the tests in previous years showed that there was no reason to be concerned. There are some scientists who say that it could be dangerous to pregnant women and to children. We do not know. That is what this amendment is all about.

We want to make sure that in the State of California and the States of Nevada and Arizona the water is safe. The only State that has set a limit as to how much perchlorate is allowed to be in the water is California. They set a limit. We want to make sure we comply with that limit, as does everyone in Arizona and California.

In the 70 wells that they have tested in California where they found perchlorate, about 18 of those wells exceeded the level that they had set. But the question is, what does that really mean? That is the purpose of this amendment. We have asked the National Institutes of Health to run some studies during the next 9 months and report back to us to determine whether or not perchlorate in drinking water is unsafe for children and pregnant women. Perchlorate is not listed as a RCRA or Superfund hazardous substance.

We are in relatively new ground at this time, Mr. President. As I indicated, the primary health concern related to perchlorate is it can interfere with the thyroid gland's ability to use iodine to produce certain hormones. In a hormone-deficient condition, normal metabolism, growth and development can be affected. We don't know that perchlorate does that, but we need to find out.

In very high doses, perchlorate has been used as a medicine to treat a thyroid disease called Graves' disease in which excessive amounts of a thyroid hormone are produced. However, in thousands of parts per billion, it can disrupt growth and bodily functions because of its effect on the thyroid gland, some people think. As I have indicated, those people who are particularly vulnerable to unsafe consumption would include pregnant women, children, and sometimes the elderly.

The problem, however, is there is no hard science on the health and safety risks that perchlorate may pose to human beings. We need to better understand the potential health consequences of this compound on human beings.

The amendment that I have offered on my behalf and that of the Senator from California I believe should be accepted by this body. All of us can appreciate the necessity of ensuring that the water that we consume is safe. We have been assured by the head of the Southern Nevada Water Authority, Pat Mulroy, that the water is safe. I am confident and very, very hopeful that it is. But we need to make sure that that is the case.

I support this research and am pushing for its inclusion in this legislation. I also believe that because it has been detected in wells in the West, we need to understand why it is there. In particular, we need to understand the potential health risks. Nevada has a large population with elderly, children, pregnant women, as does certainly California and Arizona.

So we want this body to accept this. We think it is sound legislation. We have been in contact with the National Institutes of Health. They can do this. I ask my colleagues to support this legislation.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

Prior to offering an amendment, I ask unanimous consent to yield the floor to my colleague, the Senator from Louisiana, and have the opportunity to reclaim the floor and present my amendment, if I may.

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

Ms. LANDRIEU. I thank my colleague for yielding, and ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 1095

(Purpose: To increase the amounts made available to promote adoption opportunities in order to eliminate barriers and to help find permanent homes for children)

Ms. LANDRIEU. Mr. President, I send to the desk an amendment to the Labor, Health and Human Services appropriations bill for myself and Senator MCCAIN. I have here a copy of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. MCCAIN, proposes an amendment numbered 1095.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 2, strike ''$5,606,094,000'' and insert ''5,611,094,000''.

On page 85, line 19, strike ''$70,500,000'' and insert ''75,500,000''.

Ms. LANDRIEU. Mr. President, I rise today to offer an amendment to the Labor, Health and Human Services appropriations bill. As the Members of the Senate are aware, nearly one-half million children in this country languish in foster care instead of permanent placement. We have had little success in coping with the problem. While the numbers of children in foster care multiply, children trickle into adoptive homes. Last year only a little over 20,000 children were formally adopted.

Mr. President, these numbers are unacceptable. Recent advances in science and psychology have indicated that early childhood is the critical stage for human development. The nurturing and attention that infants need can only be provided by a loving family. Studies have indicated that the holding, touching, and play that good parents take for granted, actually affects a child's brain size and activity. Sadly, the children most in need of this kind of human warmth, our abused and neglected children, are ill-served by our Nation's adoption placement system.

Equally distressing is the fact that these same problems in the adoption system are reflected in our budget priorities. In the Labor, Health and Human Services appropriations bill we propose to spend over $4.3 billion on support to foster care. At the same time, we are devoting only $13 million to encourage innovation in state adoption systems. This is a little more than one-third of 1 percent of all the money we are devoting to foster care.

Our spending priorities are another stark example of our spending billions of dollars in a way that perpetuates a problem instead of resolving it. We need to reprioritize how we address the thousands of children in foster care. This amendment takes a modest step in the right direction. By reallocating $5 million from the administrative costs of the bill to help fund State initiatives in adoption, we can begin the process of addressing the source of the problem rather than its symptoms.

Presently, the Children's Bureau has 40 grants to States that were either approved but unfunded, or underfunded due to shortfalls. Among the States with unfunded grant applications are Arizona, Arkansas, California, Colorado, Florida, Illinois, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Washington, and the District of Columbia. These grants would affect States large and small and in every region of the country.

It is my hope that the programs that we fund by providing State grant support may one day provide a national

model. Only through innovations like those funded by these grants can we hope to resolve the foster care crisis. I hope you will join me in supporting this amendment.

I thank my colleague again for the time.

Mr. President, I ask unanimous consent that my amendment be temporarily set aside for its determination at the appropriate time for a vote.

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

AMENDMENT NO. 1094

Mr. REID. Mr. President, I know my friend from Rhode Island has the floor. I ask that he yield to me for purposes of requesting the yeas and nays on my amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there an objection for there being an order at this time to the ordering of the yeas and nays?

Without objection, it is so ordered.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 1096

(Purpose: To provide funding for grants to States for State student incentives under subpart 4 of part A of title IV of the Higher Education Act of 1965)

Mr. REED. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, Mr. LEVIN, Mr. CONRAD, Mr. KENNEDY, Mr. WYDEN, Mr. KOHL, Mr. DODD, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REID, Mr. FEINGOLD, Mr. DORGAN, Mr. TORRICELLI, Mr. KERREY, Mr. JOHNSON, Mr. WELLSTONE, Mr. BINGAMAN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. HARKIN and Ms. LANDRIEU, proposes an amendment numbered 1096.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

On page 56, line 19, strike ''and 3'' and insert '', 3 and 4''.

On page 56, line 22, before the period insert '', provided that, $35,000,000 shall be available for State Student Incentive grants derived from unobligated balances''.

Mr. REED. Mr. President, I rise this afternoon to offer an amendment with my Republican colleague from Maine on the Labor and Human Resources Committee, Senator SUSAN COLLINS, and we are joined by a host of other colleagues—Senator KENNEDY, Senator CHAFEE, Senator SMITH of Oregon, Senator HARKIN, Senator DODD, Senator CONRAD, Senator LEVIN, Senator KOHL, Senator WYDEN, Senator LAUTENBERG, Senator MURRAY, Senator WELLSTONE, Senator BINGAMAN, Senator REID of Nevada, Senator FEINGOLD, Senator DORGAN, Senator TORRICELLI, Senator KERREY, Senator JOHNSON, and Senator LANDRIEU. I believe this indicates the widespread depth of concern and support for maintenance of the State Student Incentive Grant Program, or SSIG, as it is known.

This is a remarkable program, which requires State governments to match Federal resources on a dollar-for-dollar basis and provides direct higher education grant assistance to needy students. I had originally intended to offer, along with my colleague Senator COLLINS, an amendment which would have restored SSIG funding to last year's level of $50 million, but out of deference to the subcommittee chairman and also because of a lack of sufficient offset, the amendment today adds back $35 million for SSIG with an offset of unobligated balances from prior years.

In accepting this change, it is our intent to work with Chairman SPECTER and Senator HARKIN, as they have agreed, to ensure that funding for SSIG, at no less than $35 million and hopefully even more, is secured during conference deliberations with the other body.

Mr. President, I want to tell all of my colleagues why this amendment and saving student aid funding is so vitally important.

SSIG is critical to higher education, critical to the dreams of more than 700,000 students across the Nation and 13,000 students just in my home State of Rhode Island alone.

We are all familiar with another higher education grant, the Pell grant, and, as I think many in this Chamber, as well as students, parents, and those involved in higher education know, the purchasing power of the Pell grant has fallen drastically in comparison to inflation and the skyrocketing cost of college education. Students have searched for other sources of need-based higher education grants and have come to rely upon SSIG, the State Student Incentive Grant.

With a relatively modest amount of Federal funding, this essential program encourages States to provide need-based financial aid to students in the form of grants and community service work study awards.

SSIG grants are targeted to the neediest undergraduate and graduate students. The average family income for SSIG recipients in 1991–92 was approximately $12,000, which is below the Federal poverty level for a family of four. The average SSIG-supported grant was about $1,200 in 1995–96. This program reaches those families who are most desperately in need of support to send their children to college.

Moreover, this program is extremely efficient. Every SSIG dollar goes to the students. These funds are not used in any way to cover administrative costs.

With an SSIG expenditure at the Federal level of $63 million in fiscal year 1996, the program leveraged more than $784 million in State matching funds and served more than 700,000 students across America. In Rhode Island, an SSIG Federal expenditure of roughly $334,000 leveraged over $8 million in Rhode Island expenditures, serving more than 13,000 students.

The history of this program is simple. Before its enactment 25 years ago, only 26 States provided need-based assistance to students. Now, all 50 States provide such assistance.

While SSIG has been successful in increasing State aid, it is not true that it has outlived its usefulness. The statutory purpose of SSIG is not simply to start up State programs. Instead, its purpose is to encourage and assist States in making need-based grant and community service work-study awards to students.

Indeed, if SSIG is eliminated, nine States, including Alabama, Arizona, Georgia, and Mississippi, could lose their entire grant program. In these States, SSIG funds represent 25 percent or more of their entire student grant program. It is unlikely they would sustain these programs without this Federal assistance and encouragement. In addition, if SSIG were eliminated, 43 States have already said they would reduce the number and amount of need-based grants, according to the National Association of State Student Grant and Aid Programs. Thirteen States could face a 40-percent drop in funding for need-based grants, according to PIRG's Higher Education Project.

Even with Federal funding, my home State of Rhode Island failed to maintain funding for the State grant program in 1993 and lost Federal SSIG funding. So Rhode Island, a State known for its commitment to education, also faces serious harm to its need-based program.

How could SSIG have outlived its usefulness if States have already or are threatening to shut down student grant programs and cut student aid?

Even the Appropriations Committee has noted that there is wisdom in maintaining funding for this program. In this Congress, the Senate will work on the reauthorization of the Higher Education Act, which covers most higher education grants and loan programs including Pell grants and SSIG. During this reauthorization process, the Senate Labor and Human Resources Committee, on which I serve, along with Senator COLLINS, will comprehensively review all higher education aid programs. Prior to the Labor Committee's work, I believe it would be inappropriate and unfair for Congress to eliminate a successful program like SSIG. It is a program that

deserves support, but also deserves review, which it will receive in the reauthorization of the Higher Education Act.

It is also interesting to note that at a time when the majority party in this Congress is calling for more Federal money to be returned to the States, eliminating SSIG would end a successful program that gives States substantial flexibility and resources to help them help their citizens on to a better life.

In addition, it is important to note in the recent budget, we have gone a long way in providing tax incentives to send young people to college, tax credits and deductions from taxes, but the people that are served by SSIG are those that cannot readily use the tax system to help their children go to college. In this way, SSIG is vitally important because it is a grant program directly to those low-income Americans that need a chance to share in the same opportunity that we have, in our wisdom, provided through the tax system to upper-income and middle-income Americans.

Now, let me emphasize that SSIG is more important than ever as college costs continue to grow faster than income and grant aid, and as the grant-loan imbalance widens. In 1975, 80 percent of student aid came in the form of grants and 20 percent in the form of loans. Now, the opposite is true.

Let me also add that low-income students are finding it particularly hard to afford higher education. Less than 50 percent of high school graduates with family incomes under $22,000 go on to college, while more than 80 percent of their higher income counterparts go on to pursue education beyond high school. Frankly, if we do not reverse this trend, if we do not let every segment of our society go on to higher education, we will continue to develop a bifurcation of our society and our economy as young people with a chance to go on to college gain skills that make them employable and, indeed, enhances their incomes and ability to seize all the opportunity in our society, while others are left out. We cannot let that happen.

SSIG continues to make a difference for needy students in many States. However, I again remind my colleagues that nine States would likely end their grant programs without Federal encouragement and funding. Moreover, 43 States have said they would cut grants if SSIG were eliminated.

Mr. President, we should be helping all our citizens achieve the American dream by ensuring access to higher education, especially for hard-working families whose wages have not kept up with inflation.

Our amendment seeks to provide $35 million for SSIG. It is not a lot of money in a bill that contains more than $269 billion in funding, but it will make a huge difference to the students who rely upon it.

This amendment, I understand, is agreeable to the chairman and the ranking member and they have committed to work with Senator COLLINS and myself to fight for this funding in conference.

I have a letter from the American Council of Education in support of the amendment, and I ask unanimous consent that it be printed in the RECORD.

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

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
August 29, 1997.

DEAR SENATOR: The associations listed below, representing the nation's 3,700 colleges and universities, strongly urge you to support the amendment that will be offered by Senators Jack Reed (D–RI) and Susan M. Collins (R–ME) during floor consideration of the Fiscal Year 1998 Labor, Health and Human Services, and Education appropriations bill. This amendment will restore funding for the State Student Incentive Grant (SSIG) program, which serves as an effective inducement for states to maintain need-based student financial assistance programs.

In eliminating funding for the SSIG program, the Senate Appropriations Committee expressed the view that the need exists for an ongoing source of federal support that encourages and leverages state contributions, along with its hope that the imminent reauthorization will succeed in modifying and strengthening SSIG. We believe this will be accomplished, and we have submitted recommendations designed to achieve this goal.

However, we believe that the current program is both misunderstood and undervalued in terms of its unique role in the array of existing student aid programs. Within the last six years, for example, SSIG's maintenance of effort requirement has prevented cuts or forced the restoration of funding of state grants in Massachusetts, Arizona, Rhode Island, Connecticut, and Oregon. Further, terminating the program will have punitive consequences for the 680,000 students whose average award of over $1,200 offers them an essential alternative to borrowing. SSIG cuts also will be felt by graduate students, since SSIG is the only Title IV grant program for which they are eligible.

Terminating SSIG also will further strain the already frayed relationship that exists between the state and federal governments, families, students, and institutions. While students and their families have borrowed increasingly greater amounts; while institutions have increased institutional student aid from $1 billion in 1979 to more than $10 billion in 1995; and while the federal government has arrested and begun to reverse the decade-long decline in the value of Pell Grants, states have cut spending on higher education to pay for increased expenses in Medicaid and corrections programs. Between 1985 and 1997, the share of state budgets dedicated to higher education fell from 14 percent to 12 percent. Indeed, one analyst has now concluded that if state support for higher education continues to decline at the rate we have seen in the last two decades, it could begin to hit zero in some states early in the next century.

We believe that the SSIG program still plays an essential role in leveraging a state/federal partnership in the provision of need-based student aid. We oppose SSIG's elimination, and we urge your support of the Reed/Collins amendment to restore its funding.

Sincerely,

STANLEY O. IKENBERRY,
President.

On behalf of the following associations: American Association of Community Colleges, American Association of State Colleges and Universities, American Council on Education, Association of American Universities, National Association of Independent Colleges and Universities, National Association of State Universities and Land-Grant Colleges.

Mr. REED. I urge my colleagues to support this amendment. We cannot afford to pass up this opportunity to aid students who in turn will build a stronger and more prosperous America.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join my friend and colleague from Rhode Island, Senator REED, in offering an amendment to restore $35 million in funding for the State Student Incentive Grant Program.

First, I want to thank and recognize the able leadership of the Senator from Rhode Island in this area. I also want to say I very much appreciate the work of the managers of this bill, Senators SPECTER and Senator HARKIN, in working with Senator REED and myself to find an offset that will allow us to achieve funding for this very important program.

The SSIG program has successfully leveraged a relatively small Federal contribution and investment in student aid to build a State-Federal partnership supporting grants to the neediest college students. Last year, a Federal appropriation of $63 million resulted in a match of $784 million in State expenditures for need-based scholarship grants. In the State of Maine alone, 12,000 students received assistance under this important program. Nationally, grants averaging $1,200 were awarded to about 700,000 students. The recipients, Mr. President, come from families with average incomes of $12,000 a year. As the Senator from Rhode Island has pointed out, that is below the Federal poverty level for a family of four.

Mr. President, it would be a serious mistake to terminate this program. Every single Federal dollar that it provides goes to students with financial need. The States bear the administrative costs, so every single Federal dollar goes for the grants for these needy students. This program helps to close the widening gap between what students receive in grant assistance and what they are forced to borrow to pay for the ever-increasing costs of a college education.

Because of high tuition costs and increased borrowing, students are graduating from college with higher and higher debt burdens. This Congress has recognized the problem that this mountain of debt poses for new graduates. It has attempted to ease that burden by making the interests on student loans tax deductible, but then if we turn around and eliminate the Federal contribution to the SSIG program we will, in fact, be counteracting part of this benefit to the most deserving students by increasing their loan burden.

Now, Mr. President, opponents to continuing the SSIG program argue

the purpose for the program no longer exists since each of the 50 States have established a grant program. However, this overlooks the importance of SSIG as the Federal-State partnership and the important role this program plays in maintaining the State commitment to these grants. According to the National Association of State Student Grant and Aid Programs, 43 States—43 States—would reduce their need-based grants if the SSIG program were eliminated. Some would clearly terminate their grant programs altogether without the SSIG contribution. Clearly, in spite of the impressive efforts ahead by many States to help their neediest students, this program continues to be a critical catalyst for State action.

As college costs continue to grow faster than income and grant aid, and as the grant-loan imbalance widens for students of modest means, the need for SSIG is more important than ever before. This Congress has just acknowledged the value of grants by voting for a modest increase in the maximum amount of Pell grants. It would be inconsistent and incredibly poor timing if at the time we are recognizing the need for an increase in the grants under the Pell program, we turn around and reduce assistance under the SSIG program.

Mr. President, I recently received a letter from Stephanie D'Amico of Biddeford, ME, who speaks far more eloquently about the importance of this program than I can. I ask unanimous consent her entire letter be printed in the RECORD.

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

Hon. SENATOR COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS, I am writing to ask for your support of State Student Incentive Grants (SSIG). College is one of the best investments we can make in America's future. It is critical to a strong democracy and a healthy economy. To me personally, it represents opportunity for the future.

Unfortunately, a college education is becoming harder and harder to afford. The costs of college are rising, but financial aid remains inadequate. The average full time student must devote 24 hours each week to work rather than studies. And this is just to make ends meet.

SSIG is one of the best federal programs helping to provide access to education. The federal money put into SSIG is matched by each state. So for every federal SSIG dollar, two dollars are spent on students that need it. Seventy percent of the students who receive SSIG funds come from families with incomes of less than $20,000. Without this program, it is likely that 18 states will lose their entire grant program, putting a college education at risk for many students.

Students and families need help with the costs of college. With students now graduating with decades of debt, loans are not the answer. Studies show that students with grants are more likely to stay in school. SSIG is a good, working program that should be fully funded.

Thank you for making education funding a priority. I look forward to hearing from you. Please let me know what you are doing to support increased funding for education.

Sincerely,

STEPHANIE D'AMICO.

Ms. COLLINS. I quote just briefly from Stephanie D'Amico's letter.

She wrote:

College is one of the best investments we can make in America's future. It is critical to a strong democracy and a healthy economy. To me personally it represents opportunity for the future. Unfortunately, a college education is becoming harder and harder to afford. . . . SSIG is one of the best Federal programs helping to provide access to education. . . . Students and their families need help with the costs of college. With students now graduating with decades of debt, loans are not the answer. . . . SSIG is a good, working program that helps students stay in school.

Mr. President, if America is truly to remain the land of opportunity, we must ensure that our citizens like Stephanie D'Amico do not face insurmountable obstacles to higher education. This program will help Stephanie D'Amico and many like her to achieve the American dream. I urge support of the Reed-Collins amendment.

I yield the floor.

Mr. JEFFORDS. Mr. President, I rise in support of the amendment offered by my colleague from Rhode Island, Senator REED, which restores $35 million to the State Student Incentive Grant [SSIG] Program.

SSIG is an effective Federal/State partnership program which leverages State dollars for need-based student aid.

Ensuring that students have need-based grant aid available to them is very important—especially when one considers the extraordinary debt that many college students have taken on to pay for school. In 1995–96 SSIG benefited 688,000 students through the country and the median family income of those students was $12,000. In Vermont, 4,260 students received assistance through SSIG.

It is my hope that the Senate will vote in support of this important program. As chairman of the Labor and Human Resources Committee, I look forward to a thoughtful review and strengthening of SSIG as part of the reauthorization of the Higher Education Act.

So again, I thank my colleague from Rhode Island for offering this amendment and thank my colleague from Pennsylvania, Senator SPECTER, for his support.

Mr. WYDEN. Mr. President, as a cosponsor of the Reed amendment, I want to explain why the Senate should restore $35 million to the State Student Incentive Grant [SSIG] program.

First, SSIG funds go directly to the students, not to Federal bureaucrats or administrators. One hundred percent of these funds go to the students.

Second, SSIG grants go to those who need them most: the median family income for SSIG recipients is $12,000—well below the Federal poverty level for a family of four.

Third, because every Federal dollar directly leverages State education dollars, each additional Federal dollar may make the difference whether another student gets the chance to go to college. In many States SSIG grants truly make or break a student's chance to go to college.

Fourth, at a time when costs are limiting access to higher education, we must do everything we can to give every student the opportunity to go to college. I was an early supporter of tax credits to help middle-class families pay the cost of higher education, and this program is just as crucial for the most needy students.

This program is especially important for Oregon. In the 1995–97 period, the SSIG Program made the difference for 49,400 students in Oregon, with an average grant of $1,060. SSIG helped account for 5-percent of the funding for the Oregon Need Grant program. And there are more than 16,700 students who did not receive the grant because of underfunding.

The Oregon Need Grant program helps provide basic access for Oregon's most needy student population. If we cut off SSIG for the 1997–98 academic year, some 620 students could be forced to drop out of college. In pure dollar amounts, the grant may not seem like much to people in Washington, DC who are used to dealing in billions of dollars. But it will enable thousands of students in Oregon to make the decision to go to college.

It is the students, of course, who say it the best. One student who works at the U of O admissions office on work study said ''My father has been unemployed for about 4 years even though he has 20 years of naval experience and a college degree. My mother works for the local school system, but her income can't even provide for our family, let alone my college education. Without the need grant that I receive, I wouldn't be able to attend a 4 year university and work towards my degree in psychiatry and business.'' Another student at the University of Oregon said: ''The state need grant has literally been godsend. I come from a single parent household and my mother was laid off from a [major] corporation a few years ago and has only been able to get jobs as a waitress since. If it were not for the state need grant, I would not be able to attend the University of Oregon. I have lived in Eugene all of my life and I've always wanted to attend the U of O. I am majoring in journalism and hope to graduate this year. The grant made it possible for my mother to send me to school and still put food on the table for a family of four.''

Mr. President, I urge my colleagues to vote for this amendment, and ask unanimous consent that my full statement be printed in the RECORD.

Mr. KENNEDY. Mr. President, I support the education amendment offered by Senator REED to appropriate $35 million to maintain the State Supplemental Incentive Grant Program.

The SSIG Program is effective in encouraging States to allocate funds for need-based student aid programs. Elimination of SSIG will cause a significant loss of funds for many needy students and will discourage States from providing this important type of student aid.

Continued funding for SSIG is supported by the American Council on Education, the United States Student Association, US PIRG, the National Association of Graduate-Professional Students, the National Association of State Student Grant and Aid Programs, and the Education Trust.

SSIG is a Federal-State partnership in student aid. States must match the Federal funds on a dollar-for-dollar basis. Eliminating the Federal share will inevitably result in many States dropping their programs entirely.

SSIG constitutes a significant percentage of need-based aid in several States. It is also an incentive for State legislatures to provide their own need-based student aid. In 13 States, Federal SSIG is 20 percent or more of the total need-based aid in the State. In Hawaii and Mississippi, the elimination of SSIG funds would cut the State need-based aid in half.

In Rhode Island, the State legislature provided need-based aid in order to obtain the Federal SSIG funds. The Connecticut Legislature increased need-based aid in order to meet the SSIG requirements. Louisiana will end all need-based aid if Federal funds for SSIG are not appropriated.

One of the fundamental goals of the Higher Education Act is to provide greater access to higher education for all qualified students, regardless of income. Expanding this access is still a major challenge. In the upcoming reauthorization of the Higher Education Act, we will be considering all aspects of the roles of the Federal Government, the State governments, colleges, students, and their families in meeting the costs of higher education.

SSIG is a program that works. It's a sensible Federal-State partnership, and it may well be a model for other steps to leverage the use of Federal funds. I urge my colleagues to support the Reed amendment to appropriate adequate funds for SSIG, so that needy students across the country will not lose this critical aspect of college aid.

Mr. REED. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REED. I understand this vote is scheduled for 5 o'clock.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent at 5 p.m. today the Senate proceed to a vote on or in relation to Senator REED's amendment numbered 1096.

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

Mr. REED. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. REED. Would the Senator also include in this request a modification that precludes any second-degree amendments on my amendment?

Mr. COVERDELL. That is my understanding, that both sides would agree, and I ask unanimous consent the Senator's request be honored.

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

Mr. REED. I yield the floor.

AMENDMENT NO. 1097

(Purpose: To enhance food safety for children through preventive research and medical treatment)

Mr. COVERDELL. Mr. President, I ask unanimous consent the pending amendment be set aside in order to offer an amendment.

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

Mr. COVERDELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1097.

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

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) TRANSFER.—Using $5,000,000 of the amounts appropriated under this title, the Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide $1,000,000 for the development of improved medical treatments for patients infected with E. coli:0157H-related disease (HUS);

(2) provide $1,000,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle;

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, $1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide $1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide $1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

AMENDMENT NO. 1098 TO AMENDMENT NO. 1097

(Purpose: To enhance food safety for children through preventive research and medical treatment)

Mr. COVERDELL. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment No. 1098 to amendment numbered 1097.

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

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

The amendment is as follows:

Strike all after the first word and add the following:

(a) TRANSFER.—Using $5,000,000 of the amounts appropriated under this title, the Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide $1,000,000 for the development of improved medical treatments for patients infected with E. coli:0157H7-related disease (HUS);

(2) provide $550,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle:

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, $1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide $1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide $1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

Mr. COVERDELL. Mr. President, I am only going to speak to this amendment briefly. Let me just say that, at the appropriate time, it will be discovered that this is a rather broadly based amendment to deal with food safety.

The amendment includes provisions for funding for research in the development of improved medical treatment for patients infected with E. coli and related diseases.

The amendment provides funding to help detect and prevent colonization of E. coli in live cattle. Research would focus on determining the pathogen relationship between cattle and E. coli.

The amendment will provide funding for the administration's food and safety initiative and, more directly, for the important consumer education component.

Mr. President, the amendment provides provisions to implement a much-needed study on the feasibility of a irradiating raw meat to eliminate E. coli and to develop a consumer education program on the process of safety.

Mr. President, the amendment will require the Department of Health and Human Services to contract with the National Academy of Sciences to determine the effectiveness of USDA's zero-tolerance standard for E. coli.

I am pleased today to be introducing an important amendment in my capacity as Agriculture Subcommittee

chairman with jurisdiction over inspections. I am proposing what I think is a commonsense, effective approach to confronting the deadly pathogen E. coli:0157H7. As we are all aware in Congress, our Nation is facing a difficult battle with this bacteria as we work to assure the safety of our domestic food source. Scientists are confronting traditional difficulties in fighting E. coli on the farm and controlling the toxins it releases once in the body. Looking closely at this issue over the past two weeks, it has become increasingly clear to me that some of the best answers to E. coli and other food safety problems can be found in advanced research, education, and study. The committee report on the Labor-HHS appropriations bill repeatedly calls for greater emphasis on food safety and development of priorities in this field. Consequently, firewalls must be built to prevent, to the greatest extent possible, the growth, transmission, and human health destruction that can be caused by this rare but virulent bacteria. The following amendment takes recommendations, which were issued in the ''Final Report of the Blue Ribbon Task Force on Solving the E. coli 0157:H7 Problem'' in 1994. This task force was comprised of the experts from the government, industry, academia, and consumer and producer groups. These recommendations are all backed by good science and will help strengthen existing standards and build new safeguards against human exposure to and illness from E. coli 0157:H7. The following is a summary of my amendment:

AMENDMENT SUMMARY

First, this provision provides funding for research on the development of improved medical treatment for patients infected with E. coli 0157:H7 related disease [HUS]. The most vulnerable members of society susceptible to the chronic effects of E. coli 0157:H7 infection are—children and the elderly. Funding should focus on helping these individuals to recover fully.

Second, this provision provides funding to help detect and prevent colonization of E. coli 0157:H7 in live cattle. Research should focus on determining the host/pathogen relationship between cattle and the E. coli microbe, and explore which factors contribute to its incidence in cattle.

Third, this provision provides funding for the Administration's Food Safety Initiative, more directly for the important consumer education component. This national consumer education campaign on food safety represents a partnership between government, industry, and consumer groups. This is an important link in the food safety chain and critical initiative endorsed last year by former U.S. Surgeon General C. Everett Koop, along with the U.S. Department of Agriculture, the Department of Health and Human Services, and the U.S. Department of Education.

Fourth, this provision implements a much-needed study on the feasibility of irradiating raw red meat to eliminate the E. coli 0157:H7 pathogen and to develop a consumer education program on the process' safety. Currently available for poultry products, irradiation is a proven method of confronting this disease, and its feasibility on red meat needs to be explored.

Fifth, requires the Department of Health and Human Services to contract with the National Academy of Sciences to determine the effectiveness of the USDA's zero tolerance standard for E. coli 0157:H7 in raw ground beef products and the effectiveness of its current microbiological testing program. An updated report on this testing will be helpful to the Congress, USDA, consumers, and the industry in their search for tools to effectively identify and eradicate E. coli 0157:H7 in raw ground beef products.

I would request that this amendment be carefully examined by my colleagues and by the administration. Upon their review, I hope that the amendment will be agreed to in order to continue solidifying our Nation's food as the safest in the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, can you tell me the order of the day?

The PRESIDING OFFICER. A vote will occur at 5 p.m. with respect to amendment No. 1096. It is an amendment offered by Mr. REED of Rhode Island.

AMENDMENT NO. 1094

Mrs. BOXER. Thank you very much, Mr. President. Would it be appropriate for the Senator to speak in favor of the Harry Reid amendment at this time by unanimous consent?

The PRESIDING OFFICER. The Senator may proceed.

Mrs. BOXER. Mr. President, a new contaminant called perchlorate, with potentially serious health risks, has recently been detected in drinking water in California and Nevada. It is expected to also be found in drinking water in other States.

Perchlorate is a chemical component of solid rocket fuel, munitions, and fireworks. The potential source of the drinking water contamination is solid fuel and munitions factories that produce and use large amounts of ammonium perchlorate.

According to preliminary research, perchlorate causes the thyroid gland to malfunction by interfering with the gland's ability to use iodine and produce hormones. A malfunctioning thyroid affects the metabolism and therefore interferes with growth and development of humans.

New safe drinking water technology to measure perchlorate became available in May 1997. Since then, groundwater wells in the most likely areas in the country have begun to be tested.

Perchlorate has so far been detected in 69 drinking water wells in California—out of the 232 tested so far—as well as in the Colorado River and Lake Mead which is the source of water for over 10 million people in California, Nevada, and Arizona.

It is expected to be present in drinking water wells in other States. EPA has stated that the contamination is a very serious issue.

There is no Federal standard for perchlorate in drinking water. California is the only State that has a temporary safety standard for consuming water that contains perchlorate—18 parts per billion—but this temporary standard is based on very preliminary health effects data.

There is no research data on the possible carcinogenic effects of perchlorate.

Twenty-four wells in California have been closed because perchlorate levels exceed the California standard—with some wells registering a perchlorate level of 280 parts per billion—including wells at the San Gabriel Superfund site.

Mr. President, this amendment requires the National Institutes of Health [NIH] to ''from amounts appropriated under this title'' conduct a study on the health effects of perchlorate with particular emphasis on the health risks to vulnerable subpopulations including children, pregnant women, and the elderly.

It also requires that the NIH report back to the committee within 9 months—and annually thereafter—on the results of the study—including a recommendation on whether further health effects research is necessary.

This is an important first step.

First we need to understand more about what the potential health effects of perchlorate are. Then we will take whatever measures are appropriate to ensure that our drinking water remains safe for all, especially for our most vulnerable people—children and our elderly.

OTHER INITIATIVES

First, the fiscal year 1998 EPA appropriations bill includes a $2 million earmark for treatment technology research at the Crafton-Redlands plume in California (that is, research on how to filter out or extract perchlorate. Perchlorate is a salt-based soluble so contamination moves as quickly as the water moves.

Second, Senator BOXER is working to include the following report language in the EPA appropriations bill:

The Committee directs the Environmental Protection Agency to work with the Department of Defense, the National Institute of Environmental Health Sciences, and other relevant federal and state agencies to assess the state of the science on (1) the health effects of perchlorate on humans and the environment, and (2) the extent of perchlorate contamination of our nation's drinking water supplies; and to make recommendations on how this emerging problem might

be addressed. The EPA will submit a report on the interagency findings to the Committee within six months.

I don't think we have a more serious charge of protecting the health and safety of the American people.

I thank you very much.

I yield the floor.

VOTE ON AMENDMENT NO. 1096

The PRESIDING OFFICER. Mr. President, 5 o'clock having arrived, the question is on Amendment 1096 offered by Mr. REED of Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Oklahoma [Mr. INHOFE], the Senator from Delaware [Mr. ROTH], the Senator from Alabama [Mr. SESSIONS], and the Senator from Oregon [Mr. SMITH], are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. SESSIONS] would vote ''yea.''

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. HOLLINGS] would vote ''aye.''

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

The result was announced—yeas 84, nays 4, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—84

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Baucus	Ford	McConnell
Bingaman	Frist	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Breaux	Graham	Murkowski
Brownback	Gramm	Murray
Bryan	Grams	Reed
Bumpers	Grassley	Reid
Burns	Gregg	Robb
Byrd	Hagel	Roberts
Campbell	Harkin	Rockefeller
Chafee	Hatch	Santorum
Cleland	Hutchinson	Sarbanes
Coats	Hutchison	Shelby
Cochran	Inouye	Smith (NH)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Coverdell	Kempthorne	Stevens
Craig	Kerrey	Thomas
D'Amato	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Dorgan	Levin	Wellstone
Durbin	Lott	Wyden

NAYS—4

Ashcroft	Helms
Domenici	Nickles

NOT VOTING—12

Bennett	Inhofe	Lieberman
Biden	Kennedy	Roth
Faircloth	Kerry	Sessions
Hollings	Leahy	Smith (OR)

The amendment (No. 1096) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF ABSENCE

Mr. LOTT. Mr. President, I would like to note for the RECORD that Senator BENNETT is on official business in Moscow, Russia until September 10. Senator BENNETT is meeting with members of President Yeltsin's administration and Members of the Duma on the matters relating to religious freedom in Russia.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendments be set aside and that it be in order to send a series of amendments to the desk, that they be considered en bloc, and that accompanying statements be printed at the appropriate point in the RECORD.

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

AMENDMENTS NOS. 1099 THROUGH 1111, EN BLOC

Mr. SPECTER. Mr. President, these amendments have been cleared on both sides:

First, on behalf of Senator CHAFEE, an amendment to add $250 million for both the Fiscal Payment Review Commission and Prospective Payment Assessment Commission offset by a reduction in the Railroad Retirement Board's dual benefit account.

Second, on behalf of Senator COVERDELL, regarding directives to the Secretary of Education concerning child safety and school crime.

Third, on behalf of Senator DASCHLE, regarding the authorization of a comprehensive program for the prevention of fetal alcohol syndrome.

Fourth, on behalf of Senator FAIRCLOTH, to require the Secretary of Education to certify the percentage of Federal funds appropriated to the department that are provided for students and teachers.

Fifth, on behalf of Senator FEINGOLD, to require the Secretary of Education to conduct a study on student populations.

Sixth, on behalf of Senator HOLLINGS, to increase the setaside within the funds provided in the bill for the National Occupational Information and Coordinating Committee, from $8 to $10 million.

Seventh, on behalf of Senator INHOFE, regarding a supplemental security income demonstration project.

Eighth, on behalf of myself, increasing funding in the bill for continuing disability reviews under the SSI program.

Ninth, on behalf of Senators WARNER and KENNEDY, providing $1.1 million to the Department of Education to begin preparations for this Nation to celebrate the year 2000. These funds are offset by a reduction in the Perkins Loan Cancellation Account.

Tenth, on behalf of Senator HARKIN, to provide the Health Care Finance Administration with authority to use fees they collect from providers, physicians and suppliers for provider-requested audits to offset the cost of such audits.

Mr. President, on behalf of Senator NICKLES, I submit an amendment for consideration relating to Social Security Administration regarding employer contributions.

On behalf of myself, I send an amendment to the desk on the administrative funds for the Department of Labor, the welfare-to-work program.

And another amendment, requested by Senator ROTH, for $900,000 for the Commission on Medicare.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and others, proposes amendments numbered 1099 through 1111 en bloc.

Mr. SPECTER. Mr. President, I ask unanimous consent that reporting be waived. I have stated the specific amendments and the purpose for those amendments.

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

The amendments are as follows:

AMENDMENT NO. 1099

(Purpose: To provide additional funding for the Prospective Payment Assessment Commission and the Physician Payment Review Commission)

On page 67, line 4, strike ''$3,258,000'' and insert in lieu thereof: ''$3,508,000''.

On page 67, line 10, strike ''$3,257,000'' and insert in lieu thereof: ''$3,507,000''.

On page 67, line 18, strike ''$206,000,000'' and insert in lieu thereof: ''$205,500,000''.

On page 67, line 24, strike ''$206,000,000'' and insert in lieu thereof: ''$205,500,000''.

AMENDMENT NO. 1100

(Purpose: To provide training and technical assistance regarding incidents of elementary and secondary school violence, and to provide for pilot student safety toll-free hotlines for elementary and secondary school students)

On page 61, after line 25, insert the following:

SEC. . Of the funds made available under this title, the Secretary of Education shall establish a program to provide training and technical assistance to State educational agencies and local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) in developing, establishing, and implementing procedures and programs designed to protect victims of and witnesses to incidents of elementary school and secondary school violence, including procedures and programs designed to protect witnesses testifying in school disciplinary proceedings.

SEC. . Of the funds made available under this title, $450,000 shall be awarded by the Secretary of Education for grants for the establishment, operation, and evaluation of pilot student safety toll-free hotlines to provide elementary school and secondary school students with confidential assistance regarding school crime, violence, drug dealing, and

threats to the personal safety of the students.

Mr. COVERDELL. Mr. President, there is a grave condition in our elementary and secondary schools across the land. Today, 40 percent of our children do not feel safe in school. It's hard to believe, Mr. President, that:

At least 2.7 million violent crimes take place annually either at or near school.

Every hour, on school campuses, more than 2,000 students and about 40 teachers are physically attacked.

One in every nine students said they cut classes or stayed away from school last year to avoid being beaten or shot.

One in every eight students carries a weapon to school for protection, with 100,000 children taking a gun to school each day.

Last year, a 12-year-old student at a Los Angeles middle school was raped on campus, during school hours, by another student. The victim was forced to attend alone a school disciplinary hearing for the accused which the offender attended with his parents and his lawyer. The State education code afforded protection for the accused but not for the victims or witnesses.

Recently, four teenage boys gang raped a 14-year-old girl at a public high school in Queens. The girl reluctantly reported the crime the next day to a school counselor. When she didn't provide enough detail the assistant principal merely referred her back to the counselor. Almost 1 month later the crime was finally reported to law enforcement and the four were arrested.

A 15-year-old boy killed himself in a GA classroom after being assaulted and bullied almost daily at school because he was overweight.

Mr. President, we cannot allow our children to continue to be terrorized at school. We cannot ignore these kids who are victimized or who witness their friends being abused. The amendment I am offering today begins to address this problem for those children already facing violence. It will: Require the Secretary of Education to establish a program to provide training and technical assistance to State and local education agencies in developing and implementing procedures to protect victims/witnesses of school crime, including protections associated with school disciplinary hearing, and require the Secretary of Education to utilize $500,000 of the funds appropriated under this bill to award grants for pilot school safety hotlines to provide K–12 students with confidential assistance regarding violence, crime, drugs, and threats to personal safety.

Mr. President, on behalf of the 52 million children who attend our schools this year, I urge adoption of this amendment.

AMENDMENT NO. 1101

(Purpose: To provide a comprehensive program for the prevention of Fetal Alcohol Syndrome)

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION.

(a) FINDINGS.—This section may be cited as the ''Comprehensive Fetal Alcohol Syndrome Prevention Act''.

(b) FINDINGS.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effects, which are lesser, though still serious, alcohol-related birth defects;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effects are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,700,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) PURPOSE.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate, support, and conduct basic and applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

(d) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART O—FETAL ALCOHOL SYNDROME PREVENTION PROGRAM

''SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

''(a) FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects prevention program that shall include—

''(1) an education and public awareness program to—

''(A) support, conduct, and evaluate the effectiveness of—

''(i) training programs concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(ii) prevention and education programs, including school health education and school-based clinic programs for school-age children, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(iii) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations concerning the programs referred to in subparagraph (A); and

''(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

''(i) evaluating the effectiveness, with particular emphasis on the cultural competency and age-appropriateness, of programs referred to in subparagraph (A);

''(ii) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(iii) educating school-age children, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, with priority given to programs that are part of a sequential, comprehensive school health education program; and

''(iv) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally competent projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective intervention methods to prevent fetal exposure to alcohol;

''(2) an applied epidemiologic research and prevention program to—

''(A) support and conduct research on the causes, mechanisms, diagnostic methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) provide technical and consultative assistance and training to States, Tribal governments, local governments, scientific and academic institutions, and nonprofit organizations engaged in the conduct of—

''(i) Fetal Alcohol Syndrome prevention and early intervention programs; and

''(ii) research relating to the causes, mechanisms, diagnosis methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

''(i) conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multicultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

''(ii) improving and coordinating the surveillance and ongoing assessment methods implemented by such entities and the Federal Government with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(iii) developing and evaluating effective age-appropriate and culturally competent prevention programs for children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(iv) facilitating coordination and collaboration among Federal, State, local government, Indian tribal, and community-based Fetal Alcohol Syndrome prevention programs;

''(3) a basic research program to support and conduct basic research on services and effective prevention treatments and interventions for pregnant alcohol-dependent women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(4) a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effects diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals; and

''(5) the establishment, in accordance with subsection (b), of an inter-agency task force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

''(b) INTER-AGENCY TASK FORCE.—

''(1) MEMBERSHIP.—The Task Force established pursuant to paragraph (5) of subsection (a) shall—

''(A) be chaired by the Secretary or a designee of the Secretary; and

''(B) include representatives from all relevant agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention, the National Institutes of Health, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and any other relevant agencies of the Department of Health and Human Services.

''(2) FUNCTIONS.—The Task Force shall—

''(A) coordinate all relevant programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, including programs that—

''(i) target individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(ii) provide health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health; and

''(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies, including a proposal for a Federal Interagency Task Force to include representatives from all relevant agencies and offices within the Department of Health and Human Services, the Department of Agriculture, the Department of Education, the Department of Defense, the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco and Firearms, the Federal Trade Commission, and any other relevant Federal agency.

''(c) SCIENTIFIC RESEARCH AND TRAINING.—The Director of the National Institute on Alcohol Abuse and Alcoholism, with the cooperation of members of the interagency task force established under subsection (b), shall establish a collaborative program to provide for the conduct and support of research, training, and dissemination of information to researchers, clinicians, health professionals and the public, with respect to the cause, prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and the related condition know as Fetal Alcohol Effects.

''SEC. 399H. ELIGIBILITY.

''To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

''(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

''SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, such sums as are necessary for each of the fiscal years 1998 through 2002.''.

AMENDMENT NO. 1102

(Purpose: To require that the Secretary of Education certify the use of funds appropriated to the Department of Education for students and teachers)

On page 61, after line 25, add the following:

SEC. . The Secretary of Education shall annually provide to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives a certification that not less than 95 percent of the amount appropriated for a fiscal year for the activities of the Department of Education is being used directly for teachers and students. If the Secretary determines that less than 95 percent of such amount appropriated for a fiscal year is being used directly for teachers and students, the Secretary shall certify the percentage of such amount that is being directly used for teachers and students.

Mr. FAIRCLOTH. Mr. President, my amendment will directly help students and teachers in this country. It is an amendment that simply requires accountability of our spending at the Department of Education. This amendment will require the Secretary of Education to certify that 95 percent of the amount we appropriate in this bill goes directly to students and teachers. If the Secretary cannot certify that 95 percent of our spending directly benefits students and teachers, then the Secretary must certify what percentage is being spent.

Mr. President, the Department of Education will spend $31 billion in 1998. The Department is receiving an increase of nearly $3 billion in funding for 1998. No one is a stronger supporter of education than I am, but education has, and hopefully will be, a local issue. So I would hope that the role of a Federal Department of Education is to provide additional funds for students and teachers, not bureaucrats.

I think we need to fire bureaucrats, and feed teachers!

The Department will spend $400 million on management alone. My concern is the Department is rife with wasteful programs. For example, there is $4 million for the John F. Kennedy Center for Performing Arts. There is money for education of prisoners in Hawaii and money to study waste disposal in Hawaii. There is $15 million for education of juveniles in prison. More than $64 million will be spent on just research. These are just a few examples.

Most people think the Department is spending money on teachers and students alone. But we know this is not true. This amendment will for the first time require the Department of Education to tell the American people just how much is being spent by the Federal Government on teachers and students, not bureaucrats and wasteful programs.

Mr. CRAIG. Mr. President, I rise in support of the amendment spoken of by my colleague, Senator FAIRCLOTH. The Faircloth-Craig amendment would require that the Secretary of Education certify each year the percentage of Federal moneys used directly for teachers and students.

The point of the amendment is not the 95 percent figure—it is to draw attention to the vast amount of Federal waste inherent in the Department of Education. Much of what we spend on education each year is lost by Federal managers and bureaucrats.

Increased spending has done little to advance classroom instruction. Federal spending on education has increased 41 percent since 1989. Yet, per-pupil spending at the school level has increased only 34 percent. The rest has been siphoned off to support the enormous Federal bureaucracy.

This year's appropriations bill includes a significant increase in education—we don't know yet how much of it will ever see the inside of a classroom.

Mr. President, teachers in Idaho, and around the country, want to know where their money has gone. I believe we must, in a time of fiscal restraint, examine where each Federal dollar is spent and cut waste wherever it is found.

The Faircloth-Craig amendment is a sound first step in the right direction.

AMENDMENT NO. 1103

(Purpose: To require the Secretary of Education to conduct a study regarding the costs of the anticipated increase in enrollments of secondary school students during the period 1998 through 2008, and the creation of smaller class sizes for students enrolled in grades 1 through 3)

On page 61, after line 25, insert the following:

SEC. . (a) The Secretary of Education shall conduct a study that examines—

(1) the economic, educational, and societal costs of—

(A) the increase in enrollments of secondary school students during the period 1998 through 2008;

(B) the creation of smaller class sizes for students enrolled in grades 1 through 3; and

(C) the increase in enrollments described in subparagraph (A) in relation to the creation of smaller class sizes described in subparagraph (B); and

(2) the costs to States and local school districts for taking no action with respect to such increase in enrollments and smaller class sizes.

(b) The Secretary of Education shall report to Congress within 9 months of the date of enactment of this Act regarding the results of the study conducted under subsection (a). Such report shall include recommendations regarding what local school districts, States and the Federal Government can do to address the issue of the increase in enrollments of secondary school students and the need for smaller class sizes in grades 1 through 3.

Mr. FEINGOLD. Mr. President, I want to thank the distinguished managers of this bill for including language in the managers' amendment at my request. The amendment I intended to offer, which has been included in the managers' amendment, directs the Department of Education to conduct a study of the economic costs of addressing our Nation's burgeoning elementary and secondary student enrollment, projected to grow by over 2 million young people in the next decade, and the expected impact that this growth will have on student achievement. It directs the Department to estimate the costs to local school districts, States, and the Federal Government of the upcoming surge in enrollment, and to outline policy options for addressing this issue and make recommendations to resolve it. In estimating the costs and impact on students of increasing enrollment and making policy recommendations to address this problem, the study will also consider the costs and benefits of reducing class sizes in the earliest grades.

Mr. President, parents are increasingly interested in enrolling their young children in schools that place an emphasis on small class size and individualized attention from teachers. Cities and States across the country are developing programs to help schools meet this goal. California's statewide initiative to reduce all classes in grades K–3 to no more than 20 students is the most ambitious, but by no means the only example.

In my own State of Wisconsin, the Student Achievement Guarantee in Education, or SAGE, Program was developed several years ago to study the benefits of small class size in schools with high poverty rates. With student-teacher ratios of 15:1, the program is extremely popular with students, parents, teachers, and school administrators. Although is has only been implemented in a relatively small number of Wisconsin communities thus far, the reason for the program's widespread appeal is obvious—with fewer students in the classroom, teachers have more time and energy to devote to meeting children's particular needs and helping to spark their interest in learning in creative ways. This may seem like common sense, and it is—but now, we have science to back up what parents and teachers have known for years.

Research indicates that children who are placed in small classes—classes of 15 to 20 students—in the earliest years of elementary school achieve better academically than their peers in larger classes. These benefits are retained in later years of school, even if students are not kept in small classes for later grades. The leading scientific studies of the impact of small class size, Tennessee's STAR study and its follow-up, the Lasting Benefits Study, found that small class sizes in grades K–3 produce substantial improvements in learning which are sustained in later years, even if students are placed in larger classes for later grades.

Unfortunately, at the very time that States and localities are starting to apply the lessons learned in the Tennessee studies, many of our Nation's schools are on the brink of an explosion in student enrollment. According to a report released last month by Education Secretary Richard Riley, entitled ''A Back to School Special Report on the Baby Boom Echo: Here Come the Teenagers,'' there will be more elementary and secondary students in America this school year than there ever have been before. These increases will occur primarily among secondary school students; public high school enrollment is projected to increase by 13% in the next 10 years, while elementary school enrollment will increase only slightly. Total public and private school enrollment in the 1997–98 school year will rise to a record level of 52.2 million students, and it won't stop there. By the year 2007, total enrollment is expected to peak at 54.3 million students.

Mr. President, this is a problem that isn't going away. Unlike our past experience with the baby boom, when there was a sharp rise in student enrollment which eventually declined, the U.S. Bureau of the Census projects that the number of births will remain stable or even increase slightly in the next few decades. States and local school districts are going to have to develop strategies for accommodating and educating very large numbers of students. This is likely to be costly, and will require creative solutions and the balancing of priorities.

To some degree, this is a regional problem. Wisconsin, for example, along with many States in the Midwest, will actually experience small decreases in student population in the next decade. However, this will certainly not be the case in every community in my State, or in any of the States which are projected to experience decreases in student enrollment. Across the Nation, school districts are going to need to adapt to their larger student bodies, at the same time that many of them, rightly, will be investing in the creation of smaller classes for their early elementary students.

Mr. President, smaller class sizes are the wave of the future. Parents want them, students benefit from them, and schools are recognizing the need. I thank my colleagues, the Senators from Pennsylvania and Iowa, once again for accepting my amendment, which will lay out options for schools to consider as they plan for a future with smaller classes and larger enrollment.

AMENDMENT NO. 1104

(Purpose: To increase funding for the National Occupational Information Coordinating Committee, offset by reducing other national activities)

On page 3, line 3 strike ''$8,000,000'' and insert in lieu thereof: ''$10,000,000''.

AMENDMENT NO. 1105

(Purpose: To provide a disability return to work demonstration initiative)

On page 70, line 1, strike ''$16,160,300,000'' and insert in lieu thereof: ''$16,162,525,000''.

On page 70, before the period on line 4, insert the following: ''*:Provided further,* That not less than $2,225,000 shall be available for conducting a disability return to work demonstration initiative, which focuses on providing persons who have lost limbs with an integrated program of prosthetic and rehabilitative care and job placement assistance''.

Mr. INHOFE. Mr. President, my amendment would provide $2,225,000 to establish a demonstration project to assist persons with disabilities due to the loss of a limb to return to work.

According to a 1996 GAO report on SSA disability programs, ''[r]eturn-to-work strategies and practices may hold the potential for improving federal disability programs by helping people with disabilities return to productive activity in the workplace and at the same time reduce program costs.''

The GAO report goes on to note that the three most important strategies to mainstream individuals back into the work force are: intervene as soon as possible; identify and provide necessary return-to-work assistance; and structure benefits to encourage people to return to work.

Using these GAO suggestions as a guide, I have attempted to address the medical, rehabilitative, and job training needs of individuals who have lost their limbs.

Experience has shown that for people who have lost limbs, access to appropriate medical rehabilitation can mean the difference between prolonged dependence and a successful return to the work place. Due to advancement in modern rehabilitation medicine, persons who experience limb loss can now routinely expect to attain high levels of independence and functionality.

Over the last several years, I have worked with Limbs for Life Foundation which provides financial help to amputees nationwide. As a result of my association with them, I have observed

that a significant percentage of people who lose limbs do not return to the work force and subsequently become dependent on Social Security's Supplemental Security Income [SSI] and Disability Insurance [DI] programs. A leading cause for this dependence has been the inability to gain access to appropriate rehabilitation care.

According to the Social Security Administration, less than half of 1 percent of Social Security beneficiaries return to work. Yet, they also estimate that as many as 3 out of 10 persons on disability may be good candidates for return to work but the system does not encourage it.

I believe this partial due to the Social Security Administration's process for determining disability which does not generally assess the individuals functional capacity to work, but rather presumes that certain medical conditions are in themselves sufficient to preclude work. However, the link between medical condition and work incapacity is weak. While there are certainly some medical impairments which prevent individuals from working, others factors such as vocational, psychological, economic, environmental, and motivational are often more important determinants of work capacity.

My proposed demonstration program will result in a better rate of return to work because it will provide people with the tools needed to successfully overcome many of the impediments which have traditionally held them back from main streaming into the work place.

Specifically, by providing appropriate prosthetic and rehabilitation services, followed by an intensive regimen of occupational therapy the demonstration program will prepare amputees to meet the physical demands of the work place. Practical assistance such as job training and job placement are also critical for successful main streaming and would be a part of the program.

Not only will we be helping people who want to work, but will more effectively spend our limited disability money. The Social Security Administration's estimates that lifetime cash benefits are reduced by $60,000 when an individual receiving Disability Insurance returns to work; $30,000 when an individual receiving Supplemental Security Income returns to work.

The Limbs for Life Foundation has estimated that they could provide services for 775 individuals with the proposed $2,225,000 demonstration program. Under their proposal, this money would be combined with the Foundation's own funds and services and result in a net savings of $9 million.

Mr. President, I believe this is a sound investment and I urge my colleagues to support my amendment.

AMENDMENT NO. 1106

(Purpose: Provide for additional Security Administration continuing disability reviews as authorized by cap adjustment legislation)

On page 71, line 23, strike ''$245,000,000'' and insert in lieu thereof: $290,000,000.

On page 71, line 25, after ''Public Law 104–121'' insert: '', section 10203 of Public Law 105–33,''.

AMENDMENT NO. 1107

(Purpose: Millennium 2000 Project)

On page 60, line 7, strike ''$338,964,000'' and insert in lieu thereof ''$340,064,000: *Provided*, That $1,000,000 shall be used for the Millennium 2000 project''.

On page 56, line 21, strike ''$8,557,741,000'' and insert in lieu thereof ''$8,556,641,000''.

Mr. WARNER. Mr. President, I rise to thank the managers of this legislation for including language offered by myself and Senator KENNEDY that will provide the Department of Education with $1.1 million to begin planning efforts for the Nation's celebration of the millennium. These funds were requested by the Department of Education and will be offset within the Department.

The Clinton administration recently established the White House Millennium Program to coordinate the Nation's efforts to celebrate the millennium. Having served as Administrator of the American Revolution Bicentennial Administration, I know the importance of advance planning and preparation for national events. While not comparable in historic significance to our bicentennial, the millennium is, nevertheless, an event many Americans will wish to recognize and to participate in. To the extent there is national governmental participation, it should be to focus on dignity and quality. These funds will be critical to that effort.

It is my hope that the White House Millennium Program will work closely with an organization I have been affiliated with for a number of years—the Millennium Society. This respected international organization has been in existence since 1979 and is devoted to organizing a global celebration of the millennium. Most importantly, the Millennium Society has focused much of its efforts on establishing and administering the Millennium Society Scholarship Program.

I would like to particularly recognize Cate Magennis Wyatt, a founder of the Millennium Society, who was instrumental in building the organization. Her dedication and hard work have focused international attention on this issue in a positive manner.

Over the past several years, along with much support from Senators DODD and STEVENS and others, I have worked closely with the firm of Alcalde & Fay and, in recent months, Tommy Boggs, a volunteer counselor. All of us have worked with one goal in mind—ensure that the millennium is celebrated in a proper and dignified manner. Providing adequate planning funds will help us achieve that goal.

AMENDMENT NO. 1108

(Purpose: Provide authority to use fees collected for provider requested audits to cover the cost of such audits)

On page 39, line 17, after the word ''expended'' insert: '', and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended''.

AMENDMENT NO. 1109

(Purpose: To require that estimates of certain employer contributions be included in an individual's social security account statement)

On page 49, after line 26, add the following:

SEC. . Subparagraphs (B) and (C) of section 1143(a)(2) of the Social Security Act (42 U.S.C. 1230b–13(a)(2)(B), (C)) are each amended by striking ''employee'' and inserting ''employer, employee,''.

AMENDMENT NO. 1110

(Purpose: Reduce unemployment insurance service administrative expenses to offset costs of administering a welfare-to-work jobs initiative)

On page 9, line 11, strike ''$3,292,476,000'' and insert in lieu thereof: ''$3,286,276,000''.

On page 10, line 18, strike ''$216,333,000'' and insert in lieu thereof: ''$210,133,000''.

On page 12, line 11, strike ''$84,308,000'' and insert in lieu thereof: ''$90,508,000''.

AMENDMENT NO. 1111

(Purpose: Provide start-up funding for the National Bi-partisan Commission on the Future of Medicare)

On page 39, line 21, after the word ''appropriation'' insert: '': *Provided further*, That $900,000 shall be for carrying out section 4021 of Public Law 105–33''.

On page 39, line 22, strike ''$55,000,000'' and insert in lieu thereof: ''$54,100,000''.

Mr. SPECTER. Mr. President, these amendments are offered but not to be accepted.

I have set forth the purpose of the amendments in my introductory statement.

Mr. HARKIN. Mr. President, following the lead of our distinguished chairman, my colleague from Pennsylvania, we have a number of amendments. Some of them have been cleared on both sides.

AMENDMENT NO. 1112

(Purpose: To increase funds for education infrastructure)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1112.

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

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

The amendment is as follows:

On page 56, line 22, before the period, insert the following: '': *Provided further*, That $60,000,000 shall be for education infrastructure authorized under Title XII of the Elementary and Secondary Education Act to be derived from unobligated balances''.

Mr. HARKIN. This amendment has been cleared on both sides.

Mr. SPECTER. Mr. President, I accept the representation of my colleague.

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

The amendment (No. 1112) was agreed to.

AMENDMENT NO. 1113

(Purpose: To expand efforts to combat Medicare waste, fraud, and abuse)

Mr. HARKIN. Mr. President I have another amendment to send to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1113.

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

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

The amendment is as follows:

On page 39, at the end of line 25 before the period, insert the following: ": *Provided further,* That no less than $50,000,000 appropriated under this heading in fiscal year 1997 shall be obligated in fiscal year 1997 to increase Medicare provider audits and implement the Department's corrective action plan to the Chief Financial Officer's audit of the Health Care Financing Administration's oversight of Medicare''.

Mr. HARKIN. Mr. President, for many years, I have worked to identify and eliminate fraud, waste, and abuse in the Medicare Program. Senator SPECTER and I have held hearing after hearing and released report after report through our subcommittee. And along the way, we have had some successes. We've stopped a number of scams and ripoffs and we've forced Medicare to reduce excessive prices for a number of devices. These actions have saved Medicare and taxpayers over $1 billion. However, the problem continues to grow. Much more needs to be done.

Several years ago, the General Accounting Office testified before our Appropriations Subcommittee that, based on their analysis, Medicare was losing up to 10 percent of its expenditures, or $16 billion to fraud, waste, and abuse. However, on July 17, HHS Inspector General June Gibbs Brown released a major new report that indicated that the problem was even worse. It was the first national audit of a statistically significant sample of Medicare claims for payment errors. This chief financial officer [CFO] audit found that up to 14 percent of Medicare payments in 1996 were made inappropriately. That's up to $24 billion in 1 year alone.

And this was not a flimsy study. It was detailed and in-depth; 5,300 claims of all types—physician and hospital services, home health care, lab tests—were thoroughly audited. Patient medical records were reviewed and providers and beneficiaries were interviewed. Fully one third of all the claims were found to contain mispayments—all or a portion of the claims should not have been paid.

Some 46 percent of the mispayments were for claims that had either inadequate or no documentation to justify their need; 36 percent of the payment errors involved services that upon review were found not medically necessary. For example, Medicare was charged for x rays on both knees for one patient, when the patient only had problems with one knee. And 8 percent of the payment errors were due to improper billing codes used by health care providers. For example, a physician billed for one office procedure when upon review of the medical records it was found another less expensive procedure was actually performed.

This report is a devastating indictment of the administration of Medicare. And if it goes unaddressed, Medicare will lose as much money over the next 5 years to fraud, waste, and abuse as was cut by the balanced budget act we just passed. That is simply unacceptable.

Making sure that doesn't happen should be at the top of the priority list for the Department of Health and Human Services and this administration. I am afraid, however, that this may not be the case.

The Department has drafted a corrective action plan that, if fully implemented, would take some important steps to addressing the problems identified in the CFO audit. My understanding is that it calls for a 10-percent increase in medical reviews, a 20-percent increase in prepayment review of hospital claims, a 20-percent increase in post-payment review of physician claims, and increases in provider education, expanded audits of home health agencies and nursing, and other improvements.

These are important improvements, but they are woefully inadequate. We need to at least double the number of audits Medicare is conducting. Right now, only about 3 percent of claims are reviewed and only 3 of every 1,000 providers receive a comprehensive audit in any year. That needs to change. And this amendment would help Medicare meet this need.

I send an amendment to the desk for myself and Senator GRAHAM of Florida, who has been tireless in the fight against Medicare fraud, and ask for its immediate consideration.

This amendment would direct the Department of Health and Human Services to obligate no less than an addition $50 million this fiscal year to increase Medicare audits and to comply with its correction action plan developed in response to the CFO audit.

Mr. President, there is about $53 million in the Medicare contractor account for fiscal year 1997 that will likely go unspent. This is due to problems the Department has encountered in the administration of its Medicare transaction system [MTS] initiative. Rather than seeing this money lapse or be rushed inefficiently into a last minute contract, our amendment would assure that this money is well spent to address a pressing problem. It would be easy for the Department to implement because it would simply obligate it to existing contractors to expand the number of audits and reviews that they undertake—it will simply, in effect, increase a current work order.

Mr. President, it would be unconscionable for the Department to let these funds lapse when they know how inadequate their current efforts and resources are to combat Medicare fraud, waste, and abuse. This is not time for bureaucratic business as usual. We need to take bold action to begin to turn the tide against these losses. Our amendment is a simple, commonsense step that would have a significant impact.

If properly implemented, it would more than double the percentage of problem providers receiving comprehensive audits. This would save Medicare and taxpayers many times over its costs.

I understand the amendment has been cleared on both sides. I urge its adoption.

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

The amendment (No. 1113) was agreed to.

AMENDMENT NO. 1114

(Purpose: To amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999)

Mr. HARKIN. Mr. President, I offer an amendment on behalf of Senator GRAHAM, who is proposing this on behalf of Senators KENNEDY and ABRAHAM. I also lend my support to the measure. I understand it also has been accepted by both sides. This has to do with immigration.

Mr. SPECTER. That amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for Mr. GRAHAM, for himself, Mr. KENNEDY and Mr. ABRAHAM, proposes amendment numbered 1114.

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

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

The amendment is as follows:

On page 49, after line 26, insert the following:

SEC. . That Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking ''fiscal year 1995, fiscal year 1996, and fiscal year 1997'' and inserting ''each of fiscal years 1998, and 1999''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1997.

Mr. HARKIN. The United States has for years been a leader in refugee protection. Since 1975, over 2 million refugees have resettled in the United States. The Refugee Act is the core of U.S. refugee policy. This act sets out the criteria for persons to be designated as refugees. In addition, the

Refugee Act allows the Department of Health and Human Services to run several important programs to assist refugees in adjusting to their new life in the United States. These programs include the Refugee Assistance Program, which provides assistance to refugees to help them become self-sufficient in the shortest time possible, social services programs which provide funding to States to support English language classes and employment training for refugees. Refugees receiving cash and medical assistance under this program are required to be enrolled in employment services and accept employment offers.

Furthermore, the Refugee Act allows HHS to provide overseas medical screening of refugees before they enter the United States. Also, it provides targeted assistance to States and counties with high refugee populations. For instance, in 1996, Polk County IA received $160,500 in targeted assistance. HHS also provides a matching grant to voluntary agencies which take responsibility for resetting refugees and ensuring they become self-sufficient. In Iowa, the Refugee Act allowed HHS to provide a targeted assistance award of almost $50,000 to the State and Lutheran Social Services for a program which helps former political prisoners achieve economic independence.

Mr. GRAHAM. Mr. President, I am very pleased today to be working with Senators KENNEDY, ABRAHAM, and HARKIN in their efforts to reauthorize the Refugee Act of 1980.

Through the Office of the U.S. Coordinator for Refugee Affairs, we are better able to develop a comprehensive national strategy to help our State and local governments assimilate the individuals that have fled persecution, injustice, and war.

The Federal Government has welcomed these individuals to our shores. Our local governments welcome them to their communities—and through the programs of the Office of Refugee Resettlement, we make sure that they acquire the skills needed to adjust to our society and become self-sufficient, productive members of society, as soon as possible.

More than 17,000 refugees and entrants arrived in Florida in fiscal year 1996. In fiscal year 1995, this number was higher than 36,000. Between 1992 and 1996, more than 70,000 refugees and entrants settled in Dade County. Without the programs of the Office of Refugee Resettlement, this influx would be a tremendous financial burden on State and local governments.

The arrival of refugees and entrants is a Federal decision; these costs should not be shifted to State and local taxpayers.

By reauthorizing the Refugee Act of 1980, we can continue to offer protection from those fleeing persecution—and make sure that we are addressing the needs of these vulnerable members of our society in a humane, just, comprehensive, and cost-effective manner.

Senator KENNEDY is to be commended on his leadership on this issue. I am proud to work with him and our Senate colleagues to ensure the passage of this measure.

Mr. KENNEDY. Mr. President, Senator GRAHAM has introduced, on behalf of Senator ABRAHAM and me, a 2-year extension of the Refugee Act. That act is the core of U.S. refugee policy. It sets the criteria under which persons can be designated as refugees and provides funds for refugee resettlement. Last year, the United States admitted more than 75,000 refugees under the Refugee Act's criteria.

In addition to determining who qualifies as a refugee, the Refugee Act allows the Department of Health and Human Services, through the Office of Refugee Resettlement [ORR], to provide services to refugees resettled in the United States. For example, ORR provides job training and employment assistance to new refugees to help them become economically self-sufficient. ORR helps States provide English language classes, preventive health services, and cash assistance to new refugees to help them get on their feet in the United States. Refugees often arrive here terrified and with few possessions. Most have fled persecution in their home countries and left virtually all their possessions behind. These programs make a refugee's assimilation into the United States a little easier.

In addition to providing assistance directly to refugees, the Refugee Act makes funds available to the Public Health Service to provide overseas medical screening for U.S.-bound refugees for the protection of public health against contagious diseases. ORR also provides targeted assistance to States and counties with large refugee populations and has matching grant programs for voluntary agencies to assist States in refugee resettlement. For example, the Boston Tech Center in Massachusetts received $250,000 in discretionary targeted assistance to give refugees short-term skills training and teach basic English and math. The International Rescue Committee in Boston received funds under the Refugee Act to provide a youth program for newly arrived Somali children.

The Refugee Act is the heart of our refugee law and policy. If it is not reauthorized, the United States will send a signal worldwide that refugees are no longer welcome here. We cannot let that happen. The act deserves to be extended and I urge the Senate to approve this amendment.

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

The amendment (No. 1114) was agreed to.

AMENDMENTS NOS. 1087, 1088, 1089

Mr. HARKIN. Now, Mr. President, I have three amendments on behalf of Mr. WELLSTONE which I am resubmitting for him.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. WELLSTONE, proposes amendments numbered 1087, 1088, 1089.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

Mr. HARKIN. Mr. President, I further ask, in accordance with the procedures set forth by the chairman, they be set aside.

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

AMENDMENT NO. 1115

(Purpose: To authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics)

Mr. HARKIN. Mr. President, I have an amendment for myself and Mr. BINGAMAN and Mr. KENNEDY regarding school testing. This has not been agreed to either.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. BINGAMAN, and Mr. KENNEDY, proposes amendment 1115.

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

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . (a) Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011), using funds appropriated under section 413(c) of that Act (20 U.S.C. 9012(c)), shall formulate policy guidelines for voluntary national tests of reading or mathematics for which the Secretary of Education uses funds appropriated to the Department of Education.

(b) In carrying out subsection (a), the National Assessment Governing Board shall—

(1) develop test objectives and specifications; test methodology; guidelines for test administration, including guidelines for inclusion of, and accommodations for, students with disabilities and students with limited English proficiency; guidelines for reporting test results, including the use of performance levels; and guidelines for test use;

(2) have final authority over the appropriateness of cognitive items; and

(3) ensure that all items selected for use on the test are free from racial, cultural, or gender bias.

Mr. BINGAMAN. Mr. President, I would like to express my strong support for the amendment being offered by Senator HARKIN.

As I have said on the floor a number of times today and in the past, we must not delay the time when every parent and teacher really knows how each child is doing academically.

For that reason, I am proud to cosponsor the amendment, which transfers oversight over the new tests to the independent and bipartisan National Assessment Governing Board.

This is an approach that I, having long worked with this Board through

my participation on the National Education Goals Panel, believe will ensure that the new tests are fair, and independent of political influence.

Mr. HARKIN. Again, in accordance with the procedure, I ask the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

AMENDMENT NO. 1116

(Purpose: To express the sense of the Senate regarding Federal Pell Grants and a child literacy initiative)

Mr. HARKIN. Mr. President, I have another amendment I send to the desk on behalf of Senator DASCHLE and Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DASCHLE, for himself and Mr. KENNEDY, proposes an amendment numbered 1116.

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

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

The amendment is as follows:

On page 61, after line 25, insert the following:

SEC. . (a) The Senate finds that—

(1) Federal Pell Grants are a crucial source of college aid for low- and middle-income students;

(2) in addition to the increase in the maximum Federal Pell Grant from $2,700 to $3,000, which will increase aid to more than 3,600,000 low- and middle-income students, our Nation should provide an additional $700,000,000 to help more than 250,000 independent and dependent students obtain crucial aid in order to help the students obtain the education, training, or retraining the students need to obtain good jobs;

(3) our Nation needs to help children learn to read well in fiscal year 1998, as 40 percent of the Nation's young children cannot read at the basic level; and

(4) the Bipartisan Budget Agreement includes a total funding level for fiscal year 1998 of $7,600,000,000 for Federal Pell Grants, and of $260,000,000 for a child literacy initiative.

(b) It is the sense of the Senate that the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, should—

(1) provide $700,000,000 to fund the change in the needs analysis for Federal Pell Grants for independent and for dependent students;

(2) add $260,000,000 in fiscal year 1998 for a child literacy initiative; and

(3) pay for the increase in the Federal Pell Grant funding and the child literacy initiative from funds that are available for fiscal year 1998 and not yet appropriated.

Mr. HARKIN. Again, I also ask it be temporarily set aside.

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

AMENDMENT NO. 1094

(Purpose: To provide for the conduct of a study concerning the health and safety effects of perchlorate on human beings)

Mr. HARKIN. Mr. President, I request we call up the Reid amendment, No. 1094.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. REID, for himself and Mrs. BOXER, proposes an amendment numbered 1094.

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

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

Mr. HARKIN. Mr. President, I ask to vitiate the yeas and nays.

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

AMENDMENT NO. 1094, AS MODIFIED

(Purpose: To provide for the conduct of a study concerning the health and safety effects of perchlorate on human beings)

Mr. HARKIN. Mr. President, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. REID, for himself and Mrs. BOXER, proposes an amendment numbered 1094, as modified.

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

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) STUDY.—From amounts appropriated under this title, the Secretary should conduct a study on the health effects of perchlorate on humans with particular emphasis on the health risks to vulnerable subpopulations including pregnant women, children, and the elderly.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, the National Institutes of Health should prepare and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report concerning the results of the study conducted under subsection (a), including whether further health effects research is necessary.

Mr. HARKIN. Mr. President, I understand that amendment has been agreed to.

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

The amendment (No. 1094) as modified, was agreed to.

Mr. HARKIN. Yes, as modified it was agreed to. That was the modification I sent to the desk.

The PRESIDING OFFICER. The Senator is correct and that is the Chair's understanding.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1078

(Purpose: To repeal the tobacco industry settlement credit contained in the Balanced Budget Act of 1997 as amended)

Mr. FORD. Mr. President, I think it is in order that I ask for the regular order on amendment No. 1078.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Ms. COLLINS, proposes an amendment numbered 1078.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF TOBACCO INDUSTRY SETTLEMENT CREDIT.—Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

AMENDMENT NO. 1117 TO AMENDMENT NO. 1078

Mr. FORD. Mr. President, I send an amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for himself, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. HELMS, Mr. ROBB, and Mr. HOLLINGS, proposes an amendment numbered 1117 to amendment No. 1078.

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

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

The amendment is as follows:

At the end of the matter proposed to be inserted, add the following new section:

"SEC. . SENSE OF THE SENATE ON COMPENSATION FOR TOBACCO GROWERS AS PART OF LEGISLATION ON THE NATIONAL TOBACCO SETTLEMENT.

''(a) FINDINGS.—

''(1) On June 20, 1997, representatives of tobacco manufacturers, public health organizations, and Attorneys General from a majority of the States announced that an agreement had been reached on a national tobacco settlement;

''(2) The national tobacco settlement was intended to provide a comprehensive framework for dealing with several issues relevant to the tobacco industry, including youth smoking prevention, legal liabilities, and the sales and marketing practices of the industry;

''(3) Implementation of the national tobacco settlement requires the enactment of federal legislation by the Congress and the President;

''(4) There are more than 125,000 farms in the United States which derive a substantial portion of their income from the cultivation and sale of tobacco;

''(5) Representatives of tobacco growers were completely excluded from the negotiations on the national tobacco settlement, and were poorly informed, or not informed at all, of any details of the settlement negotiations by any participants in those negotiations;

''(6) The national tobacco settlement includes compensation for several adversely affected groups, including NASCAR, rodeo, and other event sponsors, but includes absolutely no compensation whatsoever or other provisions relating to the impact of the settlement on tobacco growers;

''(7) No other group has their livelihoods affected by the national tobacco settlement as adversely as tobacco growers;

''(8) The local economies of tobacco growing communities will be adversely affected by implementation of the national tobacco settlement;

''(9) The national tobacco settlement contemplates $368.5 billion in payments from tobacco manufacturers over the next 25 years, and not all of this amount has been specifically earmarked by the agreement; and

''(10) The federal tobacco program was designed to operate at no net cost to the federal taxpayer, the national tobacco settlement does not contemplate any changes to the operation of this program, and even many critics of the national tobacco settlement, including representatives from the public health community, have expressed support for the continued operation of a federal tobacco program which operates at no net cost to taxpayers.

''(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

''(1) Tobacco growers should be fairly compensated as part of any federal legislation for the adverse impact which will follow from the enactment of the national tobacco settlement;

''(2) Tobacco growing communities should be provided sufficient resources to adequately adjust to the impact on their local economies which will result from the enactment of the national tobacco settlement;

''(3) Any compensation provided to tobacco growers and tobacco growing communities as part of federal legislation to implement the national tobacco settlement should be included within the $368.5 billion in payments which are to be provided over the next 25 years; and

''(4) No provisions should be included in any federal legislation to implement the national tobacco settlement which would restrict or adversely affect the continued administration of a viable federal tobacco program which operates at no net cost to the taxpayer.''

Mr. FORD. It will be perfectly all right to have this set aside, Mr. President. What I wish to do is have a sense of the Senate in the second degree to the amendment of the Senator from Illinois [Mr. DURBIN], as it relates to the tobacco tax. What my amendment does is outlines the parameters on which, I hope, if any agreement is reached as it relates to attorneys general and the Congress and the tobacco manufacturers, that my farmers will be taken care of. This is basically a sense of the Senate that they do that.

I ask unanimous consent now the amendment be set aside.

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

The Senator from Washington.

AMENDMENTS NOS. 1118 AND 1119

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment and I send two amendments to the desk.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to send two amendments to the desk, one on behalf of myself and Senator WELLSTONE regarding family violence option under the temporary assistance to needy families program and another regarding funding for the National Institute for Literacy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes amendments numbered 1118 and 1119.

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

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

The amendments are as follows:

AMENDMENT NO. 1118

(Purpose: To clarify the family violence option under the temporary assistance to needy families program)

On page 49, after line 26, add the following:

SEC. . PROTECTING VICTIMS OF FAMILY VIOLENCE.

(a) FINDINGS.—Congress finds that—

(1) the intent of Congress in amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary; and

(4) good cause waivers granted pursuant to section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)) are intended to be temporary and directed only at particular program requirements when needed on an individual case-by-case basis, and are intended to facilitate the ability of victims of domestic violence to move forward and meet program requirements when safe and feasible without interference by domestic violence.

(b) CLARIFICATION OF WAIVER PROVISIONS.—

(1) IN GENERAL.—Section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended by adding at the end the following:

''(C) NO NUMERICAL LIMITS.—In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

''(D) WAIVERED INDIVIDUALS NOT INCLUDED FOR PURPOSES OF CERTAIN OTHER PROVISIONS OF THIS PART.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if it had been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

(c) FEDERAL PARENT LOCATOR SERVICE.—

(1) IN GENERAL.—Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997 (Public law 105–33; 111 Stat. 627), is amended—

(A) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by inserting ''or that the health, safety, or liberty or a parent or child would by unreasonably put at risk by the disclosure of such information,'' before ''provided that'';

(ii) in subparagraph (A), by inserting '', that the health, safety, or liberty or a parent or child would by unreasonably put at risk by the disclosure of such information,'' before ''and that information;'' and

(iii) in subparagraph (B)(i), by striking ''be harmful to the parent or the child'' and inserting ''place the health, safety, or liberty of a parent or child unreasonably at risk''; and

(B) in subsection (c)(2), by inserting '', or to serve as the initiating court in an action to seek and order,'' before ''against a noncustodial''.

(2) STATE PLAN.—Section 545(26) of the Social Security Act (42 U.S.C. 654), as amended by section 5552 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 635), is amended—

(A) in subparagraph (C), by striking ''result in physical or emotional harm to the party or the child'' and inserting ''place the health, safety, or liberty of a parent or child unreasonable at risk'';

(B) in subparagraph (D), by striking ''of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child'' and inserting ''that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information''; and

(C) in subparagraph (E), by striking ''of domestic violence'' and all that follows through the semicolon and inserting ''that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person or persons of information received from the Secretary could place the health, safety, or liberty of a parent or child unreasonably at risk (if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure);''.

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 day after the effective date described in section 5557(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

AMENDMENT NO. 1119

(Purpose: To provide funding for the National Institute for Literacy)

On page 55, line 26, strike ''$1,486,698,000'' and insert ''$1,487,698,000''.

On page 56, line 3, strike ''$4,491,000'' and insert ''$5,491,000''.

On page 56, line 1, strike ''$1,483,598,000'' and insert ''$1,484,598,000''.

On page 56, line 5, after Sec. 384(c) insert the following: ''which shall be derived from unobligated . . .''

Mrs. MURRAY. I ask unanimous consent that these amendments be set aside for consideration at a later point.

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

The Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent, on the sense-of-the-Senate amendment that I just sent to the desk, that the cosponsors be Senator HOLLINGS, Senator ROBB, Senator HELMS, Senator MCCONNELL and Senator FAIRCLOTH.

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

AMENDMENT NO. 1120

(Purpose: To award a grant to a State educational agency to help pay the expenses associated with exchanging State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument)

Mr. HARKIN. Mr. President, I have an amendment I send to the desk on behalf of Senator BENNETT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. BENNETT, proposes an amendment numbered 1120.

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

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

The amendment is as follows:

On page 53, line 16, after ''Act'' insert '': *Provided further,* That—

''(1) of the amount appropriated under this heading and notwithstanding any other provision of law, the Secretary of Education may award $1,000,000 to a State educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to pay for appraisals, resource studies, and other expenses associated with the exchange of State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument; and

''(2) the State educational agency is eligible to receive a grant under paragraph (1) only if the agency serves a State that—

''(A) has a national monument declared within the State under the authority of the Act entitled ''An Act for the preservation of American antiquities'', approved June 8, 1906 (16 U.S.C. 431 et seq.) (commonly known as the Antiquities Act of 1906) that incorporates more than 100,000 acres of State school trust lands within the boundaries of the national monument; and

''(B) ranks in the lowest 25 percent of all States when comparing the average per pupil expenditure (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in the State to the average per pupil expenditure for each State in the United States.''.

Mr. HARKIN. Mr. President, I ask the amendment be temporarily set aside.

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

The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that, as in morning business, I be allowed no more than 7 minutes.

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

REGARDING ELECTIONS FOR THE LEGISLATURE OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

Mr. HELMS. Mr. President, I send a resolution to the desk and I ask it be read in its entirety.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The legislative clerk read as follows:

S. CON. RES. 51

Whereas the 1984 Sino-British Joint Declaration on Hong Kong guarantees Hong Kong a high degree autonomy in all matters except defense and foreign affairs, and an elected legislature;

Whereas the United States policy regarding Hong Kong, as stated in the United States-Hong Kong Policy Act of 1992 (Public Law 102–383), is based on the autonomy and self-governance of Hong Kong by the Hong Kong people;

Whereas a democratically elected legislature enabling the Hong Kong people to elect representatives of their choice is essential to the autonomy and self-governance of Hong Kong;

Whereas the provisional legislature of Hong Kong was selected through an undemocratic process controlled by the People's Republic of China;

Whereas this provisional legislature has adopted rules for the creation of the first legislature of the Hong Kong Special Administrative Region which rules are designed to disadvantage and reduce the number of prodemocracy politicians in the legislature; and

Whereas the autonomy of Hong Kong cannot exist without a legislature that is elected freely and fairly according to rules approved by the Hong Kong people or their democratically elected representatives; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges Hong Kong Chief Executive C.H. Tung and the government of the Hong Kong Special Administrative Region to schedule and conduct elections for the first legislature of the Hong Kong Special Administrative Region according to rules approved by the Hong Kong people through an election-law convention, referendum, or both.

The PRESIDING OFFICER. The resolution will be appropriately referred.

The Senator from North Carolina.

Mr. HELMS. Mr. President, as I offered this resolution just now regarding Hong Kong, it occurred to me that it is a coincidence that Hong Kong's Chief Executive, the Honorable C.H. Tung, is visiting in the United States this week.

I confess the hope that he will get the message everywhere he goes on Capitol Hill, and everywhere else in Washington, that the provisional legislature's attacks on civil liberties, which Mr. Tung has defended, along with a new plan for an undemocratic legislature for Hong Kong, are totally unacceptable.

Incidentally, Mr. President, I am grateful to the several cosponsors who are joining in the offering of this resolution: Mr. LIEBERMAN, Mr. KERRY of Massachusetts, Mr. THOMAS, and Mr. MACK of Florida.

Last July 1, when Hong Kong was returned to China, in accordance with the terms of the 1984 Sino-British Joint Declaration, the joint declaration made absolutely clear that Hong Kong was to be autonomous and have an elected legislature, among many other things.

But, Mr. President, in the past few weeks, new rules for Hong Kong elections have been prepared that clearly violate the joint declaration and threaten to cause irreparable damage to Hong Kong's autonomy. New rules being prepared by the provisional legislature—a body that itself is a violation of the joint declaration because it is unelected, and this provisional legislature, it will be remembered, is the body chosen last December in a process tightly controlled by Beijing. Though the people of Hong Kong had no say whatsoever, yet, it is this very provisional legislature that is writing the rules for Hong Kong's elections.

Mr. President, this provisional legislature is now planning to adopt election rules for a new body comprising 40 totally undemocratic seats. Thirty of these seats will be ''functional constituency'' seats, as they have been described. The functional constituencies allow small numbers of trade, professional and other groups to choose a representative. In many cases, these functional constituencies are tiny—about 1,000 members.

Britain introduced this system during its colonial rule, and it was a mistake. Britain's last governor, Chris Patten, attempted to improve upon the system by adding new, larger constituencies. Reportedly, even these broader functional constituencies will be slashed, drastically reduced in terms of the number of voters. The functional constituencies belong, as the Wall Street Journal stated, ''on the ash heap of history.'' Ten more seats will be chosen by an election committee comprised of pro-Beijing groups.

Finally, the real motives of the provisional legislature can be discerned in their treatment of the 20 democratically elected seats. These seats will be chosen according to a proportional representation scheme expressly designed to reduce the number of prodemocracy candidates in the legislature.

Mr. President, this is by no means inadvertent. It is deliberate. It is a deliberate attempt to reduce the influence of the most popular and ardently prodemocracy candidates and parties.

The resolution just offered urges C. H. Tung and the Government of Hong Kong to schedule and conduct elections for the first legislature of the Hong Kong Special Administrative Region according to the rules approved by the Hong Kong people through an election law convention, referendum, or both.

If the United States is to have a relationship with an autonomous Hong Kong, Hong Kong must have the democratically elected legislature it was promised—it was promised, Mr. President—in the joint declaration. The provisional legislature, which the United States has rejected as illegitimate and unjustified, is simply not intended to produce a legitimate electoral law.

Mr. President, I yield the floor, and I yield back such time as I may have.

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

The Senate continued with the consideration of the bill.

Mr. HARKIN. Mr. President, I want Senators to know that under the unanimous-consent agreement entered into last week, all amendments to this pending bill, Labor, Health and Human Services appropriations bill, have to be in by the close of business today, and business is about to be closed. So if Senators have amendments, I suggest they get them in in a hurry or forever

be precluded from offering them this year to this bill.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1058

(Purpose: To exclude distilled spirits from certain hazardous materials regulation)

Mr. FORD. Mr. President, I call up amendment No. 1058.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 1058.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . No funds made available under this Act may be used to enforce section 304(a) of the Clean Air Act Amendments of 1990 (29 U.S.C. 655 note; Public Law 101–549) with respect to distilled spirits (as defined in section 5002(a) of the Internal Revenue Code of 1986 or section 117(a) of the Federal Alcohol Administration Act (27 U.S.C. 211(a))).''.

Mr. FORD. Mr. President, I say to my colleagues, last week when I filed this amendment regarding the application of the process of safety management to distilleries, I started working with the Labor Department and particularly the OSHA division of the Department of Labor.

When PSM regulations were developed as part of the 1990 Clean Air Act amendments, however, I don't believe these regulations were meant to apply to the distilled spirits industry. Clearly, OSHA disagrees with my position, but after discussing the issue with OSHA and Labor Department officials, I have decided to withdraw my amendment.

I want to clearly thank Secretary of Labor Herman for her leadership—and she exercised it very well—in finding a way to resolve this issue. So, under the compromise we have reached today, the Secretary has agreed to make a review of the PSM's as it relates to distilleries, a key part of OSHA's revision of the PSM contract. During the review, OSHA has agreed not to cite the industry under this standard.

I also want to commend the distilled spirits industry, whose exemplary record on safety helped make this compromise possible. It is my hope that OSHA and the industry will put this temporary suspension to good use by working together to determine the extent to which PSM should apply to this industry.

So, Mr. President, I ask unanimous consent that my amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 1058) was withdrawn.

Mr. FORD. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1121

(Purpose: To exempt States that were overpaid mandatory funds for fiscal year 1997 under the general entitlement formula for child care funding from any payment adjustment)

Mr. FORD. Mr. President, on behalf of Senator KERREY of Nebraska, for himself, Mr. HAGEL, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. FORD, and Ms. MOSELEY-BRAUN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for Mr. KERREY, for himself, Mr. HAGEL, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. FORD and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1121.

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

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

The amendment is as follows:

On page 40, line 24, strike the period and insert: *Provided further,* That, notwithstanding section 418(a) of the Social Security Act, for fiscal year 1997 only, the amount of payment under section 418(a)(1) to which each State is entitled shall equal the amount specified as mandatory funds with respect to such State for such fiscal year in the table transmitted by the Administration for Children and Families to State Child Care and Development Block Grant Lead Agencies on August 27, 1996, and the amount of State expenditures in fiscal year 1994 or 1995 (whichever is greater) that equals the non-Federal share for the programs described in section 418(a)(1)(A) shall be deemed to equal the amount specified as maintenance of effort with respect to such State for fiscal year 1997 in such table.''.

Mr. FORD. Mr. President, I ask unanimous consent that the amendment be set aside.

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

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Parliamentary inquiry, Mr. President.

If I desire to introduce an amendment on behalf of Senator GORTON as the prime sponsor, and myself as one of the cosponsors, is that in order at this point? It is an amendment on the Labor-Health and Human Services appropriations bill.

The PRESIDING OFFICER. That is in order.

Mr. DOMENICI. I do not need unanimous consent? Is that what the Chair said?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1122

(Purpose: To provide certain education funding directly to local educational agencies)

Mr. DOMENICI. Mr. President, I have an amendment with reference to the appropriations bill on the Departments of Labor-Health and Human Services, and Education. I want to make sure that everybody understands this is Senator GORTON's amendment. I am offering it on his behalf. I would just like to make a couple statements before I send the amendment to the desk to become part of the itinerary of the Senate.

First, this amendment takes most of the education funds for kindergarten through 12th grade and creates a block grant to the local schools based on the number of school-aged children and the relative wealth of the States.

My purpose in doing this is to make sure that every child in the United States will graduate from high school with basic skills in reading and writing, mathematics, and the kind of skills that everybody knows we should have by the time we complete 12th grade.

I am firmly of the opinion that we have to try something new and different. Our schools need to do things differently. We keep adding to the inventory of programs, and we keep adding money to various programs.

I join Senator GORTON in this amendment because I believe when the numbers are all figured out, the schools will find out that they will receive a very significant increase in money. This is not just an efficiency move, but it is to see if we can't give the States an opportunity to do things differently. Essentially, this is a way to help our schools, instead of having a one-shoe-fits-all approach.

We need to attempt to give the schools an opportunity to improve the quality of education by using this money to move decisionmakers closer to the schools. Schools need to come up with a master plan for improving the basic skills that we require if we are going to be graduating children from our high schools who can make it in this economic environment.

This amendment provides a mechanism of giving slightly more money to the poorer States which, in turn, would mean slightly less money to the more wealthy States. However, everybody would get more money because you would be eliminating all of the categorical bureaucracies that exist which are enormously expensive, both at the national level and to the school districts who have to administer them. Local school districts across America, and our superintendents and our principals would say, Let's see if we couldn't do better

The amendment would not affect Title VIII of the Elementary and Secondary Education Act; Individuals with

Disabilities Education Act funds; Adult Education Act funds; Museum and Library Services Act funds; Departmental management expenses; Educational Research Development, Dissemination, and Improvement Act funds; or funds to carry out the National Education Statistics Act; to carry out section 10501—funds for civic education—or 2102—Eisenhower Professional Grants—and Park K—National Writing project—of the Elementary and Secondary Education Act;

By eliminating the Federal strings attached to the money, the Federal Government would be recognizing that one size does not fit all.

The amendment would allow State and local governments to design programs that best meet the needs of the local schools.

The reason for this amendment is simple.

Our schools need to do things differently.

Too many kids are merely getting social promotions to keep them in a class with their age group regardless of whether they have learned their lessons. It is a sad state when many of our graduates can't read the diplomas they receive at graduation.

Too many schools don't teach the basics any more.

In ''Teaching the New Basic Skills'' by economists Frank Levy of MIT and Richard Murnane of Harvard, the authors argue that employers hire college graduates because they have little confidence that high school graduates have mastered ninth grade level math; that is, the ability to manipulate fractions and decimals and to interpret line and bar graphs.

They contend one of the reasons we are paying so much more for college graduates than we ever did before is because we are doing such a poor job at the high school level.

The central educational task today is to do better teaching high school students. That can't be done from Washington. To keep up, calls for local decision making, not cumbersome programs developed in Washington.

Robert W. Galvin and Edward W. Bales of Motorola have written, ''The major issue . . . is that the education system is undergoing incremental change in an environment of exponential change.''

Americans spend a lot on education. Last year $550 billion a year in total private and public money was spent on education. This is more than what was spent on defense and second only to health care in tapping American's pocketbook. Yet as defense firms have restructured, and health care providers have turned themselves upside down moving to HMO's, education experts start another school year excusing failure and demanding more money.

Effective reform involves parents, teachers, and local businesses.

In New Mexico we need to train kids to work at Intel and other high tech firms. In Detroit, the schools need to prepare kids to work in auto plants. In recent studies it was found that only half of the kids had the basic reading and math skills to get a job in an auto plant.

This amendment will give the control back to the local schools so that they can use their Federal education funds to meet the local job market and better educate our kids. Local school districts are proving it can be done and this amendment will help others following in those successful footsteps.

I hope my colleagues will support Senator GORTON's amendment.

I want everybody to understand that Senator GORTON did not include every single kindergarten through twelth grade programs in this new approach to give our schools an opportunity to do things differently. The amendment will not affect title VII of the Elementary and Secondary Education Act; Individuals with Disabilities Education Act funds; the Adult Education Act funds; the Museum and Library Services Act funds; departmental management expenses; Educational Research Development, Dissemination, and Improvement Act funds; funds to carry out the National Education Statistics Act, to carry out section 10501; funds for civic education; 2102 Eisenhower professional grants; or the Park K, the national writing project, of the Elementary and Secondary Education Act.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. GORTON, for himself and Mr. DOMENICI, proposes an amendment numbered 1122.

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

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

The amendment is as follows:

On page 85, after line 23, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described in subsection (b) directly to local educational agencies in accordance with subsection (d) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(b) The total amount of funds referred to in subsection (a) are all funds that are appropriated for the Department of Education, the Department of Labor, and the Department of Health and Human Services under this Act to support programs or activities for kindergarten through grade 12 students, other than—

(1) amounts appropriated under this Act—

(A) to carry out title VIII of the Elementary and Secondary Education Act of 1965;

(B) to carry out the Individuals with Disabilities Education Act;

(C) to carry out the Adult Education Act;

(D) to carry out the Museum and Library Services Act;

(E) for departmental management expenses of the Department of Education; or

(F) to carry out the Educational Research, Development, Dissemination, and Improvement Act;

(G) to carry out the National Education Statistics Act of 1994;

(H) to carry out section 10601 of the Elementary and Secondary Education Act of 1965;

(I) to carry out section 2102 of the Elementary and Secondary Education Act of 1965; or

(J) to carry out part K of the Elementary and Secondary Education Act of 1965; or

(2) 50 percent of the amount appropriated under title III under the headings ''Rehabilitation Services and Disability Research'' and ''Vocational and Adult Education''.

(c) Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students served by the local educational agency not later than 21 days after the beginning of the school year. Each local educational agency shall submit the number to the Secretary.

(d) The Secretary shall determine the amount awarded to each local educational agency under this section as follows:

(1) First, the Secretary, using the information provided under subsection (c), shall determine a per child amount by dividing the total amount of funds described in subsection (b), by the total number of kindergarten through grade 12 students in all States.

(e) Second, the Secretary, using the information provided under subsection (c), shall determine the baseline amount for each local educational agency by multiplying the per child amount determined under paragraph (1) by the number of kindergarten through grade 12 students that are served by the local educational agency.

(3) Lastly, the Secretary shall compute the amount awarded to each local educational agency as follows:

(A) Multiply the baseline amount determined under paragraph (2) by a factor of 1.1 for local educational agencies serving States that are in the least wealthy quintile of all States as determined by the Secretary on the basis of the per capita income of individuals in the States.

(B) Multiply the baseline amount by a factor of 1.05 for local educational agencies serving States that are in the second least wealthy such quintile.

(C) Multiply the baseline amount by a factor of 1.00 for local educational agencies serving States that are in the third least wealthy such quintile.

(D) Multiply the baseline amount by a factor of .95 for local educational agencies serving States that are in the fourth least wealthy such quintile.

(E) Multiply the baseline amount by a factor of .90 for local educational agencies serving States that are in the wealthiest such quintile.

(e) If the total amount of funds made available to carry out this section is insufficient to pay in full all amounts awarded under subsection (d), then the Secretary shall ratably reduce each such amount.

(f) If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (c) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under subsection (d), and the correct amount the local educational agency would have received if the agency had submitted accurate information under subsection (c).

(g) In this section—

(1) the term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term ''Secretary'' means the Secretary of Education; and

(3) the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

Mr. GORTON. Mr. President, I want to thank profusely my friend from New Mexico, Senator DOMENICI, for his remarks and for introducing this amendment on my behalf. I was able to get here just in time to second his remarks.

I believe this amendment is going to give us an opportunity to debate an issue of great importance to the people of the United States with respect to the education of their children.

More and more, our local school boards, our teachers, and our local schools are being suffocated by a tide of papers, forms, and programs, each of which have a good purpose, at least in theory, but the net result of which is to make it difficult to set priorities in each of the many varied school districts in the United States as to what will best serve the students of those districts.

I am firmly of the belief, and I know my friend from New Mexico shares this belief with me, that elected school board members in cities and towns through the State of New Mexico, through the State of Washington, through the State of Colorado and all across the country, are dedicated to providing the best possible education for those schoolchildren that they possibly can and that they are better able to make decisions about what is best for their students than our bureaucrats in the Department of Education in Washington, DC, or than are Members of Congress.

It is almost unspeakably arrogant of us here in this body that we set detailed requirements for very specific education programs all across the United States with the great variety of people, attitudes, and challenges that we have.

So this amendment is designed to consolidate, for this year at least, the great bulk of all of the dozens or more programs fitting in the narrow categories going to school districts of the United States; to set up a reasonably fair formula which benefits the poorer States slightly more than it does the wealthy States, but with the exception of the Individuals With Disabilities Education Act, Impact Aid, and a number of other very high profile programs; that each school district should be allowed to take the money that we appropriate in this bill for the education of our children from kindergarten through 12th grade, and each school district should set its own priorities for the spending of that money on that education, trusting they can do a better job than we can or than the bureaucrats can.

Not the least of the benefits of an amendment of this sort, Mr. President, is the fact that we will not have to take 10 percent, 20 percent, or 30 percent off the top for administering the program, for filling out the forms, for all of the activities which chew up money but are not reflected in education at all.

Mr. President, I present this as a significant amendment to this bill. I hope for a significant debate on this issue here in this body. We all, when we are at home, laud local control of our schools, with elected school board members and hands-on education, but all too much of the time we take exactly the opposite view in the programs we actually create and vote for here.

This amendment will be discussed at considerably greater length tomorrow by a wide variety of people. I cannot possibly express my delight at having my friend from New Mexico as a cosponsor of this amendment. I suspect, Mr. President, there will be a number of other cosponsors as we go through the debate on the amendment tomorrow.

Mr. DOMENICI. Will the Senator yield?

Mr. GORTON. I am delighted to yield.

Mr. DOMENICI. I reviewed this in an effort to make a statement of introduction today because you asked me to because you did not think you could be here. I am very pleased you are. I think we ought to talk about this exciting proposal from the standpoint of reality. The reality, to me, is that our schools need to do things differently, and we are not doing things any differently here with our programs except from time to time adding a little money here and there. For the most part, we are stuck.

If there is a growing mediocrity—and I assume that is putting it mildly—we are probably part of it. We should not be talking just about saving money or about giving schools more money without strings, but about educating children better. I almost would call our approach giving the schools an opportunity to get the basics done again.

I was part of the budget negotiations, and I am not changing that here because I realize a certain amount of money has to go to education, and I believe this bill honors that. That was one of the categories where the President received his preference. This amendment's approach to current education monies gives the schools the flexibility to try to do things differently. We are saying, let's look at our education situation because we are kind of stuck, and we want to get out of that rut.

Is that how you see our bill?

Mr. GORTON. Well, my friend, the Senator from New Mexico, whose views are so thoughtful and so carefully enunciated on a wide variety of subjects, is, I am afraid, more eloquent on my own amendment than I am myself.

Yes, I say to my friend from New Mexico, that is exactly what this is about.

Earlier this year, during the course of the debate over the budget, there was a request by the President that we increase the amount of money going to our common schools. That received wide support from both Republicans and Democrats in this body and in the House of Representatives.

The Senator from New Mexico is entirely correct, there is nothing in this bill except more money. There is nothing in this bill about a different approach. There is nothing in this bill about getting more in the way of a 21st century education for our children. It is just more of the same stuff we have already been doing.

I think I can say this amendment may, to a certain extent, be analogous to the welfare reform bill that we passed more than a year ago. What we decided then, I say to my friend from New Mexico, was that maybe we did not know everything there was to know about welfare here in Washington, DC. Maybe there was not just one welfare system, to be run out of Washington, DC, that was going to work. In fact, it worked so poorly that almost every condition it was designed to alleviate it made worse.

What we did a year ago with welfare was to say we are not all that smart. Governors and legislators of 50 States, you try it. We will give you broad discretion in welfare programs. We suspect some of you will do really well, but regrettably some of you will do not so well, but we will learn more about what can get people back to work and out of a welfare mentality.

Now, I think this amendment is a little bit like that, I say to my friend. What we are doing here is something we do not like doing very much in the Senate, admitting that somebody else may know a little bit more than we do about a subject. Here we are saying we think perhaps that wisdom lies right down in individual school districts with teachers in the classroom, with principals in the schools, with school board members who, almost without exception, are public-spirited citizens who have run for election for a job that does not pay, but that they know something maybe that we do not know, and if we give them more freedom to use these billions of dollars we come up with, we will get better education for our kids.

That is, of course, the whole goal of the exercise.

Mr. DOMENICI. Senator, I want to make this last point and see if you concur. This is different from other efforts to encapsulate our Federal programs into some kind of block grant, and for the most part that was always to cut education. There is no effort to cut education here.

The major increases that are in this bill that are in response to the budget agreement are all used in this fund—not a penny less—and it may be much bigger when it reaches the districts. That money will increase the level so nobody should think that Senators

GORTON and DOMENICI are for reducing the expenditure.

If we save administrative money, we want to spend it on the kids, and it ought to be a rather substantial amount of money.

Mr. GORTON. The Senator from New Mexico is, of course, entirely correct. The total amount of the appropriation in this bill for education is not reduced by a single dollar.

On the other hand, the total amount of money that gets to the classroom will be considerably greater because so much less will get lost in the gears of administration at two, three, or four different levels between here and the classroom.

We hope that we will be able to get much more for the same amount of money fundamentally because we will actually be spending more on direct educational expenditures.

Mr. DOMENICI. I thank the Senator.

AMENDMENT NO. 1076

Mr. GORTON. Mr. President, while I have the floor I ask unanimous consent to set the pending amendment aside and call up amendment No. 1076.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1076.

AMENDMENT NO. 1076, AS MODIFIED

Mr. GORTON. Mr. President, I ask unanimous consent to modify amendment No. 1076, which I have sent to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1076), as modified, is as follows:

On page 49, after line 26, add the following:

SEC. . (a)(1) Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the sentence added by section 4911(a)(1) of the Balanced Budget Act, by striking ''or subsection (u)(3)'' and inserting '', subsection (u)(3), or subsection (u)(4) for the State for a fiscal year, and that do not exceed the amount of the State's allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year,''; and

(B) in subsection (u), as added by section 4911(a)(2) of the Balanced Budget Act of 1997—

(A) by striking paragraph (2) and inserting the following:

''(2)(A) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for medical assistance for optional targeted low-income children described in subparagraph (B).

''(B) For purposes of this paragraph, the term 'optional targeted low-income child' means a targeted low-income child as defined in section 2110(b)(1) (determined without regard to subparagraph (C)) who would not qualify for medical assistance under the State plan under this title based on such plan (including under a waiver authorized by the Secretary or under section 1902(4)(2)) as in effect on April 15, 1997 (but taking into account the expansion of age of eligibility effected through the operation of section 1902(l)(2)(D)).''; and

(B) by adding at the end the following new paragraph:

''(4)(A) For purposes of subsection (b), the expenditures described in this subparagraph are expenditures for medical assistance for certain waivered low-income children described in subparagraph (B), but only to the extent such expenditures for a State for a fiscal year exceed the level of such expenditures for such children under this title for fiscal year 1997.

''(B) For purposes of this paragraph, the term 'certain waivered low-income children' means, in the case of any State that has under a waiver authorized by the Secretary or under section 1902(r)(2), established a medicaid applicable income level (as defined in section 2110(b)(1)(4)) for children under 19 years of age residing in the State that is at or above 200 percent of the poverty line, a child whose family income exceeds the minimum income level required to be established for the age of such child under section 1902(l)(2) in order for the child to be eligible for medical assistance under this title, but does not exceed 200 percent of the poverty line.''.

(2) Section 1902(a)(10)(A)(ii)(XIV) of the Social Security Act, as added by section 4911(b)(3) of the Balanced Budget Act of 1997, is amended by striking ''1905(u)(2)(C)'' and inserting ''1905(u)(2)(B)''.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of section 4911 of the Balanced Budget Act of 1997.

Mr. GORTON. Mr. President, just a few weeks ago, Congress and the President agreed to provide $48 billion over the next 10 years as an incentive to States to provide health care coverage to uninsured, low-income children. To receive this money, States must expand eligibility levels to children living in families with incomes up to 200 percent of the Federal poverty level.

Three years ago, Washington State decided to do what Congress and the President have now required other States to do. In 1994, my State expanded children's health care coverage to children through age 18 who live in families up to 200 percent of the Federal poverty level.

Under the budget agreement, Washington State, like every other State will receive an allotment, a portion of the money the Federal Government makes available for children's health care each year. The budget agreement provides an ''enhanced Federal match'' to States to encourage them to raise eligibility levels. That incentive is available to States which cover kids at the current mandatory levels of 100 percent to 133 percent of poverty depending on the age group, if they expand up to the new 200-percent-of-poverty threshold. However, for the few States which already meet this requirement, these States must expand their eligibility levels an additional 50 percentage points before being able to tap into the money available under the Children's Health Initiative.

Unfortunately, the budget provisions essentially penalize Washington because of the State's progressive policies on children's health care. First, Washington and a few States which have done these broad expansions, will essentially pay more than every other State to cover this population of kids. Second, the budget agreement actually provides more incentive to cover kids in families with higher discretionary income than it does for children living in poorer families. In Washington 100,000 kids under 200 percent of poverty are still uninsured in spite of the success of enrolling kids over the last 3 years, while somewhere between 10,000 and 30,000 kids between 200 and 250 percent of poverty are uninsured. Clearly the need is at lower income levels, I expect this holds true for most other States. Yet my State receives more Federal money to cover kids in this higher income bracket. Finally, the budget agreement provides no incentive to the State legislature to further expand coverage to kids. After all, Washington already did what Congress is now asking other States to do and instead of being recognized for doing a good job of covering kids, my State is penalized. If I were a State legislator I would argue that we should simply wait for the Feds to mandate further coverage for children, then we would receive the same contribution from the Federal Government as other States.

For example, Washington currently receives a 50-percent Federal match for kids covered under Medicaid. Another State which also gets a 50-percent Federal match but has not already expanded eligibility levels for kids, will receive an enhanced match as an incentive to cover this new population. In a nonexpansion State for a child living in a family with an income of 150 percent the State would receive an increased Federal match level. However, under the budget agreement in a State like Washington, for that same child the State would only be reimbursed at the current rate. Even if the child is currently uninsured. Proportionately more money will come out of Washington State revenues to cover kids below 200 percent of the poverty than in other States which have not expanded coverage to kids at this level. Thus taxpayers in my State will pay more to cover the same population of kids than taxpayers in other States that did not choose to expand eligibility to kids before Congress did it for them.

The spirit of the legislation is to provide health insurance coverage for uninsured, low-income children first. In Washington we have 100,000 kids that are uninsured below the 200 percent FPL threshold and only 10,000 to 30,000 between 200 percent and 250 percent FPL. For States with high eligibility thresholds, the Child Health Initiative provides more incentive—a higher Federal match rate—to cover kids at higher income levels than it does for kids living in families with lower incomes. With an enhanced match for new kids below 200 percent of FPL brought into the State health program, the State can target a bigger pool of low-income, uninsured kids, more expediently producing the results intended by the legislation.

My amendment stays within the spirit of the Child Health Initiative, it focuses Federal money on providing health care coverage to new, uninsured children at low income levels first. It does not take money from any other State, but merely allows Washington to draw on its own allotment. Staff discussions with CBO and CRS confirm that the amendment does not change the amount other States will receive. CRS is in the process of developing an official memo to that effect. A progressive think tank, the Center on Budget and Policy Priorities also states that the amendment would not alter State allocations. The amendment allows States which have already expanded eligibility levels to 200 percent to receive an ''enhanced Federal match'' if it provides health care coverage to uninsured kids between the current mandatory levels and the new level of 200 percent set in the budget agreement. Additionally, my State would be required to maintain its current effort. Washington must spend the same amount on children's health care that it does in fiscal year 1997, in subsequent years before it can receive any money provided for under the Child Health Initiative.

The proposal does not take money from other States nor does it provide additional Federal subsidies for children the State is now covering, it simply allows Washington and the other few expansion States to continue to do the good work they have already started.

SPECIAL EDUCATION FUNDING

Mr. GREGG. Mr. President, I would like to take this opportunity to thank Senator SPECTER for his leadership and support in my recent efforts to provide full funding for the Individuals With Disabilities Education Act [IDEA].

For the past 2 years, one of my top priorities has been to ensure that the Federal Government lives up to its promise to provide 40 percent of the funding for the costs of complying with Federal special education mandates. The current level of 8 percent or 9 percent is unacceptable. In addition, I believe that it is important to secure increased funding for IDEA to ease the burden on local schools and communities. For these reasons, I am grateful to Senator SPECTER for helping us move closer to full funding to help these communities.

As a result of our combined efforts, in the fiscal year 1998 Labor-HHS appropriations bill, State grants for part B of IDEA are allocated $3.94 billion, which is a $834 million or 27 percent increase over last year's funding level. As chairman of another appropriations subcommittee, I know how difficult, if not virtually impossible, it is to provide such a significant increase to a large account. Thus, I truly appreciate Senator SPECTER's efforts and leadership on this issue. I'm sure that the Nation's special education students and the local communities that educate them are equally as grateful to Senator SPECTER for his support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business for Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO CAPT. ROBERT C. KLOSTERMAN, U.S. NAVY, COMMANDING OFFICER, U.S.S. ''JOHN C. STENNIS''

Mr. LOTT. Mr. President, I take this opportunity to recognize and say farewell to an outstanding naval officer, Capt. Robert C. Klosterman, who served with distinction for 41 months as commanding officer of the U.S.S. *John C. Stennis* nuclear-powered aircraft carrier, named for the great Senator from Mississippi. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided the Navy and our great Nation.

A native of Cincinnati, OH, Captain Klosterman graduated from the U.S. Naval Academy in 1969 and was designated a Naval Aviator in 1970 at NAS Kingsville, TX. He flew over 440 combat missions in Vietnam, piloting UH–1B gunships with Helicopter Attack (Light) Squadron 3. Following his service in Vietnam, Captain Klosterman returned as a flight instructor with VT–9 at Meridian, MS, where he served as Director of Flight Training and Operations Officer through 1973.

Captain Klosterman's service at sea includes junior officer and department head tours in VA–86 (U.S.S. *Nimitz*) and two instructor pilot tours in VA–174. He joined Attack Squadron 46 (VA–46) as executive officer in June 1984 and took command in January 1986. During his tour, VA–46 participated in combat operations against Libya from U.S.S. *America*, and was awarded the 1986 COMNAVAIRLAN Battle ''E.'' Captain Klosterman completed naval nuclear power training in 1988 and was executive officer of U.S.S. *Dwight D. Eisenhower* (CVN 69) from June 1989 to April 1991. He is a veteran of Operations Desert Shield/Desert Storm, as well as Operations Restore Hope and Southern Watch.

During his naval career, Captain Klosterman has accumulated over 5,800 flight hours and made over 1,000 carrier arrested landings. His decorations include the Legion of Merit, 3 Meritorious Service Medals, 15 Air Medals, the Vietnamese Cross of Gallantry, and the Combat Action Ribbon. He was also the recipient of the 1986 COMLATWING ONE Pat Anderson Award for weapons delivery excellence.

As commanding officer of the U.S.S. *John C. Stennis*, he delivered to the Nation and the U.S. Navy the most modern and technologically advanced nuclear-powered aircraft carrier in the world. He did this while realizing over $75 million in savings to the taxpayers, for which we owe him a debt of gratitude.

Mr. President, Robert C. Klosterman, his wife Rebecca, and son Todd have no doubt made many sacrifices during his 28-year naval career. They have made significant contributions to the outstanding naval forces upon which our country relies so heavily. Captain Klosterman is a great credit to both the Navy and the country he so proudly serves. As this decorated combat veteran now departs the Navy, I call upon my colleagues from both sides of the aisle to wish him fair winds and following seas. He is a sailor's sailor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 5, 1997, the federal debt stood at $5,414,427,865,442.08. (Five trillion, four hundred fourteen billion, four hundred twenty-seven million, eight hundred sixty-five thousand, four hundred forty-two dollars and eight cents)

One year ago, September 5, 1996, the federal debt stood at $5,225,564,000,000 (Five trillion, two hundred twenty-five billion, five hundred sixty-four million)

Twenty-five years ago, September 5, 1972, the federal debt stood at $435,268,000,000 (Four hundred thirty-five billion, two hundred sixty-eight million) which reflects a debt increase of nearly $5 trillion—$4,979,159,865,442.08 (Four trillion, nine hundred seventy-nine billion, one hundred fifty-nine million, eight hundred sixty-five thousand, four hundred forty-two dollars and eight cents) during the past 25 years.

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 3:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1866) to continue favorable treatment for need-based educational aid under the antitrust laws.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 146. Concurrent resolution expressing the sense of the Congress regarding the terrorist bombing in Jerusalem on September 4, 1997.

MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 146. Concurrent resolution expressing the sense of the Congress regarding the terrorist bombing in Jerusalem on September 4, 1997; to the Committee on Foreign Relations.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998'' (Rept. No. 105–74).

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. MCCAIN:

S. 1152. A bill to establish a National Environmental Technology Achievement Award, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. ALLARD, Mr. BURNS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. FORD, Mr. GRAHAM, Mr. GRASSLEY, Mr. HELMS, Mr. JOHNSON, Mr. KERREY, Ms. LANDRIEU, Mr. LEAHY, Mr. ROTH, and Mr. HARKIN):

S. 1153. A bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HELMS (for himself, Mr. LIEBERMAN, Mr. KERRY, Mr. THOMAS, and Mr. MACK):

S. Con. Res. 51. A concurrent resolution expressing the sense of Congress regarding elections for the legislature of the Hong Kong Special Administrative Region; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1152. A bill to establish a National Environmental Technology Achievement Award, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL ENVIRONMENTAL TECHNOLOGY ACHIEVEMENT AWARD ACT

Mr. MCCAIN. Mr. President, today I'm introducing legislation to establish a National Environmental Technology Achievement Award.

The annual award would be presented jointly by the EPA and the Department of Commerce to recognize our Nation's premier environmental technology advancement. Specifically, the award would recognize the major technological improvements in the prevention and cleanup of threats to the Nation's air, land, and water resources. The yearly prize would include a financial award to be raised from the private sector.

In order to achieve our Nation's environmental protection goals in the face of a growing population and expanding economy, we must develop more efficient and effective technologies to reduce and cleanup pollution, including advanced smokestack emission controls, improved water treatment systems, and manufacturing processes which reduce waste, just to name a few.

While the financial rewards for developing such technology are presumably large, a national award would provide additional incentive to innovators and would highlight the importance of such advancements to our Nation.

The bill would create a 14-member volunteer board to set the award criteria; design the award; establish a monetary prize; raise funds; develop a consideration and selection process; and select the annual recipient.

The board would be comprised of the Administrator of EPA, Secretary of Commerce, National Science Advisor, Director of the National Science Foundation, Secretary of the Interior, or their designees. In addition, the panel would include three representatives from academia; three representatives of industry; and three representatives from environmental and conservation organizations. One in each category would be chosen by the President, one by the Speaker of the House and one by the majority leader of the Senate.

The bill is supported by the Environmental Defense Fund, the National Parks, and Conservation Association; the World Wildlife Fund and other environmental groups. I urge my colleagues to support this simple, but I believe appropriate and helpful, initiative.

By Mr. BAUCUS (for himself, Mr. ALLARD, Mr. BURNS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. FORD, Mr. GRAHAM, Mr. GRASSLEY, Mr. HELMS, Mr. JOHNSON, Mr. KERREY, Ms. LANDRIEU, Mr. LEAHY, Mr. ROTH, and Mr. HARKIN):

S. 1153. A bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SAFETY LEGISLATION

Mr. BAUCUS. Mr. President, I rise today to introduce important legislation providing for the permanent authorization of the Food Animal Residue Avoidance Databank [FARAD] program. I am joined by 15 of my colleagues and I hope the Senate will pass this legislation very soon.

Mr. President, food safety has long been of tantamount importance to the veterinary profession and to the American consumer. Customers rightly expect that the food they purchase is of the highest quality. More importantly, consumers must know that the food they consume is safe. And our veterinarians work to help consumers in this endeavor. This legislation is designed to help Americans maintain their safe, wholesome food supply.

In 1982, the U.S. Department of Agriculture Extension Service undertook an educational effort to prevent chemical residues in food animal products. That same year, the USDA Food Safety and Inspection Service [FSIS] sponsored a Residue Avoidance Program as a repository of residue avoidance information and educational materials.

FARAD was founded as a cooperative, multi-State effort by Drs. Stephen Sundlof of the University of Florida, Jim Riviere of North Carolina State University, Aurther Craigmiller of the University of California, Davis, and William Buck of the University of Illinois. Each investigator brought a unique expertise to the collaboration. Since that origin, FARAD has evolved into an expert-mediated residue avoidance decision support system which is crucial to food safety across the Nation.

FARAD provides an invaluable service to the animal health profession, helping veterinarians provide appropriate, science-based therapy—improving animal health while preventing food safety risks to consumers from residues. FARAD's computer-based decision support system is designed to provide livestock producers, pharmacists, and extension specialists with immediate access to practical information on drugs, pesticides, and environmental contaminants which hold the greatest potential for residue formation in livestock food products.

Since its inception, FARAD has published three handbooks and two practical software products, while maintaining a telephone hotline and an internet access site—all devoted to providing the information necessary to protect the livestock food system from contamination.

Through the USDA Extension Service, FARAD has received approximately $200,000 per year since its inception. These funds have been awarded on the basis of competitive grants, relying

on matching funds from the participating universities. However, for the universities providing this valuable service the price has been too high. It is time to provide adequate Federal funding to accomplish this vital work.

FARAD provides a vital service across the country. Congress must now express its support for this tool which can help maintain the well-founded confidence of the American consumers in their food supply.

Mr. President, I encourage my colleagues to join me in supporting this valuable legislation and I urge its adoption.

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

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

S. 1153

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

SECTION 1. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Secretary of Agriculture shall continue operation of the Food Animal Residue Avoidance Database program (referred to in this section as the ''FARAD program'') through contracts with appropriate colleges or universities.

(b) ACTIVITIES.—In carrying out the FARAD program, the Secretary of Agriculture shall—

(1) provide livestock producers, extension specialists, scientists, and veterinarians with information to prevent drug, pesticide, and environmental contaminant residues in food animal products;

(2) maintain up-to-date information concerning—

(A) withdrawal times on FDA-approved food animal drugs and appropriate withdrawal intervals for drugs used in food animals in the United States, as established under section 512(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(a));

(B) official tolerances for drugs and pesticides in tissues, eggs, and milk;

(C) descriptions and sensitivities of rapid screening tests for detecting residues in tissues, eggs, and milk; and

(D) data on the distribution and fate of chemicals in food animals;

(3) publish periodically a compilation of food animal drugs approved by the Food and Drug Administration;

(4) make information on food animal drugs available to the public through handbooks and other literature, computer software, a telephone hotline, and the Internet;

(5) furnish producer quality-assurance programs with up-to-date data on approved drugs;

(6) maintain a comprehensive and up-to-date, residue avoidance database;

(7) provide professional advice for determining the withdrawal times necessary for food safety in the use of drugs in food animals; and

(8) engage in other activities designed to promote food safety.

(c) CONTRACTS.—

(1) IN GENERAL.—The Secretary of Agriculture shall offer to enter into contracts with appropriate colleges and universities to operate the FARAD program.

(2) TERM.—The term of a contract under subsection (a) shall be 3 years, with options to extend the term of the contract triennially.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year.

ADDITIONAL COSPONSORS

S. 100

At the request of Mr. KERRY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 100, a bill to amend title 49, United States Code, to provide protection for airline employees who provide certain air safety information, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 989

At the request of Mr. DORGAN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 989, a bill entitled the ''Safer Schools Act of 1997.''

S. 1084

At the request of Mr. INHOFE, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1084, a bill to establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

SENATE CONCURRENT RESOLUTION 12

At the request of Mr. TORRICELLI, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Concurrent Resolution 12, a concurrent resolution expressing the sense of the Congress with respect to the collection on data on ancestry in the decennial census.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from New Hampshire [Mr. SMITH], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. DEWINE], the Senator from Oklahoma [Mr. INHOFE], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Florida [Mr. GRAHAM], the Senator from Hawaii [Mr. INOUYE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE RESOLUTION 111

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. WARNER], the Senator from Georgia [Mr. CLELAND], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Resolution 111, a resolution designating the week beginning September 14, 1997, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

SENATE CONCURRENT RESOLUTION 51—RELATIVE TO THE HONG KONG SPECIAL ADMINISTRATIVE REGION

Mr. HELMS (for himself, Mr. LIEBERMAN, Mr. KERRY, Mr. THOMAS, and Mr. MACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 51

Whereas the 1984 Sino-British Joint Declaration on Hong Kong guarantees Hong Kong a high degree autonomy in all matters except defense and foreign affairs, and an elected legislature;

Whereas the United States policy regarding Hong Kong, as stated in the United States-Hong Kong Policy Act of 1992 (Public Law 102–383), is based on the autonomy and self-governance of Hong Kong by the Hong Kong people;

Whereas a democratically elected legislature enabling the Hong Kong people to elect representatives of their choice is essential to the autonomy and self-governance of Hong Kong;

Whereas the provisional legislature of Hong Kong was selected through an undemocratic process controlled by the People's Republic of China;

Whereas this provisional legislature has adopted rules for the creation of the first legislature of the Hong Kong Special Administrative Region which rules are designed to disadvantage and reduce the number of pro-democracy politicians in the legislature; and

Whereas the autonomy of Hong Kong cannot exist without a legislature that is elected freely and fairly according to rules approved by the Hong Kong people or their democratically elected representatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges Hong Kong Chief Executive C.H. Tung and the government of the Hong Kong Special Administrative Region to schedule and conduct elections for the first legislature of the Hong Kong Special Administrative Region according to rules approved by the Hong Kong people through an election-law convention, referendum, or both.

AMENDMENTS SUBMITTED

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

WELLSTONE AMENDMENTS NOS. 1087–1089

Mr. WELLSTONE proposed three amendments to the bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

AMENDMENT NO. 1087

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out the Head Start Act shall be $4,636,000,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

AMENDMENT NO. 1088

On page 61, after lien 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 shall be $7,241,334,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

AMENDMENT NO. 1089

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out the Education Infrastructure Act of 1994 shall be $371,000,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

MACK (AND GRAHAM) AMENDMENT NO. 1090

Mr. MACK (for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 57, line 24, strike ''$929,752,000, of which'' and insert ''$934,972,000, of which $6,620,000 shall be expended to carry out Public Law 102–423 and of which''.

On page 85, line 19, strike ''$30,500,000'' and insert ''$35,720,000''.

MCCAIN (AND GRAMM) AMENDMENT NO. 1091

Mr. MCCAIN (for himself and Mr. GRAMM) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . (a) Section 4626 of the Balanced Budget Act of 1997 (Public Law 105–33) is repealed.

(b) For any fiscal year (beginning with fiscal year 1998), the Secretary of Health and Human Services may not enter into an agreement with any institution to provide incentive payments to the institution for the reduction of medical residents in the approved medical education training programs (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)) of that institution.

(c) The repeal made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33).

MCCAIN (AND OTHERS) AMENDMENT NO. 1092

Mr. MCCAIN (for himself, Mr. KERRY, and Mr. REID) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . (a) Notwithstanding any other provision of law, the payments described in subsection (b) shall not be considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act.

(b) The payments described in this subsection are payments made by the Secretary of Defense pursuant to section 657 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2584).

CRAIG (AND OTHERS) AMENDMENT NO. 1093

Mr. CRAIG (for himself, Mr. BINGAMAN, and Mr. DOMENICI) proposed an amendment to the bill, S. 1061, supra; as follows:

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

SEC. . Section 13(b)(12) of the Fair Labor Standards Act of 1938 (39 U.S.C. 213(b)(12)) is amended by inserting after ''water'' the following: '', at least 90 percent of which is ultimately delivered''.

REID (AND BOXER) AMENDMENT NO. 1094

Mr. REID (for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . (a) STUDY.—From amounts appropriated under this title, the National Institutes of Health shall conduct a study on the health effects of perchlorate on humans with particular emphasis on the health risks to vulnerable subpopulations including pregnant women, children, and the elderly.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, the National Institutes of Health shall prepare and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report concerning the results of the study conducted under subsection (a), including whether further health effects research is necessary.

LANDRIEU (AND MCCAIN) AMENDMENT NO. 1095

Ms. LANDRIEU (for herself and Mr. MCCAIN) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 44, line 2, strike ''$5,606,094,000'' and insert ''$5,611,094,000''.

On page 85, line 19, strike ''$70,500,000'' and insert ''$75,500,000''.

REED (AND OTHERS) AMENDMENT NO. 1096

Ms. COLLINS, Mr. LEVIN, Mr. CONRAD, Mr. KENNEDY, Mr. WYDEN, Mr. KOHL, Mr. DODD, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REID, Mr. FEINGOLD, Mr. DORGAN, Mr. TORRICELLI, Mr. KERREY, Mr. JOHNSON, Mr. WELLSTONE, Mr. BINGAMAN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. HARKIN, and Ms. LANDRIEU proposed an amendment to the bill, S. 1061, supra; as follows:

On page 56, line 19, strike ''and 3'' and insert '', 3 and 4''.

On page 56, line 22, before the period insert '', provided that, $35,000,000 shall be available for State Student Incentive grants derived from unobligated balances''.

COVERDELL AMENDMENT NO. 1097

Mr. COVERDELL proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . (a) TRANSFER.—Using $5,000,000 of the amounts appropriated under this title, the Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide $1,000,000 for the development of improved medical treatments for patients infected with E. coli:0157H7-related disease (HUS);

(2) provide $1,000,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle;

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, $1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide $1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide $1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

COVERDELL AMENDMENT NO. 1098

Mr. COVERDELL proposed an amendment to the amendment No. 1097 proposed by him to the bill, S. 1061, supra; as follows:

Strike all after the first word and add the following:

(a) TRANSFER.—Using $5,000,000 of the amounts appropriated under this title, the

Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide $1,000,000 for the development of improved medical treatments for patients infected with E. coli:0157H7-related disease (HUS);

(2) provide $550,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle;

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, $1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide $1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide $1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

CHAFEE AMENDMENT NO. 1099

Mr. SPECTER (for Mr. CHAFEE) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 67, line 4, strike ''$3,258,000'' and insert in lieu thereof: $3,508,000

On page 67, line 10, strike ''$3,257,000'' and insert in lieu thereof: $3,507,000

On page 67, line 18, strike ''$206,000,000'' and insert in lieu thereof: $205,500,000

On page 67, line 24, strike ''$206,000,000'' and insert in lieu thereof: $205,500,000

COVERDELL AMENDMENT NO. 1100

Mr. SPECTER (for Mr. COVERDELL) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 61, after line 25, insert the following:

SEC. . Of the funds made available under this title, the Secretary of Education shall establish a program to provide training and technical assistance to State educational agencies and local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) in developing, establishing, and implementing procedures and programs designed to protect victims of and witnesses to incidents of elementary school and secondary school violence, including procedures and programs designed to protect witnesses testifying in school disciplinary proceedings.

SEC. . Of the funds made available under this title, $450,000 shall be awarded by the Secretary of Education for grants for the establishment, operation, and evaluation of pilot student safety toll-free hotlines to provide elementary school and secondary school students with confidential assistance regarding school crime, violence, drug dealing, and threats to the personal safety of the students.

DASCHLE AMENDMENT NO. 1101

Mr. SPECTER (for Mr. DASCHLE) proposed an amendment to the bill, S. 1061, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION.

(a) FINDINGS.—This section may be cited as the ''Comprehensive Fetal Alcohol Syndrome Prevention Act''.

(b) FINDINGS.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effects, which are lesser, though still serious, alcohol-related birth defects;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effects are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effects are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effects pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,700,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effects increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) PURPOSE.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects nationwide. Such program shall—

(1) coordinate, support, and conduct basic and applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

(d) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART O—FETAL ALCOHOL SYNDROME PREVENTION PROGRAM

''SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

''(a) FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects prevention program that shall include—

''(1) an education and public awareness program to—

''(A) support, conduct, and evaluate the effectiveness of—

''(i) training programs concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(ii) prevention and education programs, including school health education and school-based clinic programs for school-age children, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(iii) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations concerning the programs referred to in subparagraph (A); and

''(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

''(i) evaluating the effectiveness, with particular emphasis on the cultural competency and age-appropriateness, of programs referred to in subparagraph (A);

''(ii) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(iii) educating school-age children, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, with priority given to programs that are part of a sequential, comprehensive school health education program; and

''(iv) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally competent projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective intervention methods to prevent fetal exposure to alcohol;

''(2) an applied epidemiologic research and prevention program to—

''(A) support and conduct research on the causes, mechanisms, diagnostic methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) provide technical and consultative assistance and training to States, Tribal governments, local governments, scientific and academic institutions, and nonprofit organizations engaged in the conduct of—

''(i) Fetal Alcohol Syndrome prevention and early intervention programs; and

''(ii) research relating to the causes, mechanisms, diagnosis methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

''(i) conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multicultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

''(ii) improving and coordinating the surveillance and ongoing assessment methods implemented by such entities and the Federal Government with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(iii) developing and evaluating effective age-appropriate and culturally competent prevention programs for children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(iv) facilitating coordination and collaboration among Federal, State, local government, Indian tribal, and community-based Fetal Alcohol Syndrome prevention programs;

''(3) a basic research program to support and conduct basic research on services and effective prevention treatments and interventions for pregnant alcohol-dependent women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(4) a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effects diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals; and

''(5) the establishment, in accordance with subsection (b), of an inter-agency task force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

''(b) INTER-AGENCY TASK FORCE.—

''(1) MEMBERSHIP.—The Task Force established pursuant to paragraph (5) of subsection (a) shall—

''(A) be chaired by the Secretary or a designee of the Secretary; and

''(B) include representatives from all relevant agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention, the National Institutes of Health, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and any other relevant agencies of the Department of Health and Human Services.

''(2) FUNCTIONS.—The Task Force shall—

''(A) coordinate all relevant programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, including programs that—

''(i) target individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(ii) provide health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health; and

''(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies, including a proposal for a Federal Interagency Task Force to include representatives from all relevant agencies and offices within the Department of Health and Human Services, the Department of Agriculture, the Department of Education, the Department of Defense, the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco and Firearms, the Federal Trade Commission, and any other relevant Federal agency.

''(c) SCIENTIFIC RESEARCH AND TRAINING.—The Director of the National Institute on Alcohol Abuse and Alcoholism, with the cooperation of members of the interagency task force established under subsection (b), shall establish a collaborative program to provide for the conduct and support of research, training, and dissemination of information to researchers, clinicians, health professionals and the public, with respect to the cause, prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and the related condition know as Fetal Alcohol Effects.

''SEC. 399H. ELIGIBILITY.

''To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

''(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

''SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part, such sums as are necessary for each of the fiscal years 1998 through 2002.''.

FAIRCLOTH (AND CRAIG) AMENDMENT NO. 1102

Mr. SPECTER (for Mr. FAIRCLOTH, for himself and Mr. CRAIG) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 61, after line 25, add the following:

SEC. . The Secretary of Education shall annually provide to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives a certification that not less than 95 percent of the amount appropriated for a fiscal year for the activities of the Department of Education is being used directly for teachers and students. If the Secretary determines that less than 95 percent of such amount appropriated for a fiscal year is being used directly for teachers and students, the Secretary shall certify the percentage of such amount that is being directly used for teachers and students.

FEINGOLD AMENDMENT NO. 1103

Mr. SPECTER (for Mr. FEINGOLD) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 61, after line 25, insert the following:

SEC. . (a) The Secretary of Education shall conduct a study that examines—

(1) the economic, educational, and societal costs of—

(A) the increase in enrollments of secondary school students during the period 1998 through 2008;

(B) the creation of smaller class sizes for students enrolled in grades 1 through 3; and

(C) the increase in enrollments described in subparagraph (A) in relation to the creation of smaller class sizes described in subparagraph (B); and

(2) the costs to States and local school districts for taking no action with respect to such increase in enrollments and smaller class sizes.

(b) The Secretary of Education shall report to Congress within 9 months of the date of enactment of this Act regarding the results of the study conducted under subsection (a). Such report shall include recommendations regarding what local school districts, States and the Federal Government can do to address the issue of the increase in enrollments of secondary school students and the need for smaller class sizes in grades 1 through 3.

HOLLINGS AMENDMENT NO. 1104

Mr. SPECTER (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 3, line 3 strike ''$8,000,000'' and insert in lieu thereof: ''$10,000,000.''

INHOFE AMENDMENT NO. 1105

Mr. SPECTER (for Mr. INHOFE) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 70, line 1, strike ''$16,160,300,000'' and insert in lieu thereof: ''$16,162,525,000''.

On page 70, before the period on line 4, insert the following: '': *Provided further,* That not less than $2,225,000 shall be available for conducting a disability return to work demonstration initiative, which focuses on providing persons who have lost limbs with an integrated program of prosthetic and rehabilitative care and job placement assistance''.

SPECTER AMENDMENT NO. 1106

Mr. SPECTER proposed an amendment to the bill, S. 1061, supra; as follows:

On page 71, line 23, strike ''$245,000,000'' and insert in lieu thereof: ''$290,000,000''.

On page 71, line 25, after ''Public Law 104–121'' insert: '', section 10203 of Public Law 105–33,''.

WARNER (AND KENNEDY) AMENDMENT NO. 1107

Mr. SPECTER (for Mr. WARNER, for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 60, line 7, strike ''$338,964,000'' and insert in lieu thereof ''$340,064,000: *Provided,* That $1,100,000 shall be used for the Millennium 2000 project''.

On page 56, line 21, strike ''$8,557,741,000'' and insert in lieu thereof ''$8,556,641,000''.

HARKIN AMENDMENT NO. 1108

Mr. SPECTER (for Mr. HARKIN) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 39, line 17, after the word ''expended'' insert: '', and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended''.

NICKLES (AND OTHERS) AMENDMENT NO. 1109

Mr. SPECTER (for Mr. NICKLES, for himself, Mr. HAGEL, and Mr. GRAMS) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . Subparagraphs (B) and (C) of section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2) (B), (C)) are each amended by striking ''employee'' and inserting ''employer, employee,''.

SPECTER AMENDMENT NO. 1110

Mr. SPECTER proposed an amendment to the bill, S. 1061, supra; as follows:

On page 9, line 11, strike ''$3,292,476,000'' and insert in lieu thereof: ''$3,286,276,000''.

On page 10, line 18, strike ''$216,333,000'' and insert in lieu thereof: ''$210,133,000''.

On page 12, line 11, strike ''$84,308,000'' and insert in lieu thereof: ''$90,508,000''.

ROTH (AND MOYNIHAN) AMENDMENT NO. 1111

Mr. SPECTER (for Mr. ROTH, for himself and Mr. MOYNIHAN) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 39, line 21, after the word ''appropriation'' insert: '': *Provided further,* That $900,000 shall be for carrying out section 4021 of Public Law 105–33''.

On page 39, line 22, strike ''$55,000,000'' and insert in lieu thereof: ''$54,100,000''.

HARKIN AMENDMENT NO. 1112

Mr. HARKIN proposed an amendment to the bill, S. 1061, supra; as follows:

On page 56, line 22, before the period, insert the following: '': *Provided further,* That $60,000,000 shall be for education infrastructure authorized under Title XII of the Elementary and Secondary Education Act to be derived from unobligated balances''.

HARKIN (AND GRAHAM) AMENDMENT NO. 1113

Mr. HARKIN (for himself and Mr. GRAHAM) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 39, at the end of line 25 before the period insert the following: '': *Provided further,* that no less than $50,000,000 appropriated under this heading in fiscal year 1997 shall be obligated in fiscal year 1997 to increase Medicare provider audits and implement the Department's corrective action plan to the Chief Financial Officer's audit of the Health Care Financing Administration's oversight of Medicare''.

GRAHAM (AND OTHERS) AMENDMENT NO. 1114

Mr. HARKIN (for Mr. GRAHAM, for himself, Mr. KENNEDY, and Mr. ABRAHAM) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, insert the following:

SEC. . (a) That section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking ''fiscal year 1995, fiscal year 1996, and fiscal year 1997'' and inserting ''each of fiscal years 1998, and 1999''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1997.

BINGAMAN (AND OTHERS) AMENDMENT NO. 1115

Mr. HARKIN (for Mr. BINGAMAN, for himself, Mr. HARKIN, and Mr. KENNEDY) proposed an amendment to the bill, S. 1061, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011), using funds appropriated under section 413(c) of that Act (20 U.S.C. 9012(c)), shall formulate policy guidelines for voluntary national tests of reading or mathematics for which the Secretary of Education uses funds appropriated to the Department of Education.

(b) In carrying out subsection (a), the National Assessment Governing Board shall—

(1) develop test objectives and specifications; test methodology; guidelines for test administration, including guidelines for inclusion of, and accommodations for, students with disabilities and students with limited English proficiency; guidelines for reporting test results, including the use of performance levels; and guidelines for test use;

(2) have final authority over the appropriateness of cognitive items; and

(3) ensure that all items selected for use on the tests are free from racial, cultural, or gender bias.

DASCHLE (AND KENNEDY) AMENDMENT NO. 1116

Mr. HARKIN (for Mr. DASCHLE, for himself and Mr. KENNEDY) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 61, after line 25, insert the following:

SEC. . (a) The Senate finds that—

(1) Federal Pell Grants are a crucial source of college aid for low- and middle-income students;

(2) in addition to the increase in the maximum Federal Pell Grant from $2,700 to $3,000, which will increase aid to more than 3,600,000 low- and middle-income students, our Nation should provide an additional $700,000,000 to help more than 250,000 independent and dependent students obtain crucial aid in order to help the students obtain the education, training, or retraining the students need to obtain good jobs;

(3) our Nation needs to help children learn to read well in fiscal year 1998, as 40 percent of the Nation's young children cannot read at the basic level; and

(4) the Bipartisan Budget Agreement includes a total funding level for fiscal year 1998 of $7,600,000,000 for Federal Pell Grants, and of $260,000,000 for a child literacy initiative.

(b) It is the sense of the Senate that the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, should—

(1) provide $700,000,000 to fund the change in the needs analysis for Federal Pell Grants for independent and for dependent students;

(2) add $260,000,000 in fiscal year 1998 for a child literacy initiative; and

(3) pay for the increase in the Federal Pell Grant funding and the child literacy initiative from funds that are available for fiscal year 1998 and not yet appropriated .

FORD (AND OTHERS) AMENDMENT NO. 1117

Mr. FORD (for himself, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. HELMS, Mr. ROBB, and Mr. HOLLINGS) proposed an amendment to amendment No. 1078 proposed by Mr. DURBIN to the bill S. 1061, supra; as follows:

At the end of the matter proposed to be inserted, add the following new section:

''SEC. . SENSE OF THE SENATE ON COMPENSATION FOR TOBACCO GROWERS AS PART OF LEGISLATION ON THE NATIONAL TOBACCO SETTLEMENT.

''(a) FINDINGS.—

''(1) On June 20, 1997, representatives of tobacco manufacturers, public health organizations, and Attorneys General from a majority of the States announced that an agreement had been reached on a national tobacco settlement;

''(2) The national tobacco settlement was intended to provide a comprehensive framework for dealing with several issues relevant to the tobacco industry, including youth smoking prevention, legal liabilities, and the sales and marketing practices of the industry;

''(3) Implementation of the national tobacco settlement requires the enactment of federal legislation by the Congress and the President;

''(4) There are more than 125,000 farms in the United States which derive a substantial portion of their income from the cultivation and sale of tobacco;

''(5) Representatives of tobacco growers were completely excluded from the negotiations on the national tobacco settlement, and were poorly informed, or not informed at all, of any details of the settlement negotiations by any participants in those negotiations;

''(6) The national tobacco settlement includes compensation for several adversely affected groups, including NASCAR, rodeo, and other event sponsors, but includes absolutely no compensation whatsoever or other provisions relating to the impact of the settlement on tobacco growers;

''(7) No other group has their livelihoods affected by the national tobacco settlement as adversely as tobacco growers;

''(8) The local economies of tobacco growing communities will be adversely affected by implementation of the national tobacco settlement;

''(9) The national tobacco settlement contemplates $368.5 billion in payments from tobacco manufacturers over the next 25 years, and not all of this amount has been specifically earmarked by the agreement; and

''(10) The federal tobacco program was designed to operate at no net cost to the federal taxpayer, the national tobacco settlement does not contemplate any changes to the operation of this program, and even many critics of the national tobacco settlement, including representatives from the public health community, have expressed support for the continued operation of a federal tobacco program which operates at no net cost to taxpayers.''

''(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

''(1) Tobacco growers should be fairly compensated as part of any federal legislation for the adverse impact which will follow from the enactment of the national tobacco settlement;

''(2) Tobacco growing communities should be provided sufficient resources to adequately adjust to the impact on their local economies which will result from the enactment of the national tobacco settlement;

''(3) Any compensation provided to tobacco growers and tobacco growing communities as part of federal legislation to implement the national tobacco settlement should be included within the $368.5 billion in payments which are to be provided over the next 25 years; and

(4) No provisions should be included in any federal legislation to implement the national tobacco settlement which would restrict or adversely affect the continued administration of a viable federal tobacco program

which operates at no net cost to the taxpayer.''

MURRAY (AND WELLSTONE) AMENDMENT NO. 1118

Mrs. MURRAY (for herself and Mr. WELLSTONE) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 49, after line 26, add the following:

SEC. . PROTECTING VICTIMS OF FAMILY VIOLENCE.

(a) FINDINGS.—Congress finds that—

(1) the intent of Congress in amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary; and

(4) good cause waivers granted pursuant to section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)) are intended to be temporary and directed only at particular program requirements when needed on an individual case-by-case basis, and are intended to facilitate the ability of victims of domestic violence to move forward and meet program requirements when safe and feasible without interference by domestic violence.

(b) CLARIFICATION OF WAIVER PROVISIONS.—

(1) IN GENERAL.—Section 402(a)(7) of the Social Security Act (41 U.S.C. 602(a)(7)) is amended by adding at the end the following:

''(C) NO NUMERICAL LIMITS.—In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

''(D) WAIVERED INDIVIDUALS NOT INCLUDED FOR PURPOSES OF CERTAIN OTHER PROVISIONS OF THIS PART.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if it has been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

(c) FEDERAL PARENT LOCATOR SERVICE.—

(1) IN GENERAL.—Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 627), is amended—

(A) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by inserting ''or that the health, safety, or liberty or a parent or child would be unreasonably put at risk by the disclosure of such information,'' before ''provided that'';

(ii) in subparagraph (A), by inserting '', that the health, safety, or liberty or a parent or child would be unreasonably put at risk by the disclosure of such information,'' before ''and that information''; and

(iii) in subparagraph (B)(i), by striking ''be harmful to the parent or the child'' and inserting ''place the health, safety, or liberty of a parent or child unreasonably at risk''; and.

(B) in subsection (c)(2), by inserting '', or to serve as the initiating court in an action to seek and order,'' before ''against a noncustodial''.

(2) STATE PLAN.—Section 454(26) of the Social Security Act (42 U.S.C. 654), as amended by section 5552 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 635), is amended—

(A) in subparagraph (C), by striking ''result in physical or emotional harm to the party or the child'' and inserting ''place the health, safety, or liberty of a parent or child unreasonably at risk'';

(B) in subparagraph (D), by striking ''of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child'' and inserting ''that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information''; and

(C) in subparagraph (E), by striking ''of domestic violence'' and all that follows through the semicolon and inserting ''that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person or persons of information received from the Secretary could place the health, safety, or liberty or a parent or child unreasonably at risk (if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure);''.

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 day after the effective date described in section 5557(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

MURRAY AMENDMENT NO. 1119

Mrs. MURRAY proposed an amendment to the bill, S. 1061, supra; as follows:

On page 55, line 26, strike ''$1,486,698,000'' and insert ''$1,487,698,000''.

On page 56, line 1, strike ''$1,483,598,000'' and insert ''$1,484,598,000''.

On page 56, line 3, strike ''$4,491,000'' and insert ''$5,491,000''.

On page 56, line 5, after Sec. 384(c) insert the following: ''which shall be derived from unobligated . . .''.

BENNETT AMENDMENT NO. 1120

Mr. HARKIN (for Mr. BENNETT) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 53, line 16, after ''Act'' insert '': *Provided further,* That—

''(1) of the amount appropriated under this heading and notwithstanding any other provision of law, the Secretary of Education may award $1,000,000 to a State educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to pay for appraisals, resource studies, and other expenses associated with the exchange of State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument; and

''(2) the State educational agency is eligible to receive a grant under paragraph (1) only if the agency serves a State that—

''(A) has a national monument declared within the State under the authority of the Act entitled ''An Act for the preservation of American antiquities'', approved June 8, 1906 (16 U.S.C. 431 et seq.) (commonly known as the Antiquities Act of 1906) that incorporates more than 100,000 acres of State school trust lands within the boundaries of the national monument; and

''(B) ranks in the lowest 25 percent of all States when comparing the average per pupil expenditure (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in the State to the average per pupil expenditure for each State in the United States.''.

KERREY (AND OTHERS) AMENDMENT NO. 1121

Mr. FORD (for Mr. KERREY, for himself, Mr. HAGEL, Mr. BINGAMAN, Mr. JEFFORDS, Mr. LAUTENBERG, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 40, line 24, strike the period and insert '': *Provided further,* That, notwithstanding section 418(a) of the Social Security Act, for fiscal year 1997 only, the amount of payment under section 418(a)(1) to which each State is entitled shall equal the amount specified as mandatory funds with respect to such State for such fiscal year in the table transmitted by the Administration for Children and Families to State Child Care and Development Block Grant Lead Agencies on August 27, 1996, and the amount of State expenditures in fiscal year 1994 or 1995 (whichever is greater) that equals the non-Federal share for the programs described in section 418(a)(1)(A) shall be deemed to equal the amount specified as maintenance of effort with respect to such State for fiscal year 1997 in such table.''.

GORTON (AND DOMENICI) AMENDMENT NO. 1122

Mr. DOMENICI (for Mr. GORTON, for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1061, supra; as follows:

On page 85, after line 23, insert the following:

SEC. . (a) Notwithstanding any other provision of law, the Secretary of Education shall award the total amount of funds described in subsection (b) directly to local educational agencies in accordance with subsection (d) to enable the local educational agencies to support programs or activities for kindergarten through grade 12 students that the local educational agencies deem appropriate.

(b) The total amount of funds referred to in subsection (a) are all funds that are appropriated for the Department of Education, the Department of Labor, and the Department of Health and Human Services under this Act to support programs or activities for kindergarten through grade 12 students, other than—

(1) amounts appropriated under this Act—

(A) to carry out title VIII of the Elementary and Secondary Education Act of 1965;

(B) to carry out the Individuals with Disabilities Education Act;

(C) to carry out the Adult Education Act;

(D) to carry out the Museum and Library Services Act;

(E) for departmental management expenses of the Department of Education; or

(F) to carry out the Educational Research, Development, Dissemination, and Improvement Act;

(G) to carry out the National Education Statistics Act of 1994;

(H) to carry out section 10601 of the Elementary and Secondary Education Act of 1965;

(I) to carry out section 2102 of the Elementary and Secondary Education Act of 1965; or

(J) to carry out part K of the Elementary and Secondary Education Act of 1965; or

(2) 50 percent of the amount appropriated under title III under the headings ''Rehabilitation Services and Disability Research'' and ''Vocational and Adult Education''.

(c) Each local educational agency shall conduct a census to determine the number of kindergarten through grade 12 students served by the local educational agency not later than 21 days after the beginning of the school year. Each local educational agency shall submit the number to the Secretary.

(d) The Secretary shall determine the amount awarded to each local educational agency under this section as follows:

(1) First, the Secretary, using the information provided under subsection (c), shall determine a per child amount by dividing the total amount of funds described in subsection (b), by the total number of kindergarten through grade 12 students in all States.

(2) Second, the Secretary, using the information provided under subsection (c), shall determine the baseline amount for each local educational agency by multiplying the per child amount determined under paragraph (1) by the number of kindergarten through grade 12 students that are served by the local educational agency.

(3) Lastly, the Secretary shall compute the amount awarded to each local educational agency as follows:

(A) Multiply the baseline amount determined under paragraph (2) by a factor of 1.1 for local educational agencies serving States that are in the least wealthy quintile of all States as determined by the Secretary on the basis of the per capita income of individuals in the States.

(B) Multiply the baseline amount by a factor of 1.05 for local educational agencies serving States that are in the second least wealthy such quintile.

(C) Multiply the baseline amount by a factor of 1.00 for local educational agencies serving States that are in the third least wealthy such quintile.

(D) Multiply the baseline amount by a factor of .95 for local educational agencies serving States that are in the fourth least wealthy such quintile.

(E) Multiply the baseline amount by a factor of .90 for local educational agencies serving States that are in the wealthiest such quintile.

(e) If the total amount of funds made available to carry out this section is insufficient to pay in full all amounts awarded under subsection (d), then the Secretary shall ratably reduce each such amount.

(f) If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (c) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under subsection (d), and the correct amount the local educational agency would have received if the agency had submitted accurate information under subsection (c).

(g) In this section—

(1) the term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965;

(2) the term ''Secretary'' means the Secretary of Education; and

(3) the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

NOTICE OF POSTPONEMENT OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public the postponement of a hearing scheduled before the full Committee on Energy and Natural Resources.

The hearing was to take place Tuesday, September 16, 1997, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC. The purpose of the hearing was oversight of Federal outdoor recreation policy. The hearing will be rescheduled for a later date.

For further information, please call Kelly Johnson at (202) 224–3329.

ADDITIONAL STATEMENTS

INCOME AVERAGING FOR FARMERS

• Mr. FAIRCLOTH. Mr. President, I heard some good words about a provision of the tax bill from the folks back home during August recess, and I want to pass on their comments.

The subject was income averaging for farmers. The tax bill restored this important financial management tool. I commend Senator SHELBY and Senator BURNS for their fine leadership on this bill.

The American farmer is the most efficient food producer in the world. The average farmer grows food and fiber for close to 130 people. The people of the United States thus enjoy the most plentiful and affordable food supply in the world.

However, the American farmer faces numerous obstacles, from unpredictable weather to natural disasters, from outbreaks of insects and disease to excessive Government regulations.

As a farmer for more than 50 years, I know that there is one constant in farming, and that is unpredictability.

For many years, the American farmer was permitted to average his income over a 2-year period, and this brought some predictability to their Federal income taxes. It meant that farmers were allowed to moderate the tax effects of the natural boom and bust cycle that is so familiar to many farmers.

The 1986 Tax Reform Act, however, abolished income averaging for farmers. The tax bill reduced the number of tax brackets and cut the top rate to 28 percent. Of course, just 7 years later, the number of brackets jumped and the top rate soared to 39.6 percent.

Further, the American farmer faced another major change, the 1996 farm bill. The new farm bill abolished the traditional price deficiency payments—the price supports that guaranteed a certain farm income—and it set the farm programs on a market-oriented path.

The increased exposure of the farmer to the risks of the markets and the risks of the elements, coupled with tax rates that approach 40 percent, underscore the need to restore income averaging.

It is difficult for the small farmer to create a farm business plan that can anticipate the surges and dives in income that are part of farm life. It is tough to plan for tax management due to the uncertainties of farm operations.

The farmer struggles to pay his bills, much less save, in a bad year, and he faces high tax rates in his good years. As a result, compared to people who earn stable incomes, farmers pay taxes at a higher cumulative rate.

Mr. President, the farmer is the backbone of this Nation, and he keeps us fed. He is essential to our Nation and to the health of rural communities.

The current Tax Code and regulatory requirements are burdens that plague North Carolina farmers and all American farmers and ranchers.

The Tax Code needs to reflect their contributions to our health and our balance of trade. This provision will be a real help for farmers and farm communities across this Nation. It will save American farmers more than $150 million, and, more important, it will save some farms and the families who work them from financial ruin in the rough years inherent in agriculture.

That's good for farmers and good for America.•

HONORING RICHARD B. MCCALL

• Mr. DODD. Mr. President, I rise today to recognize a remarkable public servant from my home State of Connecticut—Richard B. McCall, who this past month left the Connecticut Department of Motor Vehicles after 31 years of working as the head of its Handicapped Driver Training Program.

The Connecticut DMV's Handicapped Driver Training Program is the only one in the country where a licensed state agency provides free driver training for the handicapped. It began in 1945, in order to meet the needs of disabled World War II veterans, and for more than five decades this program has helped handicapped residents of Connecticut to function as independent and productive members of society. No individual is more closely linked to this program and its long-term success than Dick McCall.

Since taking charge of the program in 1966, Mr. McCall has personally helped to train more than 3,500 Connecticut residents with disabilities who now hold driver's licenses. He made

sure that anyone who wanted to drive would receive an evaluation and have a fair chance to get a license.

Performing his duties required great diligence, patience, and compassion. Mr. McCall would sometimes make as many as 50 trips to a trainee's house, while preparing him or her for a test. In addition, he made himself available to help his students at all times including nights and weekends.

Dick McCall's attitude toward his job has been described as a one-man crusade to give people with disabilities an opportunity for equality and personal freedom. Mr. McCall recognized that the ability to drive brings with it the dignity of having a job or just being able to drive to the supermarket, library, or church. Dick McCall felt that, short of curing their disability, the greatest gift that he could give to these people was mobility and independence, and he worked tirelessly to help as many people as was humanly possible.

While Dick McCall is ending his career with the DMV, he is by no means retiring from public service. He has taken a job with the Easter Seals, where he will continue working with people with disabilities.

Too often, the work of people like Dick McCall goes unnoticed by society at large. However, the thousands of people whose lives have been touched by Dick McCall recognize the sacrifices that he has made in his life, and his work has earned him the nickname ''Saint Richard.'' I would like to personally commend him for his ongoing career of public service. He is truly an inspiration to all those people who have been fortunate enough to know him, and I wish him only the best in his future endeavors.●

McCAIN-FEINGOLD CAMPAIGN FINANCE REFORM LEGISLATION

● Mr. DORGAN. Mr. President, I rise today to announce my support for the McCain-Feingold campaign finance reform legislation currently being considered by the Congress.

I am cosponsoring the McCain-Feingold bill because I believe this Congress must address the issue of campaign finance reform. The American public and the people in my State of North Dakota are demanding that we clean up the system and that we clean it up now. Day after day, they read another story in the newspaper about the ever-increasing, and often unregulated, money flowing into campaigns, all the while seeing a Congress that appears unable or unwilling to tackle the problem. The time has come for us to do the job we were sent here to do and enact meaningful, comprehensive reform.

Mr. President, the current system of electing Members of Congress is badly in need of reform. Elections are too long, too negative, and too expensive. Voter participation continues to drop to new lows, and far too often, the bulk of the debate the American public sees takes place in 30-second attack ads. And the costs of running for office are exploding. The average Senate race in 1996 cost $3.6 million. Twenty years ago, the average Senate race cost just $609,100. The cost of a race for the House of Representatives has increased sixfold over the last 20 years, from $99 million in 1976 to $626 million in 1996.

Spending on Federal election campaigns increased to an estimated $2.7 billion in the most recent election cycle, a threefold increase over campaign spending just 20 years ago, even after adjusting for inflation.

Even worse, the money is increasingly coming through channels designed to skirt the Federal Election Campaign Act. The use of soft money, which I call legalized cheating, has skyrocketed in the last 4 years. In the 1995–96 cycle, the two major parties spent $263 million in soft money, compared with $81 million in the 1993–94 cycle. That's an increase of 224 percent.

Now, these contributions often come in very large amounts, and are clearly intended to have an impact on Federal elections even as they are designed to snake around the laws that are supposed to regulate Federal elections. So we have large chunks of money entering the system in ways that are largely unlimited, unregulated, and undisclosed. No wonder the American people think the system is broken.

Just as our campaign law has been stretched to the breaking point in order to push more money into the system, the protections in current law have recently been handed a severe blow by the Supreme Court. As a result of a decision handed down last year, independent expenditures that aren't really independent can be spent and have a dramatic impact on elections without any notion of what the source of the money was.

These, and many other areas of campaign spending cry out for reform and this Congress must address it now.

McCain-Feingold is a strong step in the right direction, and I am pleased to serve as a cosponsor of the legislation, consistent with the changes the sponsors announced on May 22. It includes voluntary expenditure limits, with a variety of carrots and sticks to encourage candidates to comply. It tightens the definition of independent expenditure in ways that will help make sure the expenditures truly are independent. It will prohibit the national political parties from raising and spending soft money to influence Federal elections. And it makes a strong first step toward controlling soft money spent by outside groups on so-called issue advocacy.

This last point is important, Mr. President, so I want to take a moment to elaborate. As currently defined under FEC regulations, only communications which use such words as ''vote for,'' ''elect,'' ''support,'' ''defeat,'' ''reject,'' or ''Smith for Congress'' are considered express advocacy which must be paid for with money raised in compliance with Federal election law, that is, hard money.

This overly narrow definition of what constitutes express advocacy has created a giant loophole for attack ads. Simply by avoiding the magic words I mentioned above, corporations, unions, and other special interest groups can pay for brutal attack ads. Anyone who has seen some of these ads can tell they're intended to influence the outcome of Federal elections. And because they can be paid for with soft money, groups can raise money for them without limits, buy them in the millions of dollars, and never have to disclose what they're doing to the FEC.

This is a critical part of the soft money puzzle, Mr. President, and McCain-Feingold takes strong steps to remedy it. Far from limiting discussion of the issues as some of its critics would suggest, this provision simply says that if an ad is meant to influence a Federal election, it should be paid for with money raised under the purview of Federal election law. It's simple common sense, and it's a badly needed, and long overdue, reform.

Now, I admit, there are several provisions in the McCain-Feingold bill that I would write differently and that I hope we might change along the way. I'd like to add a provision that provides that the lowest television rate for political advertising will apply only to commercials which are at least 1-minute in length and in which the candidate appears 75 percent of the time. The 30-second political attack ad does little, if anything, to inform the public about the issues and advance the debate. And by appearing in the commercials, candidates will be more accountable for the ads and will likely be more responsible about their content. When selecting their leaders, the American people deserve better than a ''hit and run'' debate.

I would also like to add provisions with greater inducements for candidates to participate in the voluntary spending limit system, and with greater penalties if they choose not to, in order to virtually require people to adopt the limits for their campaigns. I would like to encourage more participation in the process by ordinary citizens by restoring an annual 100 percent tax credit for the first $100 of contributions to congressional campaigns. And I would like to see some changes in the provisions dealing with political action committees as well.

But having said that, I think this is a worthy campaign finance reform proposal and I am going to fight hard for it. I want to get it passed, and get it signed by the President. The American people demand and deserve no less from us.●

RECENT BOMBINGS IN JERUSALEM

● Mr. MOYNIHAN. Mr. President, the news from Israel is painful to all who cherish the prophetic vision of peace in the Holy Land. On Sunday, September

26, 1993, less than 2 weeks after the signing of the Oslo accords, I addressed a public forum in New York City with Israeli Foreign Minister Shimon Peres and declared, inter alia:

And now, the Palestinian leaders have said, we will—at long last—beat our swords into plowshares. We will yield up Kalishnikovs and Katyushas to concentrate on the arts of accounting, civil administration, health care and construction. Now if any nation on Earth has a right to say ''no'' it was Israel. But Israel said ''yes,'' declaring, in the moving words of Prime Minister Rabin: ''Enough!'' We are willing to take this chance. To see your words converted to deeds. The Knesset has voted after a vigorous and thoughtful debate. The bedrock of the United States-Israeli friendship is our deep respect for Israeli democracy. The democracy has spoken and will have our support as it always has.

The question of what response the Congress takes toward aid to the Palestinian Authority should reflect first and foremost the results of careful consultation with the Government of Israel. The Israeli Government has taken appropriate and firm measures in response to this latest atrocity. We must support them and let Chairman Arafat know that even the perception of his supporting terror is unacceptable to the American people, much less the thinly veiled utilization of terror as diplomacy by other means.

May I also commend to the Members of the Senate a thoughtful resolution from the leadership of the Union of Orthodox Jewish Congregations which addresses the issues raised by the bombing in Jerusalem. I ask that the resolution be printed in the RECORD.

The resolution follows:

ORTHODOX UNION RESOLUTION ON THE JERUSALEM BOMBING OF SEPTEMBER 4, 1997

The Union of Orthodox Congregations of America, representing nearly 1,000 Orthodox Jewish synagogues nationwide, expresses its outrage at the deadly terrorist attack perpetrated this morning by suicide bombers in Jerusalem. Again, acts of terrorism and murder against innocent civilians in Jerusalem streets have been committed including the wounding of American youth studying in Israel. This latest atrocity once again makes a mockery of the Palestinian Authority's solemn commitments to fight the terrorist organizations, their infrastructure and prevent violence and incitement to terror, the condition upon which the late Prime Minister Yitzchak Rabin and Israeli Knesset agreed to the Oslo process. Arafat's embrace of Hamas, the release from prison of Hamas terrorists, and the incendiary statements made by Arafat and other Palestinian officials have given the terrorist organizations a virtual green light for terror operations in Israel. Ironically, the Palestinian Authority dares to use this failure to combat terrorism as a means of pressuring Israel into making concessions, a tactic which completely negates the peace negotiations. The hope for success of any peace negotiations in the continuing atmosphere of terrorism, death and ongoing calls for Jihad, is dramatically and sadly diminished. The recent New York Times photo of Mr. Arafat embracing Hamas leaders is not an isolated instance but illustrative of an apparent agreement between Hamas and the PA to countenance terrorism provided it did not emanate from areas controlled by the PA. In essence, the Hamas is acting as an adjunct of the PLO, clearly demonstrating that Mr. Arafat views terror as an instrument of diplomacy.

The Orthodox Union has long been on record calling for suspension of any United States and European aid to the Palestinian Authority unless they comply with the agreements they signed. Those who sanction mass murder do not deserve the support of civilized nations. The Orthodox Union urges Congress to continue suspending U.S. aid to the Palestinian Authority in light of the PA's continuing refusal to disarm or outlaw terrorist groups, its refusal to extradite terrorists to Israel and Arafat's continued speeches praising the murderers of Jews as ''heroes and martyrs''. Chairman Arafat has to learn once and for all that terror and violence are the antithesis of peace. Words are not enough. The American administration must take concrete measures in order to ensure that Mr. Arafat shuts down the terrorist mechanism that operate to threaten Israel.

Israel's first responsibility is to the safety and security of its people. Israel cannot move forward in the peace process unless the threat of terror and violence that is part and parcel of the Palestinian policy is permanently eradicated.

The Orthodox Union grieves with the families of the murdered victims of this horrendous, senseless attack. May they be comforted amongst the mourners of Zion and Jerusalem.●

IN RECOGNITION OF HENRY FORD COMMUNITY COLLEGE FOR 60 YEARS OF SERVICE TO THE COMMUNITY

● Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to the 60th anniversary of an important educational institution in Michigan. On October 10, 1997, Henry Ford Community College will dedicate a new Learning Resource Center and kick off a year of special events to celebrate its six decades of providing educational opportunities to the people of Michigan.

Henry Ford Community College, which is located in Ford Motor Co.'s hometown of Dearborn, first opened its doors in 1938 as Fordson Junior College with 200 students. Today, approximately 20,000 students attend classes at HFCC's 75-acre main campus and its auxiliary learning center in Dearborn Heights. Many transfer to 4-year institutions after completing 1 or 2 years at HFCC. Others are enrolled in two-year associate degree programs in arts, science, or business. Still others are enrolled in non-credit or continuing education courses, seeking to upgrade their job skills to remain competitive in the marketplace.

I know that the administrators and instructors at Henry Ford Community College are proud of their reputation for turning out graduates who are well prepared to enter the work force. In fact, HFCC believes that this is so central to its mission that it offers up to 16 hours of free additional workplace training to any graduate whose entry-level technical job skills are deemed to be lacking by an employer. HFCC's Office of Corporate Training works with area businesses and manufacturers to design training programs for their employees, which are held either at HFCC or on the job site. HFCC also offers skilled trade and special job training programs designed to help laid off workers return to the work force more quickly.

While preparing students for additional education and the workplace are the central goals of Henry Ford Community College, it is also deeply involved in the cultural life of the community. HFCC's cultural activities program provides lectures, performances, and films for the general public. They also sponsor the Enrichment for Young People program, which gives young students the opportunity to take classes in art, theater, and music. Senior citizens are welcomed at the annual Senior Citizens Day on campus, and they may take classes free of charge year round. Concerts, plays, art exhibits, and other performances are offered throughout the year, and are open to the public.

For 60 years, Henry Ford Community College has been an integral part of the educational and cultural fabric of metropolitan Detroit. This vibrant institution has helped tens of thousands of people to realize their dreams, whether to upgrade professional skills, attain a degree, or simply learn something new about an interesting subject. Mr. President, I encourage my Senate colleagues to join me in extending congratulations to the men and women of Henry Ford Community College on the occasion of its 60th anniversary.●

CELEBRATING DURHAM MANUFACTURING'S 75TH BIRTHDAY

● Mr. DODD. Mr. President. I rise today to commemorate the 75th birthday of one of the oldest and most respected companies in my home State—the Durham Manufacturing Co. of Durham, CT. Few companies ever enjoy such long-term success, but Durham Manufacturing has been able to thrive for so many years because it is committed not only to manufacturing excellence, but also to its workers and to its surrounding community.

The Durham Manufacturing Co. was founded after a fire destroyed the factory for Merriman Manufacturing Co., which had been Durham's largest employer for decades. The residents of Durham were determined to keep their community together, and in 1922, the Durham Manufacturing Co. began operations out of a wooden barn. Durham Manufacturing specialized in the manufacture of tin-coated iron cash boxes and cash boxes with a handle and combination lock which were used to store insurance policies.

During World War II, Durham Manufacturing adapted its production to meet the needs created by the war and became the leading supplier of first aid boxes to the Armed Forces. After the war, Durham saw many of its Government contracts expire, and unfortunately, in 1947, the wooden factory was destroyed by fire.

While many companies would have folded up their tents under such adversity, there was never any doubt that the Durham Manufacturing Co. would continue. After the fire, the company took on a new direction as its focus shifted from custom contract work to developing proprietary product lines, which have evolved into their current product lines of first aid boxes, storage cabinets and bins, and office products. Today, their products are used throughout North America and Europe, and this company, which began operating out of a wooden barn, now has its own site on the World Wide Web. Clearly, the future of Durham Manufacturing appears even more promising than its past.

It is only appropriate that Durham Manufacturing's current factory is located on Main Street, because theirs is an All-American success story. But while there is a Main Street in most every town in the country, companies like Durham Manufacturing have become all too rare—a business where generations of family members have worked to build not only a profitable company, but a prosperous community, as well. Companies like Durham Manufacturing represent the backbone of small cities all around this country, and it is important that we recognize and celebrate their longevity.

Again, I would like to congratulate the Durham Manufacturing Co. on the occasion of their 75th birthday, and I wish many more years of continued prosperity.●

ORDERS FOR TUESDAY, SEPTEMBER 9, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate complete its business today it stand in adjournment until the hour of the 9:30 a.m. on Tuesday, September 9. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 1061, the Labor-HHS appropriations bill.

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

Mr. LOTT. I also ask consent that from 12:30 p.m. to 2:15 p.m. the Senate stand in recess in order for the weekly policy meetings to occur.

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

PROGRAM

Mr. LOTT. Tomorrow the Senate will immediately resume consideration then of S. 1061, the Labor-HHS appropriations bill. As Members are aware, under the order, all amendments had to be offered today in order to be considered as part of this legislation. Therefore, the Senate will continue debating amendments in order throughout Tuesday's session of the Senate. It is hoped that all debate and votes on amendments to S. 1061 can be completed on Tuesday. The next rollcall votes will occur beginning at 2:15 p.m. on Tuesday. In addition, the Senate will recess, as I got permission just a moment ago, between 12:30 p.m. and 2:15 p.m. for the weekly luncheons to meet. As indicated earlier, it is hoped that the Senate can complete this work on the Labor-HHS appropriations bill. We will then go to the FDA reform legislation, and our intent is to complete that work this week also. Once we have completed the appropriations bill that we have approval for here, plus the FDA, then we would go to the Interior appropriations bill.

Members can anticipate votes throughout the day each day of this week, including Friday as it now stands. And, also, depending on what happens with regard to committee meetings, we may have to go into the night. I hope that is not necessary. I think it is better for us to do our work in the daylight, and I will do everything to try to make sure that happens.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Tuesday, September 9, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 1997:

THE JUDICIARY

LYNN S. ADELMAN, OF WISCONSIN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN, VICE THOMAS J. CURRAN, RETIRED.

JEREMY D. FOGEL, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE ROBERT P. AGUILAR, RETIRED.

DEPARTMENT OF STATE

THOMAS M. FOGLIETTA, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY.

ALPHONSE F. LA PORTA, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR TO BE U.S. PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

EXTENSIONS OF REMARKS

COMPTROLLER GENERAL DECISION LETTER B–277719

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. YOUNG of Alaska. Mr. Speaker, on August 20, 1997, the Comptroller General issued decision letter B–277719 concluding that section 108, of the paragraph entitled ''General Provisions—Department of the Interior'', Department of the Interior and Related Agencies Appropriations Act, 1997 is permanent law. Section 108 states that: ''No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.''

This letter was issued in response to a request by 30 Members of Congress and resolves the question of permanency of this important provision.

I ask that a copy of the letter dated July 29, 1997, requesting a decision from the Comptroller General on the permanence of section 108 and Decision Letter B–277719 be printed in the CONGRESSIONAL RECORD.

JULY 29, 1997.

JAMES F. HINCHMAN

Acting Comptroller General of the United States, General Accounting Office, Washington, DC.

DEAR MR. HINCHMAN: The Omnibus Consolidated Appropriations Act, 1997 (P.L. 104–208) contains the following section under the heading ''General Provisions'' in Title I—Department of the Interior: ''Sec. 108. No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.''

We emphatically believe that Section 108 was intended by Congress to be a provision of permanent law and we seek your expedited consideration of this question and a letter decision on the issue. Time is of the essence. Out of an excess of caution, several of the undersigned Members of the House urged inclusion of this language in H.R. 2107, the current Department of Interior and Related Agencies Appropriations bill, which will soon be considered by the Senate and possibly by a conference committee. We are concerned that re-enactment of this provision could inadvertently give rise to erroneous inference that Congress does not consider the provision permanent. 32 Comp. Gen. 11 (1952); 36 Comp. Gen. 434 (1956).

Please note that Sec. 108 contains the phrase ''subsequent to the date of enactment of this Act'' which clearly is intended to have effect beyond the fiscal year covered by the bill. Words substantially similar to this phrase previously have been recognized as words of futurity. 65 Comp. Gen. 588 (1986). Any characterization of this phrase as only a modifier of the words ''an Act of Congress'' would reduce the phrase to mere surplusage because there is no Act of Congress enacted prior to or on the date of enactment of Sec. 108 that expressly authorizes regulations pursuant to R.S. 2477. Therefore, enactment of any such authorization is necessarily subsequent to the date of enactment of Sec. 108. The phrase is meaningless if it is interpreted solely as a temporal limitation on the three words immediately preceding it. ''Constructions that do not give effect to all of the words of a statute must be avoided . . .'' 70 Comp. Gen. at 354 (citing 2 N. Singer, Sutherlands Statutory Construction §33.02 (4th ed. 1984)). Clearly, Sec. 108 contains sufficient words of futurity to indicate that it is a permanent law.

The legislative history of Sec. 108 and related predecessor provisions is both relevant and illuminating. 65 Comp. Gen. 588 (1986). The language that ultimately became Sec. 108 was taken intact from a legislative bill, S. 1425, as reported to the Senate by the Committee on Energy and Natural Resources on May 9, 1996. The language of S. 1425 was included in the Senate version of the FY 1997 Department of Interior and Related Agencies Appropriations bill at the request of the Chairman of the Committee on Energy and Natural Resources and the Ranking Republican Member of the Committee on Appropriations and its Subcommittee on Interior.

Also relevant is limitation of funds language concerning the same subject matter that was enacted for FY 1996 by the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104–135): ''Sec. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.'' Subsequently, the same limitation of funds language was included in H.R. 3662, the House version of the FY 1997 Department of the Interior and Related Agencies Appropriations bill, which passed the House on June 20, 1996. The conference committee considered the House's limitation of funds approach but ultimately adopted the Senate's permanent language taken from S. 1425 for inclusion in P.L. 104–208. This clearly indicates that Congress considered and rejected a temporary provision in favor of a permanent one. 36 Comp. Gen. 434 (1956).

Another factor indicating that Sec. 108 is permanent law is the fact that it is contained in a paragraph under the heading ''General Provisions, Department of the Interior'' but applies by its own terms to ''any agency of the Federal Government'' As a factual matter, Sec. 108 applies to the Forest Service in the Department of Agriculture, which administers land subject to R.S. 2477 rights-of-way, and any other federal agency that administers reservations from the public lands, including the Department of Defense and the Department of Energy. The other 13 sections under the ''General provisions, Department of the Interior'' heading apply exclusively to the Department of the Interior. Therefore, Sec. 108 is sufficiently unrelated to the title of the Act in which it appears to support the conclusion that was intended to be permanent. B–214058, February 1, 1984.

In conclusion, it is overwhelmingly clear from a plain reading of Sec. 108, the presence of words of futurity, its legislative history and the legislative history of related provisions, and its relationship to the rest of Act that this provision is permanent law.

We would greatly appreciate your immediate attention to this question and a reply at your earliest convenience.

Conrad Burns, Orrin Hatch, Robert F. Bennett, Larry E. Craig, Frank H. Murkowski, Ted Stevens, U.S. Senate.

Don Young, Bob Smith, James V. Hansen, Joe Skeen, Jerry Lewis, Bob Stump, Charles H. Taylor, Helen Chenoweth, Richard Pombo, John T. Doolittle, Barbara Cubin, George P. Radanovich, Doc Hastings, Wally Herger, Randy ''Duke'' Cunningham, Bob Schaffer, Ron Packard, Jim Kolbe, Jim Gibbons, J. D. Hayworth, Michael D. Crapo, George R. Nethercutt, Jr., John E. Ensign, Chris Cannon, House of Representatives.

GENERAL ACCOUNTING OFFICE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, August 20, 1997.

CONGRESSIONAL REQUESTERS: This responds to your July 29, 1997, letter asking whether section 108 of the Department of the Interior and Related Agencies Appropriations Act, 1997, is permanent law or expires at the end of fiscal year 1992.[1] Section 108 of the Interior Appropriations Act states that: ''No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 (43 U.S.C. 932) shall take effect unless expressly authorized by an Act of Congress subsequent to the date of enactment of this Act.'' 110 Stat. 3009–200. For the reasons discussed below, we believe section 108 is permanent law.

DISCUSSION

Since an appropriation act is made for a particular fiscal year, the starting presumption is that everything contained in the act is effective only for the year covered. 31 U.S.C. §10301(c)(2)(1994). For this reason, a provision in an appropriation act will be considered to be permanent only if the statutory language or the nature of the provision makes it clear that Congress intended the provision to be permanent. 65 Comp. Gen. 588, 589 (1986).

Permanency is indicated most clearly when the provision in the appropriation act uses words of futurity. While ''hereafter'' is a common ''word of futurity,'' we have afforded language such as ''after the date of approval of this act'' the same treatment. E.g., 36 Comp. Gen. 434, 436 (1956). The language ''subsequent to the date of enactment of this Act'' found in section 108 of the fiscal year 1997 Interior Appropriations Act is of the same character.

The precise location of the words of futurity can be important and can determine whether or not a provision is permanent. *Cf.* B–228838, Sept. 16, 1987 (words of futurity in a proviso of a section did not make the entire section permanent). In the case of section 108, the location of the phrase ''subsequent to the date of enactment of this Act'' presents two possible interpretations. On the one hand, ''subsequent to the date of enactment of this Act'' could apply only to the

Footnotes are at the end of the letter.

immediately preceding phrase ''Act of Congress'' and thereby describe only the period of enactment for the authorizing ''Act of Congress'' that must occur for an agency rule or regulation on R.S. 2477 rights-of-way to take effect. Under this reading, the phrase ''subsequent to the date of enactment'' means that the agency rule can become effective only if it is expressly authorized by a new, not a previous, Act of Congress. This limitation on agency rulemaking would expire at the end of fiscal year 1997.

Alternatively, ''subsequent to the date of enactment of this Act'' could apply to all of section 108 and thereby describe the time period applicable to the limitation on agency rulemaking on R.S. 2477 rights-of-way. Under this reading, the phrase ''subsequent to the date of enactment of this Act'' means that the requirement for an express authorization by an Act of Congress before the agency rule can become effective is a permanent requirement beginning with the enactment of the fiscal year 1997 appropriation. We believe the latter interpretation is the meaning best ascribed to section 108 based on its legislative history and purpose.

Language similar to that found in section 108 first appeared as section 349(a)(1) of the National Highway System Designation Act of 1995, Pub. L. No. 104–59, 109 Stat. 568, 617–618 (1995). Section 349(a)(1) states:

''(a) MORATORIUM.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, no agency of the Federal Government may take any action to prepare, promulgate, or implement any rule or regulation addressing rights-of-way authorized pursuant to section 2477 of the Revised Statutes (43 U.S.C. 932), as such section was in effect before October 21, 1976.''

As indicated by the heading of subsection (a) of section 349, paragraph (1) was a moratorium on agency actions on rules and regulations regarding R.S. 2477 rights-of-way. Paragraph (2) provided that the moratorium would be effective through September 30, 1996. The purpose of the moratorium was to delay regulations proposed by the Secretary of the Interior so that the Congress and the states could address concerns over proposed changes to the process for recognizing state and local government claims for rights-of-way across federal lands granted pursuant to R.S. 2477. 141 Cong. Rec. S8924–8925 (daily ed. June 22, 1995) (statements of Sens. Stevens and Murkowski).

Before the moratorium expired, the Senate Committee on Energy and Natural Resources considered S. 1425, a bill to ''recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes.'' The bill, as reported from the Committee on May 9, 1996, consisted entirely of the language now found at section 108 of the fiscal year 1997 Interior Appropriations Act. The purpose of S. 1425 was to allow the Department of the Interior to develop new regulations while prohibiting their implementation until expressly approved by an Act of Congress. S. Rep. No. 104–261, at 2 (1996). There is no question that if it had been enacted into law, S. 1425 would have continued indefinitely the restriction against agency rules or regulations on R.S. 2477 rights-of-way becoming effective without an authorizing Act of Congress. See, id., at 3–4 (Letter from June E. O'Neill, Director, Congressional Budget Office, dated May 8, 1996). While no further action was taken on S. 1425, its language ultimately became section 108 of the fiscal year 1997 Interior Appropriations Act.

A little more than a month after the Senate Committee on Energy and Natural Resources reported S. 1425, the House of Representatives passed H.R. 3662, the Department of the Interior and Related Agencies Appropriations Bill, 1997. Section 109 of H.R. 3662 stated that ''None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning right-of-way under section 2477 of the Revised Statutes.''

This language was identical to language in the fiscal year 1996 appropriation act enacted two months before. See note 2 above. When the Senate Committee on Appropriations reported its version of the appropriations bill, it deleted the House language and substituted the language of S. 1425, stating that it was ''identical to the bipartisan proposal reported by the Senate Energy and Natural Resources Committee (Senate bill 1475 [sic]).'' S. Rep. No. 104–319, at 56 (1996). This is the language ultimately enacted as section 108 of the fiscal year 1997 Interior Appropriations Act as contained in Pub. L. No. 104–208.

This history strongly supports the conclusion that Congress intended section 108 to be permanent. Section 108 was lifted verbatim from a bill that by virtue of its language and its character as general legislation would, if enacted, have continued indefinitely the restriction on implementing rules on R.S. 2477 rights-of-way. Also, the Senate and ultimately the Congress substituted the language of S. 1425 for the language of H.R. 3662, which like the identical language of Pub. L. No. 140–134 for fiscal year 1996, was clearly applicable only for a fiscal year. In revealing the origin of section 108, the applicable discussion in S. Rep. No. 104–319 and H. Conf. Rep. No. 104–863 contains nothing to suggest that Congress intended for the effect of the language from S. 1425, i.e., an indefinite restriction, to be different when included in the appropriation act.

Other reasons support the conclusion that the Congress intended section 108 to be permanent legislation. The language of section 108 is not a restriction on the use of appropriations. It is a substantive provision addressing when certain agency rules or regulations can take effect. Its language standing alone is permanent in nature. 36 Comp. Gen. at 436. Also, no real effect would be given to the phrase ''subsequent to the date of enactment of this Act'' if it were interpreted to only describe the time period when an authorizing ''Act of Congress'' must occur before an agency rule becomes effective. Section 108 could not have been designed to vitiate a prior Act of Congress expressly authorizing final agency rules or regulations on R.S. 2477 rights-of-way for the simple reason that there was and is none. Accordingly, any Act of Congress expressly authorizing a final rule or regulation on R.S. 2477 rights-of-way would be one enacted after enactment of the fiscal year 1997 Interior Appropriations Act. For the phrase ''subsequent to the date of enactment of this Act'' to have any effect, it must mean that the section 108 restriction on when a rule or regulation on R.S. 2477 rights-of-way takes effect is permanent law beginning with the date of enactment of the fiscal year 1997 Interior Appropriations Act.

For the reasons discussed above, we conclude that section 108 is permanent law. I trust the foregoing will be of assistance.

Sincerely yours,

ROBERT P. MURPHY,
General Counsel.

FOOTNOTES

[1] The Department of the Interior and Related Agencies Appropriations Act, 1997, is contained in section 101(d) of the Omnibus Consolidated Appropriations Act, 1997, Pub. L. No. 104–208, 110 Stat. 3009, 3009–181(1996).

[2] Section 8 of the Mining Act of 1866 stated that ''the right of way for the construction of highways over public lands, not reserved for public uses is hereby granted.'' That section was codified as section 2477 of the Revised Statutes, and has been commonly referred to since then as ''R.S. 2477.'' Section 706 of the Federal Land Policy and Management Act of 1976 (FLPMA), Pub. L. No. 94–579, 90 Stat. 2793, repealed R.S. 2477 but section 701 provided that FLPMA did not terminate any land use, including rights-of-way, existing on October 21, 1976. FLPMA did not provide a time limitation on filing claims for pre-1976 rights-of-way. The rules and regulations that are the subject of section 108 are proposals to change how R.S. 2477 claims are processed.

[3] Your letter refers to another restriction running through fiscal year 1996. Section 110 of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104–134, 110 Stat. 1321, 1321–156, provided that none of the funds appropriated or otherwise made available by the Act could be used by the Secretary of the Interior to develop, promulgate, and implement a rule concerning R.S. 2477 rights-of-way. 110 Stat. 1321–177. This provision was in H.R. 1977, the Department of Interior and Related Agencies Appropriations Bill, 1996, when it was reported from the House Committee on Appropriations on June 30, 1995. It remained intact through the enactment of Pub. L. No. 104–134 on April 26, 1996, and is narrower in scope than the moratorium enacted by section 349 of Pub. L. No. 104–59 five months earlier.

[4] The provision for the moratorium was added to the Senate bill as a floor amendment and had a December 1, 1995 expiration date. The conference committee adopted the moratorium contained in the Senate bill and extended its application through the end of fiscal year 1996. H. Rep. Conf. Rep. No. 104–345 at 108 (Nov. 15, 1995), reprinted in 1995 U.S.C.C.A.N. 610.

TRIBUTE TO DURHAM MANUFACTURING CO.

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Ms. DELAURO. Mr. Speaker, on Saturday, September 13, 1997, the Durham Manufacturing Co. in Durham, CT will be celebrating its 75th anniversary. It gives me great pleasure to rise today to congratulate Durham Manufacturing on this milestone.

There have been so many changes in the way companies and corporations function in the past several decades. For many Americans, company loyalty is a thing of the past and so many workers feel isolated on the job. Durham Manufacturing is an example of a small company that has not abandoned its workers in pursuit of a more profitable bottom-line. Indeed, Durham has managed to stay competitive, and even flourish, all while ensuring that employees are treated fairly.

The history of Durham Manufacturing is the classic manufacturing success story of a small company, turning out a quality product and creating a niche for itself in the market. Situated in the predominantly rural town of Durham, Durham Manufacturing was established in 1922. The company specialized in the manufacture of tin coated iron cash boxes. Over the years, the company made changes in its product line to reflect the needs of the market. The products made at Durham Manufacturing expanded and the means of production varied.

As the needs of the country changed, Durham adapted to meet them. During World War II, Durham was the Army's largest supplier of metal first aid boxes. After the war, Durham's focus turned toward developing proprietary product lines. Today, Durham produces a top quality line of first aid boxes, storage cabinets and bins and office products.

However notable Durham Manufacturing's products are, what is more important is the feeling of family and community fostered by the company. Durham is as dedicated to its employees as it is to its customers. As a result, several members of families work together at Durham and in some cases generations of families have been employed there.

This kind of company loyalty has helped keep Durham successful. As everyone gathers to celebrate the 75th anniversary, Durham is a leader in the metal packaging industry.

I am very pleased to congratulate Durham on its 75th anniversary and I am hopeful that there will be many more.

NAFTA PARITY FOR U.S. WOOL APPAREL INDUSTRY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. LAFALCE. Mr. Speaker, today, I am introducing legislation that will redress a wrong inflicted on an important segment of the U.S. textile and apparel industry during NAFTA negotiations. I believe it is important for the credibility of NAFTA to correct a serious flaw in this agreement that has adversely and unfairly affected U.S. textile and apparel producers.

During NAFTA negotiations with Canada, changes were made in the original United States-Canada Free Trade Agreement [CFTA] with respect to imports of men's and boys' wool suits, jackets and slacks—changes which both injure United States manufacturers in this sector and give no avenue for relief from this injury. My legislation will correct this mistake and return to provisions that were originally in the CFTA.

When the United States and Canada negotiated the textile and apparel provisions of the CFTA, special duty allowances were made for tailored men's and boys' wool apparel made from foreign fabric, that is, fabric not produced in either the United States or Canada. According to CFTA rules of origin, wool apparel could qualify for CFTA tariffs only if both the apparel and fabric originated in Canada or the United States. Because Canada claimed a shortage of wool fabric, a temporary Tariff Preference Level [TPL] was established for this category of imported apparel for items made from textiles that were not available in either the United States or Canada—hence, the special treatment for wool apparel made from non-United States or Canadian textiles.

At the time, Canadian manufacturers of tailored wool apparel constituted only a small portion of the Canadian apparel industry, and the TPL was intended only to ensure that they had an adequate supply of wool fabric. Moreover, Canadian negotiators refused to set sublimits for categories of wool apparel in response to United States concerns about concentration of products. Canada explicitly assured the United States that it would never allow targeting of products, and Canada would continue shipping a wide range of products. The CFTA mandated renegotiation of the Tariff Preference Level by January 1, 1998, according to changing conditions and circumstances of the market.

During NAFTA negotiations, textiles and apparel issues with Canada remained unresolved until the end of negotiations in August 1992, even though agreement with Mexico had been reached 4 months earlier. A deal was struck at the last minute that would have a major impact on U.S. industry. First, preference levels increased slightly, but a sublimit for wool suits was set at 99 percent of the TPL and effectively was not a sublimit.

Second, the CFTA monitoring and renegotiation requirements were dropped that would have made adjustments to ''reflect current conditions in the textile and apparel industries.'' Indeed, the Office of the U.S. Trade Representative has said that NAFTA negotiations constituted a fulfillment of the CFTA mandate.

The result of this retention of Tariff Preference Levels—and indeed the increase of levels rather than a lowering—has resulted in an unacceptable surge in imports of this product from Canada. United States industry believes this provision has been used by Canadian producers for ''wholesale circumvention of the rule of origin''—and the rule of origin is the foundation of a free trade agreement. The legislation I am introducing today would restore the mandate to monitor and renegotiate the schedule of Tariff Preference Levels by January 1, 1998.

Since 1988, the surge of tailored wool apparel imports from Canada has devastated the United States industry. U.S. production of men's and boys' wool suits has dropped more than 40 percent, and employment has fallen almost 50 percent. At the time of CFTA negotiations, United States industry voiced concern about establishing Tariff Preference Levels for goods made from nonoriginating fabric, but Canada assured United States negotiators that preexisting trade patterns would not be altered. Clearly, this has not happened.

Yet, U.S. industry does not normal access to safeguard actions as provided in other sections of NAFTA which would allow it to petition the U.S. Government for temporary relief from injurious imports. Instead, the wool apparel industry was excluded from NAFTA safeguard action because CFTA provisions were retained instead that reserved the Parties rights under GATT—but did not address quantitative restrictions. This reliance on GATT—now the WTO—only for the U.S. textile and apparel industry in turn imposes limitations on the use of safeguards because of U.S. legislation recognizing the phasehout of the Multifiber Agreement. The effect gives the U.S. wool apparel industry no recourse to safeguard action—a situation that no U.S. trade agreement has allowed in the past.

Even more glaring in the NAFTA is the specific omission of allowed consultations between the United States and Canada for surges of United States imports for wool products entering the United States under quantitative restrictions. The legislation I am introducing would allow the U.S. industry for tailored wool apparel to have normal access to safeguard provisions under the NAFTA.

Mr. Speaker, I believe Congress must take corrective action when it becomes aware that a major piece of legislation unfairly excludes and injures a sector of U.S. industry, especially when this effect was not intended. We owe it to U.S. workers in the tailored wool apparel sector to restore legislation to its original intent and to provide for a normal avenue under U.S. trade law to redress injury from imports.

The text of the bill follows:

H.R.—

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

SECTION 1. RENEGOTIATION OF QUANTITIES OF WOOL ARTICLES ELIGIBLE FOR TARIFF PREFERENCE LEVELS.

By not later than January 1, 1998, the President shall take the necessary steps to renegotiate with Canada the annual quantity limitations of tailored wool apparel assembled in Canada from fabric or yarn produced or obtained in a country other than a NAFTA country, that is eligible for preferential tariff treatment under Appendix 6.B.1 to Annex 300–B of the NAFTA, to reflect current conditions in the wool textile and apparel industry located in Canada and the United States, including the ability of tailored wool apparel producers to obtain supplies of wool fabric within the territories of Canada and the United States.

SEC. 2. AVAILABILITY OF SAFEGUARD PROCEDURES.

For purposes of part 1 of subtitle A of title III of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3351) and following)—

(1) the term ''Canadian article'' shall be deemed to include tailored wool apparel assembled in Canada from fabric or yarn produced or obtained in a country other than a NAFTA country, that is eligible for preferential tariff treatment under Appendix 6.B.1 to Annex 300–B of the NAFTA; and

(2) subsection (d)(2) of section 302 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3352(d)(2)) shall not apply to articles described in paragraph (1).

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''NAFTA'' means the North American Free Trade Agreement approved by the Congress under section 101(a) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3311(a)); and

(2) the term ''NAFTA country'' has the meaning given that term in section 2(4) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3301(2)).

A TRIBUTE TO THE AMERICAN YOUTH SOCCER ORGANIZATION

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commend the American Youth Soccer program for its contributions toward promoting athletic activities among children in our community. It is a great honor to rise on behalf of all of those involved in youth soccer.

The American Youth Soccer Organization is an extremely important nonprofit corporation dedicated to promoting youth soccer in our community. This soccer program keeps our kids off the streets, promotes their self-esteem, and puts our children's minds and bodies to work. Both our community and our children profit from this league.

I believe the American Youth Soccer Organization's motto ''everyone plays'' describes the nurturing environment that this organization strives to provide our children on the soccer field. I am proud to represent and honor an organization that encourages all of our

youth to play soccer no matter what abilities they possess.

Finally, the success of the American Youth Soccer Organization would not be possible without its wonderful volunteers. I commend the patience and dedication of all of those who are involved as players, coaches, referees, and spectators.

Mr. Speaker, I ask you and my distinguished colleagues to join me in recognizing the contributions the American Youth Soccer Organization has made to our community. The American Youth Soccer Organization serves as an example for other youth soccer leagues across our Nation.

SARAH GEVING: A STORY OF WORK, FAMILY, AND PERSONAL RESPONSIBILITY

HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. CUNNINGHAM. Mr. Speaker, Sarah Geving, a constituent of California's 51st Congressional District, has written a personal account about growing up on welfare. Her real-life story shows how the old welfare system encouraged complacency, bred hopelessness, and trapped many families in a cycle of welfare dependency. Sarah's experience taught her that the best way to break free of the welfare trap was not to give people a handout, but to give them a hand up.

Our new welfare reform law does that. It encourages work, family, and personal responsibility, giving people hope and a better chance at the American dream. I am proud to have played a part in reforming the failed welfare system and to share Sarah's story with my colleagues by entering it into the permanent RECORD of the Congress of the United States:

AN AMERICAN SUCCESS STORY

(By Sarah Geving)

My parents got divorced when I was four years old and we went on welfare shortly after that. We were on welfare for the next eight years. Why did we continue to receive hand-outs from the government for nearly a decade? Because the government kept sending them. Was my mom physically disabled during this time? No, or she would have been on physician ordered ''disability.'' And long-term disability at that! The U.S. government enabled my mother to stay home for eight years.

My mom dropped out of high school in the eleventh grade. Do you think that during the years the government ''helped'' to take care of us, they encouraged my mom to go back and get her G.E.D.? No. Did they encourage her to attend technical schools so that she would be prepared to enter the job market? No. They should have at least required her to go back and finish high school or get her G.E.D.

When my mom decided to get a job, of course she was totally unprepared in terms of skills, so she had to take a minimum wage job. With welfare reform, we must teach people to progress. Education should be encouraged so that families are not struggling for food as we were. This does not mean that I think we should be working to raise minimum wage. I do not. We should be encouraging work, education, and the spirit of volunteerism. Since my family was so poor even when my mom went back to work, we relied on church donations, donations from anonymous people, and when all else failed, we stood in line for food. As demeaning as this was, we did eat. Americans are generous and the private sector will help with welfare reform. If we encourage hard work and education, children will not have to grow up feeling ashamed like I did. Families who are experiencing hard times and are struggling for food need to be counseled to make better choices. Volunteers should not only help provide food, but they should also help people make better choices. Better choices means that poverty will be temporary, not generational.

When I stood in line for food it was hurtful emotionally. I was embarrassed. I didn't want my friends at school to know about my true private life. I spent years feeling ashamed. One thing that did help was having a ''Big Brother''. A friend of a friend wanted to volunteer as a big brother. Instead of going through an agency and being hooked up with a young boy, this mutual friend hooked him up with me. He was a good example for me because he worked for a living and he gave me advice about college. He treated me like I was a person. My home life was not good and it was helpful to spend time with someone stable once in awhile. We must encourage ''big brothers'' and ''big sisters''.

My mom had a lot of problems and often could not take care of us. She could have given us over to the State for awhile. She needed foster homes for us. Instead, her church found temporary homes for us until my mom could take us back. My sister and I think we lived in at least nine different homes. If we had been in State foster care, we probably would not have been able to stay in the same part of town and the same school district. Since stability was always lacking, at least we could stay in the same school. Once again, this illustrates the importance of individuals and the idea of volunteerism.

If I had gotten pregnant at 17 or 18, the government would have been willing to support me and how ever many children I may have had. I was definitely an ''at risk'' child. I believe that one of the things that saved me was help from people—not the government, but individual people.

Private enterprise, individual people, and volunteerism will be crucial in implementing welfare reform. Ending welfare as an entitlement program will give everyone hope, especially children like I once was.

I knew that I needed to go to college. When I was growing up, I worked hard at school. I studied for and took the S.A.T. tests. One thing that I did not plan for was the college application fee. I remember going to see my high school counselor during my senior year of high school. He had often helped me with questions I had about college. I told him, ''Well, it looks like I can't go to USD or any other 4 year college like I had planned. We'll have to talk about community colleges or something else.'' He said, ''What changed your mind?'' I told him that I had filled out my application and that at the bottom of the application, there was a statement advising applicants that the application fee was $25.00. There was no way I could come up with that. He didn't say much, but asked me to come back the next day to discuss it further. I did. When I showed up for the appointment, he handed me an envelope and told me to go home and send in my application. After leaving his office, I opened the envelope to see what was inside, and there was $25.00 cash. I didn't think too much about it at the time, although I was thankful. Now that I am older, that incident keeps coming back to me.

At the time, I guess I assumed that money came out of some school fund. Looking back on it, I think it probably came from his own pocket. On my current list of ''things to do'' is to hunt him down and pay him back. He would probably be happy to know that I did go to and graduate from college. This is a great example of people helping people. This is what welfare reform is all about.

As a society, it is our duty to teach people to take care of themselves. The government should not do for individuals what they are capable of doing for themselves. When the founders of our country first came to America, they came knowing they would work hard. We need to return to those values.

I have learned this. If you remain fixed in purpose, and strive to achieve your goals, you will succeed in this country. We live in a great country. If I had been born in India and into the caste system, I would still be poor today. If I had been born in a Third-world country, such as Panama or Mexico, I would still be poor today. This country was founded on the principles of hard work. Hard work made this country great. This is the land of opportunity.

Thank you to the elected officials who voted for welfare reform. Thank you to the elected officials who want to return this country back to the idea of smaller government and more personal responsibility.

CONGRATULATIONS TO LOCAL 210 AND JOHN CUNNINGHAM

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Ms. DELAURO. Mr. Speaker, on October 4, 1997, the United Brotherhood of Carpenters and Joiners of American Local 210 will be celebrating its Diamond Anniversary and also recognizing John Cunningham who has recently retired as president of the New England District Council of Carpenters and president/general agent of Local 210. I am very pleased to rise today to congratulate Local 210 for reaching this extraordinary milestone and to offer my warmest congratulations to John on the occasion of his retirement after 41 years of leadership.

John is a wonderful friend of mine and I am delighted to have an opportunity to speak about his extraordinary record of accomplishments. John has overseen a number of new programs and policies during his tenure with Local 210. All these programs demonstrate his unwavering commitment to the welfare of workers. Beginning in 1968, Local 210 kicked off the very first apprentice program in all of New England. Today, that program is based in Norwalk with 125 active trainees. John's focus has always been on helping others, not only workers but also their families.

To this end, John oversaw the creation of a credit union to give members access to low-cost loans and a scholarship fund to make college money available to children of union members. However, the best example of John's exceptional commitment to members is his actions after the 1987 collapse of the L'Ambiance construction site in Bridgeport. Local 210 became the focal point of the National Building Trades Council effort to help the family members of those workers killed in the collapse. Under John's leadership, Local 210 raised more than $300,000 for the families. I am sure that many people are very

grateful to John and Local 210 for spearheading this effort and for making this issue a priority for everyone.

John Cunningham's lasting legacy, however, is his deeply held belief in the importance of unions and the need for organized labor. He recognizes that it is only by sticking together that labor has been able to achieve all the reforms and benefits that have made the workplace safe and secure for workers and their families. Unions are as relevant and important today as they were when workers first began to organize in this country. It is the work and commitment of leaders like John Cunningham and organizations like Local 210 that keeps us all vigilant and dedicated to the continued improvement of the lives and working conditions of laborers in this country.

Again, it is my great pleasure to rise today to congratulate Local 210 on its 100th anniversary and to thank John Cunningham for 41 years of dedication and leadership.

CONGRATULATIONS TO SHELLY MOORE, MISS TEEN USA

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. DUNCAN. Mr. Speaker, I am proud that a fine young woman from my district, Shelly Moore, has been chosen Miss Teen USA. This is a tremendous accomplishment and I want to congratulate Ms. Moore and wish her the very best as she serves as the main representative for young people all over the Nation.

I would like to call to the attention of my colleagues and other readers of the CONGRESSIONAL RECORD an article and editorial from the Knoxville News Sentinel.

[From the Knoxville News Sentinel, Aug. 22, 1997]

NEW MISS TEEN USA WANTS TO USE TITLE TO BE STRONG ROLE MODEL

(By Nicole Pascoe)

Knox County teenager Shelly Moore said Thursday she is still on cloud nine after winning the 15th annual Miss Teen USA pageant, held at South Padre Island, Texas.

The 1997 South-Doyle graduate, daughter of Garland and Tammy Rhoden, was crowned Wednesday night and is taking home about $150,000 in cash and prizes.

Moore, interviewed by phone while packing to return to Knoxville, said the experience was both exciting and unforgettable.

''It was a wonderful experience. I still can't believe I'm Miss Teen USA,'' she said. ''I was just an average girl yesterday, and in my mind I still am, but it's very exciting.''

Moore, 18, said as part of her title she will do a good deal of public speaking and traveling, mainly back and forth to Los Angeles. ''I just want to be a good role model,'' said Moore.

JoAnna Lochen, Moore's cheerleading coach and a home economics teacher at South-Doyle, thinks Moore will have no trouble upholding her title.

''She's steps above anybody and she's a real strong leader. She has a very strong moral upbringing and belief in God,'' she said.

Lochen said she wasn't surprised that Moore was crowned Miss Teen USA. ''She is who she says she is. She looks as beautiful in sweats with her hair pulled back as she did at the pageant,'' said Lochen.

Moore entered her first pageant one year ago. She claimed the title of Miss North Tennessee, and that led her to the state pageant, in which she also placed first.

Moore plans to enter the University of Tennessee for the second semester and will major in broadcasting. When asked at the pageant whom she would like to interview, she replied former University of Florida quarterback Danny Wuerffel, last year's Heisman trophy winner and now a backup quarterback with the New Orleans Saints.

[From the Knoxville News Sentinel, Aug. 25, 1997]

STAYING ON CLOUD NINE

KNOXVILLE GIRL CAPTURES A NATIONAL TITLE, MISS TEEN USA CONTEST

Shelly Moore may never descend from cloud nine—and that's OK with us.

Moore, a 1997 graduate of South-Doyle High School and soon-to-be freshman at the University of Tennessee, won the 15th annual Miss Teen USA pageant held at South Padre Island, Texas. She is the daughter of Garland and Tammy Rhoden.

The experience was as exciting as it was unforgettable. ''I was just an average girl yesterday,'' she said in an interview after she was crowned Wednesday, ''and in my mind I still am, but it's very exciting.''

The 18-year-old said she will be speaking and traveling a great deal as part of her title. She plans to enter UT for the second semester and will major in broadcasting. As Miss Teen USA, she will take home about $150,000 in cash and prizes.

Moore entered her first pageant a year ago, claiming the title of Miss North Tennessee. That crown led to the state pageant, which she also won.

Her goal is to be a good role model. No problem there, say those who know her.

''She steps above anybody, and she's a real strong leader,'' says JoAnna Lochen, Moore's cheerleading coach and a home economics teacher at South-Doyle. ''She has a very strong moral upbringing and belief in God.''

Lochen also said she wasn't surprised that Moore was crowned Miss Teen USA. ''She is who she says she is,'' Lochen said. ''She looks as beautiful in sweats with her hair pulled back as she did at the pageant.''

We hope the euphoria Shelly Moore is feeling right now never wears off. We offer our congratulations on winning the title and wish her all the best in the exciting year ahead.

TRIBUTE TO TOM KINARD

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a man who has been a strong voice in his community for years. Tom Kinard. It is my pleasure to recognize Mr. Kinard today as he celebrates 10 years of broadcasting his show, Kinard n' Koffee, on WJMX–AM in Florence, SC. I have had the pleasure of being one of his guests on several occasions, and I join with all of his listeners in congratulating him for 10 years of outstanding broadcasts.

During the 10 years that Kinard n' Koffee has been broadcast, Mr. Kinard has received numerous awards for his unique style and commitment to his community. Among his accomplishments are six-time South Carolina Radio Personality of the Year, five-time National Association of Broadcasters Marconi Finalist for Medium Market Radio Personality, and South Carolina Music and Entertainment Commission Personality of the Year. Mr. Kinard has also received the South Carolina Broadcaster's Association's highest honors for public service with The Richard M. Uray Public Service Award for Outstanding Service to the Community and the highest honor an on-air broadcaster can receive as recipient of the 1996 Master's Award. Among his numerous other awards, Mr. Kinard has been awarded the prestigious Order of the Palmetto, the State of South Carolina's highest honor.

Mr. Kinard's service to his community goes far beyond the radio show that so many hear every morning. He worked with numerous civic groups to aid local charities and promote education. Last winter, Mr. Kinard organized the Kinard-n-Koat drive to collect over 2,000 much needed coats for children and adults in the community. He had listeners send in over 100,000 Christmas cards through Kinard-N-Kristmas Kards for children in local hospitals, and he asked the community to help the soldiers of Desert Storm enjoy a small treat when over 5,000 gallons of Kool-Aid were sent to the Middle East. Mr. Kinard has also spread the holiday message to thousands in the southeast each year with his narrative presentation of ''The Other Wise Man'' He has given 30–40 presentations a year since 1976.

Mr. Speaker, I ask that the Members of the House of Representatives join me in saluting Mr. Kinard who is not only a powerful radio voice in South Carolina, but a dedicated citizen in his community. I congratulate him on 10 years of Kinard n' Koffee and wish him Godspeed in his future endeavors.

WELFARE REFORM IS WORKING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. PACKARD. Mr. Speaker, in 1996, more than 1.3 million people left the welfare rolls. And more than 650,000 of those left in just the last 4 months of the year—following the enactment of the Personal Responsibility and Work Opportunity Act. This is truly a success. Former welfare recipients across the Nation, from San Diego to Atlanta to Boston, have touted our welfare reform bill as the best thing that ever could have happened to them. One former recipient even said, ''My life is so much better. I feel better about myself.'' Another said, ''This is the best thing I ever could've done for myself.''

We are now witnessing the most dramatic decline in welfare caseloads in the 60-year history of welfare as a result of our efforts to change the mind-set surrounding welfare and to give States more flexibility to design their own programs. But to give credit where credit is due, States and communities across the country are well ahead of Washington. This is where the success stories are being created. And this is where the shift in attitude is taking place on a daily basis.

Mr. Speaker, as our Nation moves away from the failed welfare policies of the past, the role of Washington must be to give States the power and resources to begin moving people into self-sufficiency. We must encourage, promote and empower neighbors, charities,

churches, small businesses, and community organizations to be more active in rebuilding strong communities.

Welfare offices now judge their success not by how many people are on welfare, but by the number of people they have moved off welfare into a life of dignity and independence. The focus is now on helping families out of poverty, not keeping them in it. I'd say it's obvious that welfare reform really is working.

TRIBUTE TO JULIA MCNAMARA

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Ms. DELAURO. Mr. Speaker, on September 25, the New Haven Colony Historical Society will present Dr. Julia McNamara with the prestigious Seal of the City Award. Julia McNamara is the president of Albertus Magnus College in New Haven. I am very pleased to rise today to recognize Julia's distinguished work on behalf of the city of New Haven and to congratulate her on this honor.

Since 1992, the Seal of the City is awarded annually, in the words of the historical society, ''to the person or institution whose activities or ideas have significantly added to the quality of life, the prosperity, or the general improvement of the region.'' I cannot think of a more deserving recipient than Julia McNamara. Julia has been president of Albertus Magnus for 15 years and her tenure there has seen some extraordinary changes.

Julia presided over the transition to a coeducational facility, and oversaw the initiation of the popular accelerated degree program. The accelerated degree program has allowed many working individuals to pursue degrees that would otherwise remain inaccessible. This program compliments Julia's deep commitment to education and the liberal arts.

Those who know Julia have an easy time describing both her demeanor and values. Dynamic and energetic, Julia is an engaging presence. Students and co-workers hold her in high esteem and consider her down-to-earth and, at the same time, inspirational. Many students at Albertus Magnus consider her an outstanding role-model. She is constantly encouraging students to embrace all that life has to offer, to question their beliefs and to never stop pursuing knowledge. Julia firmly believes that learning does not end outside the classroom and her deeply held belief that we are all responsible to every member of the community is evident in the community service she undertakes.

Julia's involvement in the community is an inspiration for many. She has served on a number of boards and made history in New Haven by becoming the first woman to serve on the Committee of the Proprietors of the Common and Undivided Lands, which oversees the use of the New Haven Green. She has served on the board of trustees for Yale-New Haven Hospital, on the board of directors for the 1995 Special Olympics World Games and is a member of the fundraising committee for the Greater New Haven Vision Project.

Again, it gives me great pleasure to recognize the extraordinary contributions of Julia McNamara to the people and the city of New Haven. Congratulations to her.

HAPPY ANNIVERSARY NORMA AND MAURICE TREXLER

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. POSHARD. Mr. Speaker, I rise today to recognize Maurice and Norma Jane Trexler, who celebrated their golden anniversary on August I7. Married in Mayfield, KY, the couple moved to Vandalia, IL more than 42 years ago and have resided there ever since. They have given that community a great deal in return, including a loving family and their involvement in numerous civic endeavors. I am proud to call the Trexlers my friends, and congratulate them on achieving this glorious milestone.

The Trexlers are both retired, Maurice having been with the Illinois secretary of state's office as the manager of a driver's license facility, and Norma June serving with Fidelity Federal Savings and Loan for 28 years. Now they concentrate on their large family. Their children, Charles, Robert, Kent, and Kathy, have blessed them with seven grandchildren and one great-grandchild. They also have more time for golf, which they play as often as possible.

The Trexlers also continue to devote their extensive talents to their community. Maurice has been a Democratic precinct committeeman for more than 30 years, serving as Fayette County Democratic chairman the past 14 years. He also belongs to the Moose Lodge, Lions Club, Masonic Lodge, and the Shriners, where he has been an inspiring leader of his peers and family. Norma also contributes to the Moose Club as a leader of its women's group and has worked side by side with Maurice on many community endeavors.

Through their strong desire to serve their community, Maurice and Norma June have set an example for all the lives they have touched together. Their family has been a witness to their respect for each other and their devotion to the institution of marriage. Mr. Speaker, I believe the Trexlers are an inspiration to the entire Nation, and it is an honor to represent them in the U.S. Congress.

INTRODUCTION OF H.R. 2429, THE SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM REAUTHORIZATION ACT OF 1997

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. SENSENBRENNER. Mr. Speaker, I rise today to introduce H.R. 2429, a bill to reauthorize the Small Business Technology Transfer [STTR] Program through the fiscal year 2000. I am joined on the bill by Chairman TALENT and Ranking Member LAFALCE of the Small Business Committee, Science Committee ranking member GEORGE BROWN, Chairwoman MORELLA and Ranking Member GORDON of the Technology Subcommittee, Subcommittee on Government Programs and Oversight Chairman BARTLETT and Ranking Member POSHARD, and Science Committee member TOM DAVIS.

Mr. Speaker, I would like to begin by thanking Chairman TALENT of the Small Business Committee for his efforts to ensure a smooth reauthorization process for STTR, a program over which our two Committees share jurisdiction. It has been a pleasure working with him and his committee staff.

STTR was created as a pilot program during the 1992 reauthorization of the Small Business Innovation Research [SBIR] Program. The program requires Federal agencies with extramural R&D budgets in excess of $1 billion to set aside 0.15 percent of that budget for technology transfer from Government to small business. This set-aside provides funding for ideas, that are cooperatively researched and developed by small businesses and nonprofit research institutions, such as universities.

Five agencies currently participate in the STTR Program. They are the National Aeronautics and Space Administration, Department of Defense, National Institutes of Health, Department of Energy, and the National Science Foundation. In fiscal year 1995, the STTR Program issued a total of 260 awards, totaling over $33 million.

STTR's authorization will expire on September 30, 1997. H.R. 2429 will extend the program's life through fiscal year 2000, the same year the authorization for SBIR expires.

STTR and SBIR have similar structures. The programs are divided into three phases. Phase I is the development stage of the idea. Awards for this phase may total up to $100,000 in both programs. Phase II allows for further development of the most promising ideas from phase I. These awards can be as much as $500,000 in the STTR Program, and $750,000 in the SBIR Program. The final phase, phase III, is the commercialization of the product, or the use of that product by the Federal Government. The STTR and SBIR set-asides are not used for phase III grants.

Unlike SBIR, STTR requires the participation of a research institution in all its awards. STTR was designed to take ideas that originated in universities and laboratories, and develop them through a cooperative agreement with a small business entity. Under SBIR, universities can play a limited role in the program, but their participation is not required.

While STTR and SBIR are similar programs, they differ vastly in scale. In fiscal year 1995, SBIR made over 4,000 awards totaling over $800 million. In fiscal year 1997, SBIR grants will total over $1 billion. SBIR was created in 1982 to increase the participation of small, high-technology companies in Federal R&D. This was done by requiring Federal agencies with large R&D budgets to set aside 2.5 percent of their extramural research funding.

In the first 3 years of the program, STTR has awarded 784 grants totaling just over $115 million. These relatively low totals make it impossible to accurately measure the success of the program. However, there appears to be enough anecdotal evidence that the program is working to warrant its extension for an additional 3 fiscal years. At that time, it is my hope that the Science Committee, working with the Small Business Committee, can do a thorough review of not only STTR, but also the $1 billion SBIR Program.

HONORING CALIFORNIA HISTORY WEEK IN THE 34TH CONGRESSIONAL DISTRICT OF CALIFORNIA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. TORRES. Mr. Speaker, I rise today to honor the rich history of the Great State of California. On Tuesday, September 9, 1997, the Native Daughters of the Golden West, Rancho La Puente Parlor No. 331, will join in celebration of the anniversary of California's admission into the Union of the United States of America.

California became the 31st State of the Union on September 9, 1850, which became known In Cal as Admission Day. The purpose of the Native Daughters of the Golden West is based on the principals of love of California, devotion to the flag, veneration of the pioneers, and faith in the existence of God. This fine organization tirelessly serves to protect and honor the cultural history of California by observing Admission Day and working to reestablish it as a State holiday by California's 150th anniversary in 2000.

In acknowledgment of the cultural, social, political, geological, and economic contributions of the Great State of California to the Nation and the world, I am proud to join with the Native Daughters of the Golden West and Californians throughout the State and proclaim September 7–13, 1997, as California History Week in the 34th Congressional District of California.

Mr. Speaker, I ask my colleagues to join me in observing Admission Day and honoring the Great State of California.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 366. If present, I would have voted ''no'' on rollcall 366.

150TH ANNIVERSARY OF BELL AFRICAN METHODIST EPISCOPAL ZION CHURCH

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. FORBES. Mr. Speaker, I rise today in this hallowed Chamber to ask my colleagues to join me in offering praise and congratulations on the 150th anniversary of the Bell African Methodist Episcopal Zion Church, in Center Moriches, Long Island.

The humble beginnings of the Bell AME Zion Church can be traced to 1840, when a small prayer group of faithful friends gathered in the homes of family and neighbors to practice their faith. Born a slave in 1808, Abraham Perdue demonstrated the foresight that made him a successful businessman by initiating the effort to create for the local African-American community their own church.

With the help of his brother Harry and friend Harry Howard, they purchased property on what is now Railroad Avenue in Center Moriches. For the amount of $400—a vast sum for the time—the African-American community erected the small church, began services, and the little congregation flourished, experiencing the human joys and sorrows that visit us all. They baptized their babies and married their spouses inside, and buried their loved ones in the cemetery in back.

After an original affiliation with the African Methodist Conference, in 1897 the congregation elected to join with the African Methodist Episcopal Zion Conference. In this era in its history, less than 10 years since Abraham Perdue passed away, the congregation was held together thanks to the efforts of Sister Mary E. Bell. Following her death in 1920, church members immortalized Sister Bell's lifetime good work for the Lord by naming the church the Bell AME Zion Church.

Faced with declining membership, Bell AME Zion ended weekly services in 1914 and remained closed for several years. But an invigoration of African-American emigrants from the South, seeking jobs at local farms, allowed the church to reopen its doors in 1922, and the African Methodist Conference sent Rev. William E. Wright to serve as pastor. Five years later, a board of trustees was appointed and much needed renovations and repairs were made to the church.

By 1932, the church members again chose to affiliate with the African Methodist Episcopal Zion Conference and Pastor Rev. Elliot S. Travalee began an aggressive effort to expand the congregation and church building. Ground was broken on the addition in September 1954. Since then, Bell AME Zion Church experienced phenomenal growth, as the suburbs of New York City received millions of new residents. With growth came the blessings of a new Sunday school, the purchase of the church organ that is still used today and the creation of Christian Education classes. By 1990 a building drive was started for the many needed renovations to this vital and growing church.

Mr. Speaker, our churches, temples, and mosques are the true cornerstones of our communities, the bedrock on which our faith, values, and sense of purpose rest. With the faith and good work that makes their Christian community so vital, the Bell African Methodist Episcopal Zion Church has overcome times of want and despair, and today flourishes as a proud beacon of spirituality. We are proud and blessed to count this wonderful church as an important cornerstone of our Long Island community. May God continue to bless their work for another 150 years and beyond.

PAYING TRIBUTE TO NORMAN W. JETER

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. MORAN of Kansas. Mr. Speaker, I rise today to salute the distinguished career of Norman W. Jeter of Hays, KS. Mr. Jeter came to Ellis County 60 years ago after graduating from the University of Kansas Law School. He was elected Ellis County attorney in 1938 and established his own law practice in Hays. Later, he was a member of the Hays school board and chairman of the Kansas Board of Regents.

The Jeter Law Firm grew with the county. Over the years, Mr. Jeter represented banking, oil, and agricultural interests as he saw them become the State's premier industries. The firm itself, to which Mr. Jeter's two sons Joe and Bill now belong, has produced a justice on the Kansas Supreme Court and this U.S. Congressman.

At the age of 85, Norman Jeter is the Cal Ripken of the Kansas legal profession. He still puts in at least 5 hours a day and is often the first person in the office. His dedication to his profession and his knowledge of the law are respected throughout the State of Kansas. He is the kind of elder statesman that every community needs and all too often lacks. In June, Mr. Jeter received the Distinguished Alumnus Award from his colleagues in the KU Law Society, a fitting tribute to the successful career of an extraordinary man.

When Norman Jeter boarded a train to Hays, KS, in the midst of the Great Depression, he came on the hope that Hays would be a great town someday. Indeed, Mr. Speaker, Hays grew into a thriving community, the home of an excellent State university and the commercial center of northwest Kansas. Along the way, Hays residents benefited from the sage advise of Mr. Jeter. Norman Jeter is proof that the practice of the law can still be an honorable profession and that service to one's community can still make a difference. I would ask that my colleagues join me today in paying tribute to Norman Jeter and his 60 years of service to the people of the First District.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. KIND. Mr. Speaker, 1 week in our final legislative session has already passed without a vote on campaign finance reform. Members of Congress, as promised, have begun to use parliamentary procedures to slow down the legislative process. This is unfortunate, but inevitable. Frankly, I and many other Members are increasingly frustrated with the fact that no vote has been scheduled on campaign finance reform.

A front page article in the Washington Post this Sunday highlighted Senator MITCH MCCONNELL. Senator MCCONNELL's belief is that money represents free speech. While I may disagree with the Senator's views on this issue at least we know where he stands. The vast majority of Members of Congress have not made it clear where they stand on campaign finance reform. They do not have to, because they have not had to express their vote on the floor of the House. The public is demanding action on this issue. Now is the time, Mr. Speaker, to let the public know where their Representative in Congress stands on campaign finance reform. The only way that will happen is through a vote on the floor of the House.

As a sponsor of the Bipartisan Campaign Integrity Act I believe this bill offers the best vehicle to fix the current system. There are many other bills that would make the election process work better and encourage more people to vote. At this time a vote on any of these bills is better than the current inaction.

IN MEMORY OF MARK HOLTZ

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Ms. GRANGER. Mr. Speaker, I rise today to commemorate Mark Holtz, whose untimely passing yesterday will be mourned by many throughout North Texas.

Many players, coaches, and managers wore the Texas Rangers uniform over the last 17 years, through good seasons and bad. But there was always one constant: Mark Holtz—the voice of the Rangers.

He and his broadcast partner of many seasons, Eric Nadel, brightened North Texas nights year in and year out with their seamless calls of Rangers games. The bonds baseball fans throughout the region felt with him were so strong that it was as though a member of their family had joined them each night on the radio from the ballpark.

And when the Rangers struggled through a losing season, Mark's call of the game made listening to the game a pleasure in itself, even if the outcome on the field was not.

But the Rangers have been much improved over the last few years, and fittingly, the last game he worked this past May was a Rangers victory. After the game, Mark was able to sign off the broadcast with his trademark ''Hello, win column!'' he uttered after each win for the home team.

After that final game, Mark left the broadcast booth so that he could battle leukemia. During his courageous battle, thousands of Rangers fans signed a giant get-well card for Mark, demonstrating the deep feelings which many throughout North Texas had for him.

Mark will be missed dearly by those who had the pleasure of listening to his distinctive voice on the airwaves. As Rangers president Tom Schieffer noted, Mark ''brought us joy and laughter about the game of baseball. He will be missed sorely. We are not likely to see his kind again.''

ON THE DEATH OF MOTHER TERESA

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. ROEMER. Mr. Speaker, it was with great sadness that I learned Friday of the passing of one of the most remarkable women to ever grace our planet, Mother Teresa of Calcutta.

Mother Teresa dedicated her life of serving the poor, the destitute, and the most helpless among us. In so doing, she set an example for all people of the world to live by. She demonstrated that love and kindness and hope are far greater rewards than any material goals. Her selfless dedication to humanity and charity will never be forgotten. She devoted her life to those with less—the helpless and the homeless. She did not hesitate to visit a slum or leper colony. She truly lived Jesus Christ's proclamation in the bible: ''What you do to the least of us you do unto me.''

I feel so fortunate to have had the opportunity to hear Mother Teresa speak twice in my lifetime: once at the Congressional Prayer Breakfast in 1995 and most recently at the award ceremony where she was presented with the Congressional Gold Medal. Listening to her speak, listening to her conviction, her dedication to the poor, I truly believed I was in the presence of a saint. She was humble and modest, but strongly committed to the poor, the unborn, and the hungry.

Mother Teresa's work will carry on through the missionaries of charity which she founded, but she will be missed. I admired her greatly and pray that she, in her infinite faith, is joyfully reunited with her God.

A TRIBUTE: TO ONE OF MY DEAREST FRIENDS, THELMA PAULINE MILLER, MAY SHE REST IN PEACE

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Mr. POSHARD. Mr. Speaker, I would like to pay tribute to one of my dearest friends, Thelma Pauline Miller. She passed away on July 27, leaving a legacy of kindness and consideration that will be remembered by all who knew her. Thelma was not just a great friend of mine, but a friend to the entire community of Herrin, IL. Born on January 23, 1918 in Brookport, IL, Thelma was married for 43 years to Carl Miller, who served as Winston County Sheriff. Carl preceded her in death as did her parents, Bryan and Clara Johnson, and her sister Geraldine Burgoon.

Thelma touched many people through her devoted work to numerous causes. She was never afraid to roll up her sleeves and get the job done, contributing her time to the Business and Professional Women's Club, Win One Class, First Christian Church in Herrin, and the Veterans of Foreign Wars Auxiliary and Eagles Auxiliary. She was also active in politics, serving as a Democrat State central committeeman and as Williamson County chairwoman. Professionally, Thelma worked for the Department of Unemployment for 12 years.

Thelma will be remembered by many people whose lives she graced over the years. She is survived by a loving family, including her daughter Linda, son, John, brother Howard Eugene, five grandchildren, and two great grandchildren. May God bless her family, and I know that the spirit with which she lived her life will be with us for some time to come.

18TH & VINE DISTRICT

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to acknowledge an event that I attended this weekend which exemplifies the rich heritage of the Fifth District of Missouri and demonstrates the phoenix-like results that can come from congressional investments for urban revitalization and bipartisan cooperation to improve our urban centers. That event was the opening of the historic 18th & Vine District Jazz Museum and historic Gem Theater.

Kansas City has made a significant contribution to the great American art form known as jazz. The 18th & Vine District is steeped in history, with the old Attucks School on 18th and Woodland which Charlie Parker attended, and the Street Hotel on 18th and Paseo where all of the great players, like Josh Gibson and Rube Foster stayed. The District also includes the Shannon Building on 18th and Vine, where Joe Louis trained, and the Mutual Musicians' Foundation which is registered as a national landmark. This weekend, the area came alive with the music of jazz legends such as Clause (Fiddler) Williams and 81-year-old big band leader Jay McShann.

The 18th & Vine Project truly represents the best of American ingenuity and public-private partnership. When the project appeared to be in limbo, and public skepticism was running high, creativity came to the rescue and Federal empowerment zone funds were made available to continue this marvelous effort. Private sector commitments came from large corporations such as Sprint planning to open a call center in the district, and small business such as Winslow's BBQ agreeing to manage the Blue Room night club in the jazz museum. Further evidence of the public-private commitment can be seen in the opening of Count Basie Court Apartments, which was a collaborative effort joining the local private Citizen Housing Information Center and Black Economic Union with Federal housing development initiatives.

The Federal empowerment zone initiative is critical for directing resources to revitalize urban areas. Kansas City is maximizing this tool for economic development within our communities and neighborhoods. The congressional bipartisan tax relief package, recently signed into law by the President, included not only an expansion of the empowerment zone initiative, but also a perfect compliment—the brownfields initiative, which provides incentives to transform economically distressed areas and hazardous waste sites into thriving economic centers by providing developers and businesses with a tax credit to improve and reclaim the land.

What is happening in Kansas City is a stellar example of the way the partnership between the public and private sectors and the Federal, State, and local governments can work, and a fundamental reason that the Environmental Protection Agency chose to hold its 1997 national brownfields conference here last week. Initiatives such as the 18th & Vine District, building upon the heritage and unique qualities of that community, create jobs within the community—bolstering local welfare to work activities—and cleaner, safer, and more livable neighborhoods out of areas that were urban blight

Mr. Speaker, I ask that you join me in recognizing the efforts of the community embodied in the opening of the 18th & Vine Historic Jazz Museum and Gem Theater and acknowledging the accomplishment of this important public-private partnership. It serves as an example of successful coordination among

economic development, welfare-to-work initiatives, and environmental cleanup in our great Nation.

EXPRESSING THE CONDOLENCES OF THE HOUSE IN THE DEATH OF DIANA, PRINCESS OF WALES

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1997

Mrs. MINK of Hawaii. Mr. Speaker, the outpouring of emotion following the tragic death of Princess Diana is extraordinary. We were stunned at the news of her death and as the hours and days passed we realized that it was more than the loss of a famous person; it was a phenomenal feeling of personal loss that stretched across the whole world.

Here was a woman of noble birth who in a fairy tale episode became royalty and then the mother of the next King of England. People watched and were awed by her spectacular beauty and grace as she entered this rigid and seemingly immutable world. We worried that she would be smothered like the others by the ritual and the rigidity of the palace rules. Or worse, that she would lose her individuality and be stripped of her independence and humanity. Instead she demonstrated a resilience to stand her ground and unflayingly express words of understanding about the awful pain, suffering and despair so prevalent in the world at large. From her own hurt and from her giving we all learned the power of love.

Despite her own personal problems, including her failed marriage and the public abuse that she had to endure, she was able to maintain a strong loving relationship with her two sons. She exemplified this devotion to her children by trying to assure that her two sons had an understanding about the reality of life among ordinary people. She took them with her as often as she could. She tried to translate into their life experiences her own deep abiding belief that people have a responsibility to love and care for those who are ill and who are in need of help.

She ultimately lost any formal power, authority or office from which to plead the causes which she cared so deeply about. But she was not deterred. Most people would have become distraught at the loss of station and position. But not Princess Diana. I believe that it is this undauntable spirit that people admire most. Each of us wish that we could be as strong and as determined to follow our will. In adversity Princess Diana gained in strength and personal determination.

In our world of politics, public people who stand up for the unfortunate, the homeless, the poor, and the hungry are offered derision rather than praise. Women who stand up for themselves and give care to others win suspicion rather than admiration.

My heart is filled with admiration for what Princess Diana did to mobilize public opinion in support of human causes like poverty, AIDS, Hansen's disease, cancer, homelessness, and for her fight to seek an international treaty against land mines. My heart is filled with pride that this woman earned respect and affection on a scale unparalleled in our lifetime and in this century.

I hold Princess Diana in the highest personal esteem for the glory that she brought to those in our world who care for people in despair. She celebrated their efforts and gave encouragement to their commitment. Her words were directed to governments to do more, to care more and to work harder to find ways to end this misery. She venerated those who love the poor and the sick and made their work a matter of honor.

The brief life of Princess Diana teaches us that the importance of life is what we are able to do for others.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 9, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Heidi H. Schulman, of California, and Katherine Milner Anderson, of Virginia, each to be a Member of the Board of Directors for the Corporation for Public Broadcasting, Robert L. Mallett, of Texas, to be Deputy Secretary, and W. Scott Gould, of the District of Columbia, to be an Assistant Secretary, both of the Department of Commerce, and Sheila Foster Anthony, of Arkansas, to be a Federal Trade Comissioner.

SR–253

Energy and Natural Resources

To hold oversight hearings to review Forest Service organizational structure, staffing, and budget for the Alaska region.

SD–366

10:00 a.m.

Commerce, Science, and Transportation

Business meeting, to consider the nominations of Heidi H. Schulman, of California, and Katherine Milner Anderson, of Virginia, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

SR–253

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

10:30 a.m.

Finance

To hear and consider pending nominations.

SD–215

2:30 p.m.

Foreign Relations

To hold hearings on the nominations of Thomas J. Dodd, of the District of Columbia, to be Ambassador to the Republic of Costa Rica, Donna Jean Hrinak, of Virginia, to be Ambassador to the Republic of Bolivia, and Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Colombia.

SD–419

Select on Intelligence

To hold a closed briefing on intelligence matters.

SH–219

SEPTEMBER 11

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the implications for farmers of the recently proposed Global Tobacco settlement.

SD–106

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 660, to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and S. 1092, to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska.

SD–366

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Susan E. Rice, of the District of Columbia, to be Assistant Secretary of State for African Affairs, Brian Dean Curran, of Florida, to be Ambassador to the Republic of Mozambique, Timberlake Foster, of California, to be Ambassador to the Islamic Republic of Mauritania, Amelia Ellen Shippy, of Washington, to be Ambassador to the Republic of Malawi, and Nancy Jo Powell, of Iowa, to be Ambassador to the Republic of Uganda.

SD–419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

Labor and Human Resources

To hold hearings to examine the confidentiality of medical information.

SD–430

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings to review the implementation of the Commemorative Works Act (P.L. 99-652, as amended) and the administrative and public process involved in the site selection of the World War II Memorial and the recently announced Air Force Memorial.

SD–366

SEPTEMBER 12

10:00 a.m.

Governmental Affairs

To hold hearings to examine issues regarding regulatory reform.

SD–342

Judiciary

Immigration Subcommittee

To hold hearings to examine proposals to permanently extend the expiring provision of immigration law which allows religious workers to be sponsored by religious organizations in the United States.

SD–226

SEPTEMBER 15

10:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine fraud in the micro-cap securities industry.

SD–342

2:30 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine proliferation in the information age.

SD–342

SEPTEMBER 16

10:00 a.m.

Armed Services

To hold hearings on the nominations of General Michael E. Ryan, USAF, to be Chief of Staff, United States Air Force, Adm. Harold W. Gehman, Jr., USN, to be Commander-in-Chief, United States Atlantic Command, and Lt. Gen. Charles E. Wilhelm, USMC, to be Commander-in-Chief, United States Southern Command and for appointment to the grade of general.

SR–222

Governmental Affairs

To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

Labor and Human Resources

To resume hearings to examine the implications of the recent Global Tobacco settlement.

SD–430

SEPTEMBER 17

10:00 a.m.

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

Judiciary

Antitrust, Business Rights, and Competition Subcommittee To continue hearings to examine antitrust and competition issues in the telecommunications industry.

SD–226

Conferees

On H.R. 2209, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998.

S–128, Capitol

SEPTEMBER 18

9:00 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings to examine the implications for farmers of the recently proposed tobacco settlement.

SD–106

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Wyche Fowler Jr., of Georgia, to be Ambassador to the Kingdom of Saudi Arabia, and Martin S. Indyk, of the District of Columbia, to be Assistant Secretary of State for Near Eastern Affairs.

SD–419

Governmental Affairs

To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.

SH–216

SEPTEMBER 19

10:00 a.m.

Governmental Affairs

To resume hearings to examine regulatory reform issues.

SD–342

SEPTEMBER 23

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Special on Aging
To hold hearings to examine screening and treatment options for prostate cancer.
SD–628

SEPTEMBER 24

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

SEPTEMBER 25

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the comittee's special investigation on campaign financing.
SH–216

Labor and Human Resources
To resume hearings to examine the confidentiality of medical information.
SD–430

SEPTEMBER 26

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

SEPTEMBER 29

9:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to review the operation of the Treasury Department's Office of Inspector General.
SD–342

SEPTEMBER 30

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Michael K. Powell, of Virginia, Harold W. Furchtgott-Roth, of the District of Columbia, and Gloria Tristani (pending receipt by the Senate), each to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the health risks of 1950's atomic tests.
SD–192

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission.
SR–253

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 2

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 6

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine traditional frauds perpetrated over the Internet.
SD–342

OCTOBER 7

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 8

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

OCTOBER 9

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

POSTPONEMENTS

SEPTEMBER 16

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings to review Federal outdoor recreation policy.
SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8877–S8935

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 1152–1153, and S. Con. Res. 51. **Page S8925**

Measures Reported: Reports were made as follows:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998''. (S. Rept. No. 105–74) **Page S8925**

FDA Modernization and Accountability Act: Senate resumed consideration of the motion to proceed to consideration of S. 830, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products. **Pages S8878–98**

Senate will begin consideration of the bill on Tuesday, September 9, 1997.

Labor/HHS Appropriations, 1998: Senate resumed consideration of S. 1061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows: **Page S8898**

Adopted:

By 84 yeas to 4 nays (Vote No. 221), Reed/Collins Amendment No. 1096, to provide funding for State Student Incentive grants. **Pages S8905–08, S8910**

Reid/Boxer Modified Amendment No. 1094, to provide for the conduct of a study concerning the health and safety effects of perchlorate on human beings. **Pages S8903–05, S8909–10, S8917**

Specter (for Chafee) Amendment No. 1099, to provide additional funding for the Prospective Payment Assessment Commission and the Physician Payment Review Commission. **Pages S8910–14**

Specter (for Coverdell) Amendment No. 1100, to provide training and technical assistance regarding incidents of elementary and secondary school violence, and to provide for pilot student safety toll-free hotlines for elementary and secondary school students. **Pages S8910–14**

Specter (for Daschle) Amendment No. 1101, to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome. **Pages S8910–14**

Specter (for Faircloth) Amendment No. 1102, to require that the Secretary of Education certify the use of funds appropriated to the Department of Education for students and teachers. **Pages S8910–14**

Specter (for Feingold) Amendment No. 1103, to require the Secretary of Education to conduct a study regarding the costs of the anticipated increase in enrollments of secondary school students during the period 1998 through 2008, and the creation of smaller class sizes for students enrolled in grades 1 through 3. **Pages S8910–14**

Specter (for Hollings) Amendment No. 1104, to increase funding for the National Occupational Information Coordinating Committee. **Pages S8910–14**

Specter (for Inhofe) Amendment No. 1105, to make funds available for conducting a disability return to work demonstration initiative. **Pages S8910–14**

Specter Amendment No. 1106, to provide for additional Supplemental Security Income continuing disability reviews as authorized by cap adjustment legislation. **Pages S8910–14**

Specter (for Warner/Kennedy) Amendment No. 1107, to provide funds for the Millennium 200 project. **Pages S8910–14**

Specter (for Harkin) Amendment No. 1108, to provide authority to use fees collected for provider requested audits to cover the cost of such audits. **Pages S8910–14**

Harkin Amendment No. 1112, to increase funds for education infrastructure. **Pages S8914–15**

Harkin Amendment No. 1113, to expand efforts to combat Medicare waste, fraud and abuse. **Page S8915**

Harkin (for Graham/Kennedy/Abraham) Amendment No. 1114, to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999. **Pages S8915–16**

Pending:

Gregg Amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions. **Page S8898**

Coats/Gregg Amendment No. 1071 (to Amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute. **Page S8898**

Nickles/Jeffords Amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election. **Page S8898**

Craig/Jeffords Amendment No. 1083 (to Amendment No. 1081), in the nature of a substitute. **Page S8898**

Durbin/Collins Amendment No. 1078, to repeal the tobacco industry settlement credit contained in the Balanced Budget Act of 1997. **Page S8917**

Durbin Amendment No. 1085, to provide for the conduct of a study concerning efforts to improve organ and tissue procurement at hospitals, and require a report to Congress on the study.

Durbin (for Levin) Amendment No. 1086, to express the sense of the Senate that hospitals that have significant donor potential shall take reasonable steps to assure a skilled and sensitive request for organ donation to eligible families.

Mack/Graham Amendment No. 1090, to increase the appropriations for the Mary McLeod Bethune Memorial Fine Arts Center. **Page S8900**

McCain/Gramm Amendment No. 1091, to eliminate Medicare incentive payments under plans for voluntary reduction in the number of residents. **Pages S8901–02**

McCain/Kerry Amendment No. 1092, to ensure that payments to certain persons captured and interned by North Vietnam are not considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act. **Pages S8902–03**

Craig/Bingaman Amendment No. 1093, to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees. **Page S8903**

Landrieu Amendment No. 1095, to increase funds to promote adoption opportunities. **Pages S8904–05**

Coverdell Amendment No. 1097, to enhance food safety for children through preventative research and medical treatment. **Pages S8908–09**

Coverdell Amendment No. 1098 (to Amendment No. 1097), in the nature of a substitute. **Pages S8908–09**

Specter (for Nickles) Amendment No. 1109, to require that estimates of certain employer contributions be included in an individual's social security account statement. **Pages S8910–14**

Specter Amendment No. 1110, to reduce unemployment insurance service administrative expenses to offset costs of administering a welfare-to-work jobs initiative. **Pages S8910–14**

Specter Amendment No. 1111, to provide start-up funding for the National Bi-partisan Commission on the Future of Medicare. **Pages S8910–14**

Harkin (for Wellstone) Amendment No. 1087, to increase funding for the Head Start Act. **Page S8916**

Harkin (for Wellstone) Amendment No. 1088, to increase funding for Federal Pell Grants. **Page S8916**

Harkin (for Wellstone) Amendment No. 1089, to increase funding for the Education Infrastructure Act of 1994. **Page S8916**

Harkin/Bingaman/Kennedy Amendment No. 1115, to authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics. **Pages S8916–17**

Harkin (for Daschle) Amendment No. 1116, to express the sense of the Senate regarding Federal Pell Grants and a child literacy initiative. **Page S8917**

Ford Amendment No. 1117 (to Amendment No. 1078), to express the sense of the Senate on compensation for tobacco growers as part of legislation on the national tobacco settlement. **Pages S8917–18**

Murray/Wellstone Amendment No. 1118, to clarify the family violence option under temporary assistance to needy families program. **Page S8918**

Murray Amendment No. 1119, to provide funding for the National Institute for Literacy. **Page S8918**

Harkin (for Bennett) Amendment No. 1120, to award a grant to a State educational agency to help pay the expenses associated with exchanging State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument. **Pages S8918–19**

Ford (for Kerrey) Amendment No. 1121, to exempt States that were overpaid mandatory funds for fiscal year 1997 under the general entitlement formula for child care funding from any payment adjustment. **Page S8920**

Domenici (for Gorton) Amendment No. 1122, to provide certain education funding directly to local educational agencies. **Pages S8920–23**

Gorton Modified Amendment No. 1076, to allow States to use funds received under title XXI of the Social Security Act to provide health insurance coverage for children with incomes above the minimum Medicaid eligibility requirements. **Pages S8923–24**

Withdrawn:

Wellstone Amendment No. 1087, to increase funding for the Head Start Act. **Pages S8898–S8900**

Wellstone Amendment No. 1088, to increase funding for Federal Pell Grants. **Pages S8898–S8900**

Wellstone Amendment No. 1089, to increase funding for the Education Infrastructure Act of 1994. **Pages S8898–S8900**

Ford Amendment No. 1058, to prohibit the use of funds to enforce certain Clean Air Act requirements with respect to distilled spirits. **Page S8920**

Senate will continue consideration of the bill on Tuesday, September 9, 1997.

Nominations Received: Senate received the following nominations:

Lynn S. Adelman, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Jeremy D. Fogel, of California, to be United States District Judge for the Northern District of California.

Thomas M. Foglietta, of Pennsylvania, to be Ambassador to Italy.

Alphonse F. La Porta, of New York, to be Ambassador to Mongolia.

Alexander R. Vershbow, of the District of Columbia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary. **Page S8935**

Messages From the House: **Page S8925**

Measures Referred: **Page S8925**

Statements on Introduced Bills: **Pages S8925–26**

Additional Cosponsors: **Page S8926**

Amendments Submitted: **Pages S8927–32**

Notices of Hearings: **Page S8932**

Additional Statements: **Pages S8932–35**

Record Votes: One record vote was taken today. (Total–221) **Page S8910**

Adjournment: Senate convened at 11 a.m., and adjourned at 6:48 p.m., until 9:30 a.m., Tuesday, September 9, 1997. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8935.)

Committee Meetings

(Committees not listed did not meet)

DC SCHOOL REFORM

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia concluded hearings on the current condition of the District of Columbia school system, and S. 847, authorizing funds for fiscal years 1998 through 2002 to provide scholarship assistance for certain District of Columbia elementary and secondary school students, after receiving testimony from Representative Armey; and Julius W. Becton, Jr., Chief Executive Officer-Superintendent, and Bruce K. MacLaury, Chairman, Emergency Transitional Education Board of Trustees, both of the District of Columbia Public Schools, Jeanne Allen, Center for Education Reform, Nina Shokraii, Heritage Foundation, and Kent B. Amos, Urban Family Institute, all of Washington, D.C.

NATIONAL DROUGHT POLICY

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia concluded hearings on S. 222, 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, after receiving testimony from Tom Hebert, Deputy Under Secretary of Agriculture for Conservation; North Dakota Governor Edward T. Schafer, Bismarck, on behalf of the Western Governors' Association; Jennifer A. Salisbury, New Mexico Energy, Minerals and Natural Resources Department, Santa Fe; John Hofmann, Texas Natural Resource Conservation Commission, and Robert C. Brown, Farm Credit Bank of Texas, on behalf of the Farm Credit Council, both of Austin; and John Van Sweden, New Mexico Farm and Livestock Bureau, Las Cruces, on behalf of the American Farm Bureau Federation.

House of Representatives

Chamber Action

Bills Introduced: 8 public bills, H.R. 2427–2434, and 1 private bill, H.R. 2435, were introduced.

Page H7008

Reports Filed: The following report was filed today:

H.R. 2261, to reauthorize and amend the programs of the Small Business Act and the Small Business Investment Act, amended (H. Rept. 105–246).

Page H7007

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Petri to act as Speaker pro tempore for today. Page H6965

Recess: The House recessed at 12:42 p.m. and reconvened at 2:00 p.m. Page H6966

Suspensions: The House voted to suspend the rules and pass the following measures:

Mississippi Sioux Indians: H.R. 976, amended, to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians; Pages H6967–68

Agua Caliente Band of Cahuilla Indians: H.R. 700, amended, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians; and

Pages H6968–69

Need-Based Educational Aid: Agreed to the Senate amendment to H.R. 1866, to continue favorable treatment for need-based educational aid under the antitrust laws—clearing the measure for the President. Pages H6969–70

Recess: The House recessed at 3:10 p.m. and reconvened at 6:00 p.m. Page H6977

Labor, HHS, and Education Appropriations Act: The House continued consideration of amendments to H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998. The House completed general debate and considered amendments to the bill on September 4 and 5. Pages H6977–99

Rejected:

The Blunt amendment was offered that sought to increase vocational and adult education funding by $11.2 million and reduce OSHA funding accordingly (rejected by a recorded vote of 160 ayes to 237 noes, Roll No. 369); and Pages H6977–86

The Norwood amendment was offered that sought to increase the Individuals with Disabilities Education Act funding by $11.2 million and reduce OSHA funding accordingly (rejected by a recorded vote of 157 ayes to 240 noes, Roll No. 370).

Pages H6986–97

Pending:

The Souder amendment that seeks to identify $68.5 million in funding for Federal compliance assistance. Pages H6998–99

The bill is being considered pursuant to the order of the House of Thursday, July 31.

Pages H6667–68, H6669

Senate Messages: Message received from the Senate today appears on page H6965.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7008–09.

Quorum Calls—Votes: Two recorded votes developed during the proceedings of the House today and appear on pages H6985–86 and H6997. There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 10:40 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action the following bills: H.R. 2412, to amend the Immigration and Nationality Act to modify the religious worker visa programs and to extend the visa waiver pilot program, and to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the effective date for certain paperwork changes in the employer sanctions program; and H.R. 2413, Immigration Technical Corrections Act of 1997.

The Subcommittee also approved for full Committee action a private claims bill and a private immigration bill.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 9, 1997

Senate

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations, business meeting, to mark up an original bill making appropriations for the government of the District of Columbia for the fiscal year ending September 30, 1998, 4 p.m., SD–106.

Committee on Armed Services, to hold hearings on the nomination of Gen. Henry H. Shelton, USA, to be Chairman of the Joint Chiefs of Staff, 10 a.m., SR–253.

Committee on Governmental Affairs, to resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing, 10 a.m., SH–216.

Committee on the Judiciary, Subcommittee on Immigration, to hold hearings to examine the economic and fiscal impact of immigration, focusing on the report of the National Academy of Sciences, 10:30 a.m., SD–226.

Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine the operation of the antitrust division of the Department of Justice, focusing on the Hart-Scott-Rodino process which requires companies to notify the Government of perspective mergers, 2 p.m., SD–226.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see pages E1690–91 in today's Record.

House

Committee on Banking and Financial Services, hearing and markup of H.R. 2343, Thrift Depositor Protection Oversight Board Abolishment Act; and to consider pending Committee business, 2 p.m., 2128 Rayburn.

Committee on Education and the Workforce, Subcommittee on Early Childhood and Families, hearing on School Choice legislative proposals, 9 a.m., 2175 Rayburn.

Committee on International Relations, hearing on the Freedom from Religious Persecution Act of 1997, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 1683, Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Improvements Act of 1997; H.R. 424, to provide for increased mandatory minimum sentences for criminals possessing firearms; H.R. 1493, to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States; H.R. 2412, to amend the Immigration and Nationality Act to modify the religious worker visa programs and to extend the visa waiver pilot programs, and to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the effective date for certain paperwork changes in the employer sanctions program; H.R. 2413, Immigration Technical Corrections Act of 1997; and a private claims bill, 2:30 p.m., 2141 Rayburn.

Committee on National Security, to mark up H.R. 695, Security and Freedom Through Encryption (SAFE) Act, 1 p.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 1739, BWCAW Accessibility and Fairness Act of 1997; and H.R. 2149, BWCA Wilderness Legacy Act, 2 p.m., 1334 Longworth.

Subcommittee on National Parks and Public Lands, hearing on H.R. 1849, Oklahoma City National Memorial Act of 1997, 10 a.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on H.R. 99l, to amend the Railway Labor Act concerning the applicability of requirements of that Act to U.S. air carriers and flight deck crews engaged in flight operations outside the United States, 2 p.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, to continue hearings on the Recommendations of the National Commission on Restructuring the Internal Revenue Service to expand Electronic Filing of Tax Systems Improvements 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Encryption legislation, 10 a.m., H–405 Capitol.

Joint Meetings

Conferees, on H.R. 2016, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, 2 p.m., H–140, Capitol.

Next Meeting of the SENATE

9:30 a.m., Tuesday, September 9

Senate Chamber

Program for Tuesday: Senate will continue consideration of S. 1061, Labor/HHS Appropriations, 1998, and begin consideration of S. 830, FDA Administration Modernization and Accountability Act.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, September 9

House Chamber

Program for Tuesday: Consideration of H.R. 2264, Labor, HHS, and Education Appropriations Act for FY 1998 (open rule).

Extensions of Remarks, as inserted in this issue

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