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House of Representatives

The House met at 10:30 a.m.

MORNING HOUR DEBATES

The SPEAKER. 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 30 minutes, and each Member except the majority leader, the minority leader, or the minority whip limited to 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY] for 5 minutes.

LINE-ITEM VETOES OF DEFENSE LEGISLATION

Mr. HEFLEY. Mr. Speaker, I rise today to discuss the recent decision of the President to exercise the line-item veto on 38 military construction projects which were authorized during the legislative process.

Over the last 3 years, the Congress has made significant progress in advancing needed facilities improvements, meeting both housing and other quality-of-life requirements and the operational and readiness requirements of the military services.

The Congress did not invent these requirements. We relied on the extensive evidence collected all year during hearings and on site visits, and it is clear that a lot more needs to be done. Military infrastructure has been neglected for years. Twenty years ago, the record was filled with discussions about World War II wood, poor housing, and unsafe working conditions. The witnesses have changed, but the testimony has not. The conditions still exist.

The Subcommittee on Military Installation and Facilities, which I chair, has worked closely with the Department of Defense and the military services to upgrade housing and to improve facilities conditions generally. It is easy for some to be cynical about military construction projects. It is easy to call needed improvements pork. In fact, one Member of the other body thinks that anything that the President did not request is pork. If all we were going to do is follow the President's request, then why are we here? We could send in our rubber stamp and simply stay home.

More cynical, however, is the administration's lack of commitment in this area, which has been demonstrated by eroding budget requests. The real decline in the President's request over the past 5 years to support military infrastructure has been 20 percent. The fiscal year 1998 budget request for military construction was $1.6 billion, 16 percent, less than prior year spending levels, all the while the services tell us on the record that they have multibillion-dollar facilities problems.

The $287 million in military construction projects canceled by the President met validated military requirements. Congress worked with these military departments to assure that those funds would address real needs and that the project could be executed in fiscal year 1998. But the needs of the services are not what this exercise is all about.

These are the facts: 33 of the 38 projects, 85 percent of them, canceled by the President are in the President's own 5-year defense program. The remainder were priorities of the military services and the commands. Moreover, 26 percent of the canceled projects, 1 in 4, are in the President's fiscal year 2000 program. They are not good projects now, in the administration's judgment, but they would be good projects just 16 months from now so why cancel them?

When the defense bills are within the constraints of the budget agreement and when the projects are in the President's program, I fail to understand the rationale for the administration's actions. The only explanation I can come to is politics, simple, crass, and cynical politics.

While the President plays politics, soldiers at Fort Campbell will continue to do vehicle maintenance in 1940's-era facilities that contain lead-based paint, asbestos, and faulty exhaust systems. The equipment that cannot fit in the undersized bays has to be worked on outside on gravel even during the winter.

We asked the Army to deploy to places like the urban streets of Somalia and Bosnia, but the troops most likely to go, those at Fort Bragg, will not be training in an adequate way because the President canceled the necessary training complex.

At Lackland Air Force Base, an aircraft painting facility was closed in 1994 because of violations of the Clean Air Act. The remaining facilities can only handle one-third of the workload and do not accommodate certain aircraft at all. The needed replacement facility was canceled by the President.

Navy Station Mayport has inadequate berthing space. The Navy believes this is a critical project. The President canceled it.

I have seen a number of the facilities for which the President has canceled improvements. I am appalled at the lack of judgment demonstrated by this administration.

No one would suggest that the Nation could not defend itself tomorrow without these projects, but given the record of neglect in basic military infrastructure, these cancellations will continue to compound a very serious problem. At each installation these projects affect readiness and, to the extent conditions are inadequate and unsafe, they must in the end be a factor in retention. We cannot continue to ignore this problem, but the administration appears to care very little about it.

The Committee on National Security held a hearing on this issue last week.

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I was appalled that both the director of the Office of Management and Budget and senior officials of the Department of Defense refused to submit to questions from the committee. Both OMB and OSD have gladly taken questions from the press on the subject. What do they have to fear if the cancellations are truly objective and justified?

Their failure to appear is all the more troubling because this administration admits that mistakes were made on the cancellations.

GUAM CALLS FOR GREATER PARTICIPATION IN AMERICAN DEMOCRACY

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

Mr. UNDERWOOD. Mr. Speaker, tomorrow in the Committee on Resources at 10 a.m., a hearing will be held on H.R. 100, which is the commonwealth bill for Guam. I want to thank the chairman of the Committee on Resources, the gentleman from Alaska, [Mr. DON YOUNG], for allowing us to hold this hearing to achieve some final resolution on this commonwealth proposal, which has been developed on Guam throughout the decade of the 1980's, and which has been alive as proposed legislation in this Congress and previous Congresses going back to 1988 and the time of my predecessor, Mr. Ben Blaz.

The hearing will afford us an opportunity to get clarification from the administration, who has been negotiating this document, along with the Guam Commission on Self-Determination. And the person in charge of that is John Garamendi, the Deputy Secretary of the Interior.

We hope that people will understand that the commonwealth proposal is something that has been arrived at on a bipartisan basis on Guam. It is something that has achieved wide consensus on Guam, and is something which needs serious attention.

It is numbered H.R. 100, in light of the fact that next year, 1998, marks the 100th anniversary of Guam's association with the United States. Some 100 years ago, as a result of the Spanish-American War, Guam was taken and the U.S. flag flown over Guam on June 20, 1898, approximately a month earlier than Puerto Rico was taken by the United States.

Most people know Guam as a military installation, perhaps a little bit as a result of the wartime experience of the people of Guam, but Guam today is a proud island of 150,000 people, with a significant indigenous population eager to exercise their self-determination.

We have a $3 billion a year economy fueled mostly by tourism. The military presence continues to be important, and of course Guam is very important in the strategic picture of the United States in that part of the world, but the military no longer holds the commanding position it once did in terms of its impact on the local economy.

Joining with the three Governors, three living Governors of Guam, Gov. Carl Gutierrez, the incumbent, Gov. Joe Ada, and Gov. Paul Calvo, the latter two Republicans and the first a Democrat, is a large contingent from Guam numbering over 40 people, and I will enter their names into the RECORD.

These people reflect a good cross-section of the people of Guam. They reflect the energy and the concern and the determination of the people of Guam to reach the next level of their political development, and this next level of their political development is embodied in H.R. 100, which provides for a new expanded relationship with the Federal Government based on the principles of mutual consent and the establishment of a joint commission, provides for local control of immigration, and allows Guam to have fuller control over its own economic activities.

We hope that the administration tomorrow in their testimony, and I recognize that there are many problems, we have been in negotiation now for 4 to 5 years, that are still remaining on this issue, but we are hoping that the administration comes across tomorrow with a position that does not close the door to further discussion.

I know the Committee on Resources, which is the only committee to have the flags of the territories flying in its committee room, will take seriously its responsibility to deal with insular areas in a creative and fair-minded way. This is a call for greater participation in American democracy. It is a call whose time has come. One hundred years is just too long.

Mr. Speaker, the list of names referred to above are submitted herewith for the RECORD.

GUAM DELEGATION TO WASHINGTON FOR HEARING ON H.R. 100

Governor Carl T.C. Gutierrez, First Lady Geri Gutierrez, Former Governor Joseph Ada, Former Governor Paul Calvo, Senator Elizabeth Barrett-Anderson, Senator Anthony Blaz, Senator Mark Forbes, Senator Vicente Pangelinan, Senator Francis Santos, Mayor Paul McDonald, Mayor Isabel Haggard, Chief Justice Peter Siguenza, Judge Alberto Lamorena, Judge Joaquin Manibusan, Archbishop Anthony Apuron, Carolos Baretto, Leland Bettis, John Blaz, Bill Bufford, Toni Bufford.

Dennis Crisostomo, Hope Cristobal, Toni Cross, Vicky Cruz, Darrell Doss, Melissa Finney, Bernie Gines, Melanie Gisler, Elizabeth Gray, Jose Guevera, Carla Gutierrez, Hannah Gutierrez, Steven Hattori, Martin Jenkins, Scott Kimmel, Elfrie Koshiba, Diane Martos, Mary Matalas, Ben Meno, Kyle Oh.

Romy Pangilinan, Leonard Paulino, Tita Paulino, Rene Quintans, Frieda Ramarui, Rory Respicio, Ron Rivera, Richard Rodriguez, Florencio Rupley, Eileen Sablan, Anthony Sanchez, Peter Sgro, Laura Souder-Betances, Attorney General Charles Troutman, Dan Tydingco, Shingpe Lee Wang.

FREEDOM WORKS AWARD TO MARTHA WILLIAMSON

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

Mr. ARMEY. Mr. Speaker, I am honored today to present the Freedom Works Award to Martha Williamson, executive producer of CBS networks television show ''Touched By An Angel'' and ''Promised Land.''

Martha Williamson takes her responsibility as a television producer very seriously. Her fine work on ''Touched By An Angel'' and ''Promised Land'' has proven that values and principles are good for TV and good for TV ratings.

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That is because values strike a chord with the millions of Americans who struggle each day to reaffirm the values of responsibility and honesty and faith in their lives. Martha is serious about creating entertainment that reinforces the importance of family, faith and community. For that reason I have chosen to honor her work.

I established the Freedom Works Award to acknowledge individuals and groups who seek the personal reward of accepting and promoting responsibility without reliance on or funding from the Federal Government. The stand Martha has taken on behalf of profamily television is exactly the type of personal initiative I sought to highlight when I established this award.

Mr. Speaker, no Federal Government agency, no government rule, no government regulation requires Martha to produce profamily television. Rather, Martha has taken it upon herself to ensure that at least once a week families all across America have a chance to sit together and view television that stresses the values of faith, family, honesty, and responsibility. The millions that take advantage of that opportunity each week attest to her success.

I want to be very clear, Mr. Speaker. Martha Williamson does not do politics. What she does through her work is to take on the tough issues which affect us all, issues like suicide, drug and alcohol abuse, teen pregnancy, and race relations in the inner city.

Millions tune in weekly to ''Touched By An Angel'' and ''Promised Land'' and countless letters have poured into the show with stories of marriages that have been restored, debts that have been forgiven, and suicides that have been averted as a result of the uplifting message of Martha's work.

Mr. Speaker, I have raised 5 children. When you raise 5 children you learn a few things. As a young parent I remember very clearly the challenge I faced in making sure that my children were not exposed to the destructive influences all too often seen in the modern entertainment industry.

As a lawmaker and, most important, as a parent, I want to personally thank

Martha Williamson for her work and honor her devotion to American families by presenting her the Freedom Works Award. She provides millions of Americans with an uplifting hour of entertainment each week. The size of her audience should remind all of us and should remind the entertainment industry that family programming sells. The market responds to families everywhere working to reinforce values.

Mr. Speaker, freedom works and, Martha, if I may, your programs, both of them, work for me and my wife. We watch every week. Not only do we watch, but our minister and his wife watch and then the four of us get together and we compare notes and we discuss the show, and we see what lessons we can draw for ourselves and our lives.

The encouraging thing that I receive from my minister, not that my judgment is something I would trust on this matter, but that his is, that Martha, your shows are always true to Scripture as well as to sound values, sound advice, sound lessons for the American family. I want to add, then, my personal and, for my wife Susan and myself, our personal appreciation for your show.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the majority leader for yielding. I want to begin by congratulating the majority leader. This is a wonderful award, the Freedom Works Award, and I think he is doing excellent work in helping to single out ''Touched By An Angel'' and ''Promised Land'' and Martha Williamson and the work which she is doing in this area. I cannot give him enough praise for helping to create something like this that does focus upon that which should be given special honor.

Television has been called a vast wasteland and it struggles every day to find a balance between America's insatiable appetite for escape and its extraordinary capacity to teach. Entertainment programming in particular often panders to the familiar human desire to turn the brain off simply by turning the tube on. Yet as a mass medium, television has the greatest potential since the dawn of civilization for prodding society to confront its troubles and to look within for a renewal of the values of community and caring.

This potential is usually realized in news or documentary formats or in made-for-television specials, but not in regularly scheduled entertainment programming. Yet out of this tension, there occasionally rises programming that breaks the mold, that finds the balance but projects a level of quality and thoughtfulness that transcends its format and sets a new standard for the rest of the industry. Martha Williamson and her colleagues have accomplished as much with the creation of these two excellent shows. They get high ratings, but they send a positive family message out to America.

I recently discovered that the poet Maya Angelou wrote a poem especially for ''Touched By An Angel.'' It closes with these lines: ''Yet it is only love which sets us free.''

I want to congratulate Martha and everyone who works on this program for having the courage to send this simple message to every American home each week. I congratulate CBS for having the courage of putting these two programs on. The outstanding public response to them is evidence that their judgment was correct. In conclusion, once again I want to congratulate the majority leader for taking the leadership in creating this award.

NAFTA EXPANSION PULLED FROM SUSPENSION CALENDAR

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

Mr. BROWN of Ohio. Mr. Speaker, Speaker GINGRICH has tried it again. Earlier this year, the Speaker attempted to insert the Caribbean Basin initiative into the budget bill. The Caribbean Basin initiative would have expanded NAFTA, the North American Free Trade Agreement, passed 4 years ago, would have expanded NAFTA to 26 Caribbean and Central American nations all buried in a budget bill that no one really would have understood or seen. Today Speaker GINGRICH was trying it one more time. H.R. 2644, the United States-Caribbean trade partnership, again basically the same issue, there was an attempt today to put it on the Suspension Calendar and ram it through Congress with no amendments, with not very much discussion and put together with a whole lot of other issues and a whole lot of other pieces of legislation. Fortunately, thanks to the efforts of people on both sides of the aisle that do not think we should expand NAFTA with only 20 or 30 minutes of debate, we should expand NAFTA to 26 more Caribbean and Central American nations, fortunately because there is so little support for that in this body, even though the support comes from the Republican leadership, that initiative was pulled off the calendar today.

That means that this Congress will in fact have an opportunity to debate the Caribbean Basin initiative at some point, and I believe that Congress ultimately will defeat it because there simply is not the support in this body for expanding NAFTA for those kinds of trade agreements.

That clearly speaks to the next step. The next step is within the next 2 weeks, Congress will likely vote on giving the President the authority, the fast track authority to negotiate other trade agreements with Latin American countries. There clearly is not a majority of Members' support in this Congress to give the President fast track authority to expand NAFTA. It is pretty clear that this body should think twice before we rush headlong into a series of trade agreements that cost us American jobs, in trade agreements that jeopardize American food safety, in trade agreements that question the viability of truck safety on America's highways, that we should think twice before rushing into another series of trade agreements that jeopardize health and safety and jobs in this country before we fix the North American Free Trade Agreement.

The North American Free Trade Agreement, passed in 1993 in this country, has already cost hundreds of thousands of American jobs. The North American Free Trade Agreement has jeopardized American food safety, stories of strawberries that have infected Michigan schoolchildren with hepatitis A, strawberries coming from Mexico, raspberries coming from Guatemala, all kinds of food products coming into this country, not well enough inspected at the Mexican border; food products grown under conditions not acceptable in this country, where pesticides that are banned in the United States in many cases are actually legal in Mexico and Central America and other Latin American countries, where the North American Free Trade Agreement, and if expanded by the President's and Speaker GINGRICH's request, expanding those trade agreements to other countries in Latin America clearly will mean more problems at the border, more problems with food safety, more contaminated food in our country's food supply and our country's grocery stores, more problems with truck safety as trucks come across to the tune of thousands of trucks a day across the border now confined only to New Mexico, Arizona, Texas, and California, but as those trucks move into the other 44 States of the mainland, we clearly will have even more problems with truck safety.

That is why, Mr. Speaker, we should defeat fast track, not rush headlong into an agreement, into a new series of agreements that costs American jobs, jeopardizes American food safety and truck safety. We should defeat fast track today. I applaud the Speaker for pulling off the calendar the Caribbean Basin initiative. It was a bad idea. Fast track is a bad idea. We should defeat both those agreements when they come to the floor of the House of Representatives.

A HISTORIC VISIT

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, I rise to talk about a very controversial and

highly important historical event. I am speaking about the visit of China's President Jiang Zemin to our Nation. President Jiang's visit will be the first visit for a Chinese leader since Deng Xiaoping was received by President Carter in 1979.

The relationship between China and the United States will be the world's most important and most interesting in the dawn of the unfolding millennium. This visit will help set the table of whether this relationship will be based on distrust and animosity that will give rise to a new global confrontation between two giant superpowers or if this relationship will be based upon a working relationship of understanding and mutual respect between two partners.

I would like to see the latter relationship develop, but I believe its development will be based upon China's willingness to be a global leader that applies the standards of democracy and true free markets to their own Nation. The term ''comprehensive engagement'' is being used to detail the talks this week. I believe most of us in Congress and most of our Nation desires a peaceful relationship with China and to be engaged comprehensively. But the administration has to prioritize the issues of contention between our nations in order to make President Jiang's visit an achievement.

As one observer has said, this summit will demand something that the Clinton administration has yet to produce, a clearly articulated set of priorities. Without prioritizing United States interests in China, the administration's present construct of engagement is meaningless. What China needs to do is to change its domestic law and make a commitment that it will uphold international obligations embodied in applicable international treaties.

One of the larger problems with China is its current trade imbalance. The trade deficit with China reached $40 billion in 1996 alone, and it is expected that the 1997 trade deficit with China will be even greater. This translates into amazing figures that every American spends approximately $150 a year more on Chinese goods than China spends on United States products. President Clinton should urge President Jiang to work to reduce tariffs and nontariff barriers to aid United States businesses who are trying to compete in China.

As it seems with most of our trading partners, it is easier for Chinese products to enter into the United States than for American products to have access to the Chinese market. Reducing applicable tariffs will encourage United States sales and will help reduce the trade imbalance with China.

Another factor, Mr. Speaker, in opening up the Chinese market will be to encourage President Jiang to dismantle as quickly as possible the overwhelming amount of state-owned enterprises. The traditional bureaucratic state control of businesses acts as an economic drag and increases the tendency for trade deficits. By privatizing these enterprises China will allow market forces to determine their success and would allow United States companies an even playing field in order to compete.

China's No. 1 economic priority is to ascend to the World Trade Organization. The United States should continue resisting China's membership to the WTO unless they begin reducing their own tariffs and if they begin adhering to international legal standards as if it applies to business contracts and other legal norms.

In addition, Mr. Speaker, China lacks many of the laws that apply to global commerce. China needs the proper legal infrastructure regarding contracts, private property ownership and arbitration in order to support China's continued economic growth.

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So the United States businesses receive the legal protection to operate in full capacity in the Chinese market.

China needs to adhere to democratic values. They must continue the development of democratic values in China that should receive priority attention on the summit's agenda. Other things, such as religious persecution, international covenants on human rights, legislative and judicial exchanges, and grassroots democracy must also be on the agenda. A modern, open, legislative and judicial system in China is necessary to protect religious, economic and political freedoms.

In conclusion, Mr. Speaker, this morning I hope the visit of President Jiang is a first step in resolving our differences with China, and I hope that President Jiang will follow up on some of the things we talked about this morning. That will be a significant accomplishment.

DEFEAT THE NUCLEAR WASTE POLICY ACT OF 1997

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

Mr. GIBBONS. Mr. Speaker, few problems, if any, have been more challenging in recent years than the disposal of nuclear waste. I believe that sound science and reason and the protection of this Nation's citizens should be drawn upon when we address nuclear waste storage.

H.R. 1270, the Nuclear Waste Policy Act of 1997, will mandate upon the State of Nevada and this Nation, the transportation of high level waste, while failing, yes, failing, to address the issues of environmental protection, safety, and the general well-being of all Americans.

The disposal of nuclear waste is a problem that will exist for thousands and thousands and thousands of years. Let us not be hasty when making policy decisions that may have serious repercussions well into the future.

The policy of this Congress should not be a quick-fix approach to this serious problem. Members should not just wash their hands by protecting a subsidized industry, by transporting the most deadly material man has ever known, only to hide it in the ground.

Members should understand and not sweep under the rug the dangers of this substance. We should address the problem itself, reprocessing, recycling, or changing the dangerous chemical properties of the waste. That is the direction that this body and the policy of this Nation should be headed.

Many Members do not know what will be loaded onto the trains and trucks. Casks, filled with enough high level nuclear waste to contaminate entire communities, massive land resources, and entire water supplies. Each cask of nuclear waste holds 24 fuel assemblies.

In terms of radioactivity, each fuel assembly contains 10 times the long-lived radioactivity released by the Hiroshima bomb. My constituents and colleagues, are your constituents aware of the danger of hauling over 70,000 tons of nuclear waste across this country? You should be, because the National Environmental Protection Act of 1969 requires Federal agencies to consider alternatives, seek public comment and consider any and all environmental ramifications before proceeding with a major Federal action. However, NEPA and all other Federal and State laws are waived in this bill.

A poll taken in December 1995 concluded that 70 percent of the American citizens are against transporting nuclear waste. Since that time, more studies have confirmed the opposition of a majority of Americans to transfer of this dangerous cargo across our Nation and through our communities.

Thus far, over 400 private property, State's rights, environmental and fiscal watchdog groups have expressed their strong opposition to this bill. Likewise, American cities such as Los Angeles, Denver, St. Louis, and Philadelphia have spoken out against this act.

To my colleagues who stand in favor of this drastic measure, if my voice were worth the $13 million the nuclear energy lobbyists have spent distorting the idea of temporary nuclear storage, we would be debating a bill to fund the implementation of recycling and reprocessing. And why not? It is happening right now in England and France. While families in these countries are safe from radioactivity and radioactive waste on their roads and railroads, we are debating a bill that will do just the opposite.

Every day we come before this House on behalf of the American people to pass legislation that will protect them from things such as drugs, repeat criminal offenders on our streets, and

potentially threatening foreign nations. Yet many of my colleagues now want to flood our roads and flood our railroads with deadly nuclear waste.

H.R. 120 proposes that high level nuclear waste be stored at an interim storage facility at Yucca Mountain, NV. Proponents contend this is the most suitable area for storage, as well as the safest. Well, just how safe does this sound to you? A study by the Geological Survey discovered 33 earthquake faults directly through the site. The area is seismically active. Since 1976, there have been 621 seismic events of a magnitude greater than 2.5 within a 50-mile radius of Yucca Mountain. For you in the new math, that is over 300 earthquakes a year.

Another serious danger from this region's seismic activity involves the water table. Former senior DOE geologist, Jerry Szymanski, has found an earthquake could dramatically elevate the water table, flooding the repository with water and releasing radio nucleoids into our water supply. I urge all Members to vote ''no'' on the rule and final passage of H.R. 1270. I don't want to come back to this House and say I told you so.

REIMBURSEMENT DUE RESERVE AND GUARD MEMBERS DEPLOYED IN SUPPORT OF OPERATION JOINT GUARD

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. Mr. Speaker, I rise this morning to encourage my colleagues to support the Defense authorization conference report. The conferees have worked hard to resolve difficult issues and to reach an agreement.

This agreement contains important policy language that should be enacted into law. However, I am also aware of a need that it does not address. I, therefore, urge my colleagues to cosponsor legislation, which I will introduce this week to correct the inequities that affect 4,206 Army Reserve and National Guard members who were deployed to Europe in support of Operation Joint Guard.

These soldiers had to take money out of their own pockets to pay for the shipment of personal items which the Army itself has paid for in the past and, after some persuasion, has started to pay again. My legislation grants the army the authority, the statutory authority, it needs to reimburse these affected soldiers who are junior grade enlisted members and cannot afford to pay for their reimbursement.

In fact, it affects some 14,000 National Guardsmen throughout the United States. They are due to receive an average payment of $400. Not much to the average person, but they want their money and they need their money.

They have already waited some 9 months to be reimbursed for these expenses. They should not have to wait any longer. They should not be denied reimbursement because the Army lacks the authority to pay for reimbursement of expenses incurred while serving this Nation.

They should not have to wait any longer, Mr. Speaker. I therefore urge my colleagues to join me in sponsoring this legislation.

RENAMING FEDERAL COURTHOUSE IN HONOR OF FORMER U.S. REPRESENTATIVE ROY ROWLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, we find ourselves in a period of great debate as to what constitutes bipartisanship. I believe that true bipartisanship is honorable compromise for the good of the country. If we search for real live models of honorable compromise, we can find no better example than the former Democratic member from my home State of Georgia.

Congressman Roy Rowland of Dublin, GA, began a lifetime of public service long before coming to the House of Representatives. Roy Rowland spent his youth developing a keen sense of duty and honor as an Eagle Scout.

Fresh out of high school, Roy entered the U.S. Army to fight in World War II as a sergeant in command of a machine gun crew in the European theater. He was a member of U.S. forces that liberated German concentration camps, where he learned firsthand the horrifying final results of intolerance.

Roy left the Army at the end of the war with a Bronze Star for service in combat, and returned to educational pursuits. He graduated from the Medical College of Georgia in 1952 and continued what was to become a lifetime of public service, by providing health care to the people of Dublin, GA, as a family practice physician.

Roy not only provided health care to Georgia families, he served them in the State legislature from 1976 until 1982, and in the year of 1983, Roy's dedication to serving his country brought him to the U.S. House of Representatives.

In his freshman year, Congressman Rowland introduced and succeeded in passing legislation that stopped the illegal use of Quaaludes through the fraudulent prescription sales.

In the early 1980's, the abuse of Quaaludes had reached epidemic proportions, and the drug was fast on its way to becoming the illegal drug of choice on the streets.

Roy, I was in practice back in that period of time in the 1980's, and recognized then what a tremendous problem it was for our patients and the country, and I appreciate your efforts in removing Quaaludes.

Today, though, the good news is that problem is history, because of the work of Roy Rowland.

Congressman Rowland's efforts were not Democratic or Republican in nature. They addressed a pressing concern for all Americans and garnered true bipartisan support.

When debate over the AIDS crisis was still locked in a state of misinformation and confusion and fragmentation, Roy Rowland stepped forward with his experience as a medical professional to provide the leadership this body needed to move forward.

Congressman Rowland introduced and passed into law legislation that created the National Commission on AIDS, which provided America with the plain, scientific facts so necessary to establish sound public health policy to combat this killer disease.

When the battle over health care reform was at its peak in the 103d Congress, Roy Rowland once again led the way in finding solutions to America's problems that were outside the realm of partisanship. He succeeded in drafting health care reform legislation through a group of five Republicans and five Democrats that provided coverage for 92 percent of the American public.

The Rowland bill did not pass during that time of heated debate and multiple proposals, but the blueprint Roy left us is one that should be carefully examined when we face contentious issues in the future.

In his 12 years of service here in the House, Roy Rowland set a standard for standing firm on conviction without resorting to partisan attacks. He fought like a tiger on this floor, but never had an enemy on either side of the aisle.

In his reelection campaigns, he was frequently personally attacked, but never responded in kind.

Today, I ask for your vote on legislation that will honor and preserve the legacy of service that Dr. and Congressman Roy Rowland has left for us to follow. This bill will redesignate the Dublin Federal Courthouse in Dublin, GA, as the J. Roy Rowland Federal Courthouse, in order that the example Roy Rowland set through a lifetime of service should not be forgotten.

In the spirit of true bipartisanship that our former colleague exemplified, I ask for your support today of this legislation.

RECESS

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

Accordingly (at 11 o'clock and 14 minutes a.m.), the House stood in recess until 12 noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 12 noon.

PRAYER

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

Enable us, O gracious God, to lift our hearts and souls above the commotion of the moment and the busy tasks that are before us, to offer our thanks and praise for the innumerable blessings and benefits which You have given to us and to all people. May our spirits transcend the obligations and duties that must be accomplished in our daily lives to catch a spiritual vision where justice is our byword and service to others our great joy.

With this prayer of thanksgiving we offer to You, O God, our appreciation that we can live lives of promise and commitment and in a world that is often confused and bewildering, we can have a sense of fulfillment and satisfaction.

In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. SNOWBARGER). 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.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. HEFLEY 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.

TRIBUTE TO DEAN SMITH

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

Mr. BALLENGER. Mr. Speaker, Thursday, October 9 was a very sad day for basketball and sports fans alike. After 36 seasons as head coach of the North Carolina Tarheels, Dean Smith, the ultimate competitor, left his post and passed the reins to his longtime assistant. With this announcement, Dean Smith ended an era in college basketball. His record of 879 total victories, 11 trips to the Final Four, 13 ACC Championships, and 2 National Championships will never be matched.

These stats and scores point out what every basketball fan already knows. Dean Smith is the winningest coach in college basketball history. His impact on the sports history books is only rivaled by his impact on the lives, hearts, and minds of his players. To quote a lesser known Tarheel, Michael Jordan, he says, ''He's like a father figure to us all.''

Today I honor a man who represents the best that college sports has to offer, a man of true integrity and class who makes North Carolinians proud that he calls Chapel Hill home. Thank you, Coach Smith, for your many years of commitment. We surely will miss you.

OPPOSE H.R. 1270

(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, a letter circulated around Capitol Hill yesterday boasts that passing H.R. 1270 will save money. Mr. Speaker, if it were not for the severity of this issue, this letter would be laughable. This is yet another example of the nuclear industry distorting the truth. The truth is that H.R. 1270 will cost the American taxpayers $1.5 billion, that is with a ''B,'' over the next 5 years. Contrast this with the cost of onsite storage and the taxpayers will save, even then, close to $1 billion over the next 5 years.

Rather than have high level nuclear waste transported through communities across this country, we could use this money to decrease the deficit, provide more tax relief for the American taxpayers, improve our roads, hire more teachers, or put more police officers on the street.

I urge my colleagues to get the facts. Do not be fooled by the nuclear industry. This is a bad bill. It is a bad bill for all Americans. Oppose H.R. 1270.

WHEN WILL THE WHITE HOUSE WISE UP?

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

Mr. TRAFICANT. Mr. Speaker, China's President is in America. President Jiang told the press China will not tolerate any interference by the U.S. Government. In fact, President Jiang sent over a list of irritant subjects he will not even discuss, Members.

No. 1, he will not even talk about trade, even though it is going to hit $60 billion. No. 2, no, he will not talk about human rights. No. 3, he does not even want to hear about the last Presidential election. Do not mention John Huang, Charlie Trie. Stay out, Uncle Sam. And guess what? The White House said, ''Don't worry, this is no big deal.''

Beam me up. The White House will not wise up until there is a full-blown rice paddy on the east lawn of the White House. Somebody is smoking dope.

THE CLINTON WHITE HOUSE LEGACY

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

Mr. HEFLEY. Mr. Speaker, there is a great deal of talk these days about the legacy that this administration will leave. I think it is fair to say that this White House has indeed set a new standard of ethics.

I think it is fair to say that this White House has set a new standard in the use of the Lincoln bedroom.

I think it is fair to say that this White House has set a new standard in terms of raising money on Federal property.

I think it is fair to say that this White House has set a new standard in terms of deciding which rich donors get to accompany the Secretary of Commerce on trade missions.

I think it is fair to say that this White House has set a new standard in terms of raising money at Buddhist temples, shaking down impoverished Indian tribes. Using the IRS for political purposes, rewarding top dollar fund-raisers with Commerce Department jobs, making huge money from cattle futures while declaring moral outrage at the decade of greed, and coming up with the ''I don't recall'' defense whenever the subject turns to raising money.

I agree, that is quite a legacy.

CELEBRATORY ATMOSPHERE SURROUNDING VISIT OF CHINA'S MILITARY LEADERS TO THE UNITED STATES IS INAPPROPRIATE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, tomorrow the Clinton administration will roll out the red carpet for the ruler of a regime that rolled out the tanks in Tiananmen Square. Tomorrow the Clinton administration will give a 21-gun salute to the heads of the Chinese military that proliferates weapons of mass destruction and brutally occupies Tibet. I do not think that that is an appropriate welcome.

While I agree that we must engage China, that the leaders of our two countries must meet to discuss issues of concern, I think it is completely inappropriate to have such a celebratory

atmosphere surrounding the visit. The more appropriate auspices would have been a working visit President Clinton used to welcome many other leaders of important countries to Washington, DC.

Tomorrow, though, Project Democracy in China, of the Independent Federation of Chinese Students and Scholars and the Tiananmen Memorial Foundation, will hold a press conference, and I join with them in their aspirations when they call upon the President and the United States to demand that China's human rights record be condemned, its prisoners of conscience released, and demand political reform in China.

I urge my colleagues to join us in Lafayette Square for a protest rally at 12 noon in front of the White House.

RECOGNITION OF GOOD SCIENTIFIC WORK BY GOVERNMENT EMPLOYEES

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

Mr. EHLERS. Mr. Speaker, very often from this podium we hear criticism of our Government and of our Nation, and rightfully so, because we exercise an oversight role. But I believe we have an obligation also to point out when the Government does something good and something right. I would like to mention two such items that have happened recently.

First of all, Dr. William Phillips, of the National Institute of Standards and Technology, recently shared a Nobel Prize for physics for research that he had done on cooling atoms. This is a very esoteric field of research, and it has real promise for the future, particularly for precise timekeeping, and will improve our time-standard accuracy by a factor of 100.

In a recent science magazine I noticed also that William H.F. Smith from the National Oceanic and Atmospheric Administration and David Sandwell from Scripps Institution have succeeded in mapping the world, including the ocean floors, from satellites. What I am displaying here is a remarkable map, obtained for the first time in history, showing all the topographical details of the land and undersea surfaces. This will be extremely useful in analyzing effects such as El Nino and determining how to improve our fisheries.

I commend these scientists as well as Dr. Phillips for the good work they have done. We are proud of them, and proud to have them as Government employees.

REPUBLICANS OFFER THE NATION'S CHILDREN HOPE AND OPPORTUNITY IN EDUCATION

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

Mr. MILLER of Florida. Mr. Speaker, I am very disappointed with my friends across the aisle. They support the status quo for our Nation's education.

Why do they consistently oppose efforts to improve the lives and learning of our Nation's children? The Republican education agenda is simple: We want to give kids a chance. We want them to be able to leave inferior schools that cannot even teach them to read and write. We want parents involved in the children's education and to trust the schools they send their kids to every day.

I do not care if these schools are charter schools, public schools, private schools, or a school on Mars, but it is not fair to force our kids to go to schools where they sit in constant fear for their lives, where the roofs leak and the heat does not work. Why force kids to go to schools that do not teach? Let them attend a school where they can have a real educational experience and a real long-term potential.

It is simple: The Republicans offer the Nation's children hope and opportunity, while across the aisle all they can offer is status quo.

SAY NO TO EXPLOITING CHEAP LABOR AND THE ENVIRONMENT

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

Mr. DEFAZIO. Mr. Speaker, I noticed yesterday that the President gave a speech and he said that those who oppose his fast track authority have an ignorance of the new world international economy.

I saw the face of the new world economy last weekend, and I would like the President to hear about it. He should go to Juarez, Mexico: a 77-percent increase in maquiladora jobs since fast track passed.

Two-earner families living in hovels without water, heat, or even walls. They are made of pallets and packing crates. Working 45 hours a week for U.S. corporations, jobs that were here before NAFTA, for $40 a week. No environmental controls, no labor protections, no right to organize. That is the face of the new world economy, Mr. President.

There is one place we are running a surplus today, that is in Latin and South America. And now the President wants fast track authority to go down there and see if he can screw that up too, and take more of our jobs south of the border so our corporations can exploit cheap labor and the environment. No.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, October 27, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, October 27, 1997 at 11:42 a.m.: That the Senate passed without amendment H.R. 2013.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

□ 1215

COMMUNICATION FROM DEPUTY GENERAL COUNSEL OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore (Mr. SNOWBARGER) laid before the House the following communication from Jennifer L. Smith, Deputy General Counsel, Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L of the Rules of the House of Representatives, that the Congressional Budget Office has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel of the House of Representatives, I will make the determinations concerning the subpoena as required under the Rule.

Sincerely yours,

JENNIFER L. SMITH,
Deputy General Counsel, Congressional Budget Office.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of 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 5 p.m. today.

SENSE OF THE HOUSE REGARDING DOLLARS TO THE CLASSROOM

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 139) expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms, as amended.

The Clerk read as follows:

H. RES. 139

Whereas we know that effective teaching takes place when we begin (1) helping children master basic academics, (2) engaging

and involving parents, (3) creating safe and orderly classrooms, and (4) getting dollars to the classroom;

Whereas our Nation's children deserve an educational system which will provide opportunities to excel;

Whereas States and localities must spend a significant amount of Federal education tax dollars applying for and administering Federal education dollars;

Whereas several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars;

Whereas while it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom. Further, it is thought that only 85 percent of funds administered by the United States Department of Education for elementary and secondary education reach the school district level. Even if 65 percent of Federal education funds presently reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom;

Whereas American students are not performing up to their full academic potential, despite significant Federal education initiatives, which span multiple Federal agencies;

Whereas, according to the Digest of Education Statistics, in 1993 only $141,598,786,000 out of $265,285,370,000 spent on elementary and secondary education was spent on ''instruction'';

Whereas, according to the National Center for Education Statistics, in 1994 only 52 percent of staff employed in public elementary and secondary school systems were teachers;

Whereas too much of our Federal education funding is spent on bureaucracy, and too little is spent on our Nation's youth;

Whereas getting 90 percent of Department of Education elementary and secondary education funds to the classroom could provide substantial additional funding per classroom across the United States;

Whereas more education funding should be put in the hands of someone in a child's classroom who knows the child's name;

Whereas burdensome regulations and mandates should be removed so that school districts can devote more resources to children in classrooms;

Whereas President Clinton has stated: ''We cannot ask the American people to spend more on education until we do a better job with the money we've got now.'';

Whereas President and Vice President Gore agree that the reinventing of public education will not begin in Washington but in communities across America and that we must ask fundamental questions about how our public school systems' dollars are spent; and

Whereas President Clinton and Vice President Gore agree that in an age of tight budgets, we should be spending public funds on teachers and children, not on unnecessary overhead and bloated bureaucracy: Now, therefore, be it

Resolved, That the House of Representatives urges the Congress, the Department of Education, States, and local educational agencies to—

(1) determine the extent to which Federal elementary and secondary education dollars are currently reaching the classroom;

(2) work together to remove barriers that currently prevent a greater percentage of funds from reaching the classroom; and

(3) work toward the goal that at least 90 percent of the United States Department of Education elementary and secondary education program funds will ultimately reach classrooms, when feasible and consistent with applicable law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. PITTS], the author of the resolution.

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

Mr. PITTS. Mr. Speaker, it is an honor for me today to stand before the House to support the Dollars to the Classroom resolution, an initiative I have been working on since early this year. As a former high school math and science teacher in public schools and because my own children have been educated in public schools, I know of the importance of America's public schools. With this background, I rise today in strong support of America's public schools and the students that attend them each day.

Today the House will have a chance to strongly support public education when we vote on the Dollars to the Classroom resolution. The Dollars to the Classroom resolution urges that we get at least 90 percent of Federal education tax dollars to the classroom, to the individual who knows the name of each child. This could mean an additional $1,800 in public classrooms across America.

Do my House colleagues realize that currently we are wasting billions of education tax dollars each year? Let me give Members an example of this waste. The Department of Education funds tens of thousands of publications, 21,922 to be exact, that are available for each of us to purchase, for a fee I might add.

There are 140 studies on checklists that are listed. There are 13 studies on welding. There are 260 studies on surveys. There are 26 studies on camping. There are close to 100 studies on education researchers researching their research techniques. There are three studies entitled ''Cement: The Concrete Experience.'' I would rather empower teachers to buy books for classrooms than to fund studies on cement.

In short, the question is, do we fund bureaucrats or books? A vote against the Dollars to the Classroom resolution is really a vote for the bureaucracy. We do not want to become so entrenched in the beltway mindset that we have forgotten why we are here.

Let me take a minute to remind my colleagues. We are here for kids like Melissa who writes, and I quote, ''My social studies book was new in 1988. Hey, it's 1997. We need to get new books.'' And Glenisha who says, and I quote, ''I support this bill because it seems as if people are taking our parents for granted, because they're paying taxes which they assume are to schools, but most of the money doesn't make it to the classroom where it should be. We should have had this bill a long time ago.''

Mr. Speaker, if Members will not take my word for it, at least listen to the children who attend public schools across America each day, or listen to the teachers.

Helen Martin, a teacher in the Unionville-Chadds Ford School District in Pennsylvania stated this: ''It is very frustrating to see so much tax money go to Washington for education and not to see funds in the classroom that have been appropriated for education. Please return more education tax dollars directly to the students of our Nation who will become the scientists, business people and lawmakers of the 21st century.''

Mr. Speaker, I beg Members to not turn a deaf ear to the children and the teachers of our Nation. Let us get America's hard earned tax dollars away from beltway bureaucrats and into the classroom. Let us use the money for books, computers, maps, microscopes, and teachers.

It is our choice. We have a vote today that will impact America's kids. We have a moral responsibility to drastically improve our current education system for our children. If we are really serious about supporting public schools, the choice is clear. Vote for the Dollars to the Classroom resolution. Vote for the kids in the public education system.

Mr. Speaker, I include the following material for the RECORD:

MOVING DOLLARS TO THE CLASSROOM

(By Representative Joseph Pitts)

''People are taking our parents for granted, because they're paying taxes which they assume are to schools, but most of the money doesn't make it to the classroom where it should be''—5th Grader Glenisha Danyelle McLellan

Glenisha's statement is undeniable—a significant portion of federal education dollars do not make it into classrooms. In the midst of rapidly growing federal education budget, the actual amount of funds making it into classrooms—where the fundamental basics of reading, writing, and arithmetic are taught—is being siphoned off by an increasingly large Washington-based education bureaucracy.

As a former high school math and science teacher, I have seen and experienced firsthand the funding shortfalls many schools face each year. Some have tartered textbooks dating back more than a decade. In many urban areas, teachers lack the funds to buy basic necessities such as new crayons, pencils and paper for their students. Year after year, thousands of teachers nationwide—in affluent and poor districts alike—are not given the proper resources to conduct the necessary classroom experiments that facilitate the learning process.

After one studies this ''resource gap'' in our nation's classrooms, it becomes abundantly clear that the answer to these problems does not lie in increased education funding. Indeed, the problem in education is not how much we spend, but how we spend it. By propping up bureaucracies instead of providing local schools, teachers and parents with the resources they need, we have failed our nation's children.

In his most recent State of the Union address, President Clinton declared that education would be his ''number one priority for the next four years.'' Mr. Clinton should fulfill that commitment by working to ensure that a very high percentage of every federal dollar spent on education is channeled directly to a classroom, instead of remaining in the seemingly endless labyrinth of programs which originate in Washington, DC. This goal is one that has already been embraced by Republicans.

At present, it is unknown exactly what percentage of federal education dollars reach the classroom. What is known, however, is that the federal education bureaucracy is a multi-layered behemoth that saps up billions of dollars that are desperately needed in America's classrooms.

As part of the effort of the Republican majority to ensure that more dollars are directed into classrooms, the House Committee on Education and the Workforce has initiated a far-reaching project—''Education at a Crossroads: What Works? What Is Wasted?''—to evaluate the extent and quality of federal involvement in education. Led by Subcommittee on Oversight and Investigations Chairman Pete Hoekstra (R-MI), the Committee has unearthed a federal education bureaucracy consisting of 760 different programs in 40 separate departments and agencies, costing taxpayers more than $100 billion a year (1997 figures).

Currently, the federal government spends approximately $15.4 billion on elementary and secondary education programs. The best estimate suggests that about $5.4 billion never reaches the classroom. Instead, this money is consumed by numerous layers of administration, paperwork, publications, studies, and an intensive grant application process.

This federal bureaucracy, coupled with the waste endemic in many state education bureaucracies, results in fewer and fewer dollars actually reaching the classroom. For instance, a recent audit of New York City public schools found that only 43 percent of the local education budget reached the classroom. The *Wall Street Journal* has reported (3/27/96) that 24.6% of U.S. public education spending (federal, state, and local) goes to non-teaching personnel.

The U.S. Department of Education (USDE) is chock full of examples of wasteful spending. In many cases, programs and policies can be eliminated, thus freeing up more resources to be utilized directly by those actually doing the teaching.

Two prime examples are the USDE's voluminous collection of ''studies,'' and the time-consuming grant process. While there are certainly other problem areas that need a close examination, these two serve as effective ''case studies.''

CEMENT: THE CONCRETE EXPERIENCE

According to the USDE, it ''publishes a wealth of information for teachers, administrators, policymakers, researchers, parents, students, and others with a stake in education.'' A recent search of the USDE's Home Page on the World Wide Web found that the database currently contains descriptions of 21,922 different studies published since 1980. The subjects covered in these reports span the horizon, ranging from Eskimos to cement.

A brief, and by no means comprehensive, examination of the list of studies reveals:

1767 studies on career planning;

140 studies on check lists;

Nearly 100 studies on education researchers researching their research techniques;

260 studies on surveys;

3 studies on ''Cement: The Concrete Experience''; and

82 studies on calculators.

And that is just a small fraction of a small sampling of the publications available.

Additionally, these reports are not available for free; the USDE charges a fee for each report, so those wondering what ''Cement: The Concrete Experience'' is all about must pay to find out. This is a tragic waste of taxpayer dollars. Not only are the bureaucrats in Washington consuming money that could be directed to local schools to fund studies on all-too-often irrelevant topics, but the USDE then forces teachers to use limited classroom resources to purchase copies of the few studies that may prove useful.

This dizzying logic lends an insight into the USDE's funding priorities. As President Herbert Hoover once noted: ''In all bureaucracies there are three implacable spirits—self-perpetuation, expansion, and incessant demand for more power.'' Indeed.

GRANT PROCESS: 21 WEEKS, 216 STEPS

Another frustrating example of waste in the federal education system is the extraordinarily long grant application process teachers across the country must endure. The USDE has made applying for a grant so complicated that many teachers never even bother, feeling the benefits (the money) don't outweigh the costs (countless lost hours).

Teachers who do choose to try to secure federal grants must waste hours upon hours on an application process that takes 21 weeks and churns through no less than 216 tedious steps of bureaucratic red tape. And that's just to apply for a grant. In the end, there is no guarantee of actually receiving the funds.

Interestingly enough, the aforementioned 21 week process involving 216 steps was recently highlighted by the USDE as a significant accomplishment. Previously, the grant process involved more than 400 steps and took an additional 5 weeks. While the new ''shortened'' process should certainly be applauded, it is a long, long way from satisfactory.

The USDE also recently highlighted additional steps it has taken to make the Department more efficient and more effective. One achievement so noted was a reduction in the paperwork burden imposed by the federal education establishment by 10 percent or 5.4 million hours. However, even with this improvement, 48.6 million hours of paperwork is still required by USDE policies. That amounts to the equivalent of 24,300 employees, working 40 hours per week, for an entire year. Again, the recent improvements are welcomed, but there is a long, long way to go.

The USDE ''studies'' and grant process are just two examples of areas where we must demand a better return on our education dollar. Furthermore, I have no doubt that Chairman Hoekstra and other members of the subcommittee will uncover additional areas ripe for reform as they continue working on the Education at a Crossroads project.

$1,800 FOR EVERY CLASSROOM IN AMERICA

Considering the funding shortfalls many teachers experience, and having identified an enormously large and wasteful bureaucracy, it seems that an important policy initiative would be working to move more dollars directly into classrooms, while spending less on propping up the establishment in Washington. One proposal that would move policy in this direction is the ''Dollars to the Classroom'' resolution, which calls on the USDE to send 90 percent of the money it earmarks for elementary and secondary education directly into classrooms.

While the federal government actually funds a relatively small portion of elementary and secondary education (federal spending represents about six percent of total education spending in this area), it is significant nonetheless. The $5.4 billion currently wasted on bureaucracy could provide a windfall of funds for every classroom in America.

If the federal government sent approximately 90 percent of current federal education dollars directly to the classroom, it would translate into an additional $1,800 for every classroom in America. The impact of such an infusion of resources would be felt immediately by every teacher and every student in every school across the country.

An additional $1,800 for every teacher to use provides a number of possibilities for improving the quality of education:

$200 purchases a microscope, and a child can see a double helix strand of DNA.

$70 purchases a sling psychrometer, which students could use to measure the relative humidity and predict the weather.

A mere $10 obtains flash cards, allowing students to practice time tables with a friend.

$50 buys a globe or a set of maps, allowing children to improve their geography and their knowledge of nations across the seas.

And $1,500 buys a computer with enough desktop space, RAM, and Internet access to allow every student in the classroom to experience the vast amount of educational information available at his or her fingertips.

In some cases, that new found money may be the difference between new textbooks and continuing to use those from the early 1970s. Without a doubt, placing $1,800 at the disposal of a creative and hardworking teacher can and will make a substantial difference for our children, their education, and their futures.

Teachers and superintendents agree that the ''resource gap'' in the classroom must be narrowed. At a recent Education at the Crossroads hearing in Washington, Helen Martin, a high school science teacher from Uninoville, Pennsylvania told legislators:

''It is very frustrating to see so much tax money go to Washington for education and not see funds in the classroom that have been appropriated for education. Please return more education tax dollars directly to the students of our nation who will become the scientitis, business people and lawmakers of the 21st century.''

Dr. Linda Schrenko, the state Superintendent of Schools in Georgia has noted:

''Administrators from Washington will never meet the needs of individual children. . . . I cast my vote for returning as many dollars directly to local schools as we are able. . . . Less bureaucracy on all levels will allow more dollars to directly reach the students in the classroom.''

This debate is not about what we should do with the federal Department of Education. Instead, it is about bringing accountability to this federal agency in a way that ensures that children, not bureaucrats, are the final winners.

In 1996, while speaking to the nation's governors, the President stated: ''We cannot ask the American people to spend more on education until we do a better job with what we've got now.'' That is something we can all agree on.

Our efforts to move ''Dollars to the Classroom'' will force the Washington bureaucracy to do a better job with the money we are already spending. And through the Education at a Crossroads project, Chairman Hoekstra is working to help identify the programs that are effective at accomplishing this goal, as well as those that are undermining it.

On still another occasion President Clinton added, ''In an age of tightening budgets, we should be spending public funds on teachers and children, not on unnecessary overhead

and bloated bureaucracy.'' Now, if only the message could get through to the money handlers at USDE.

Raising the question ''Where is the money spent?'' is well worth the time it will take to bring this subject to the forefront of debate. For too long, liberals have claimed that increased federal funding is the ultimate problem-solver. Yet, ever-increasing education budgets have demonstrated otherwise, as test scores continue to decline.

House Education and the Workforce Chairman Bill Goodling (R-PA) has noted time and again that we know children are achieving when we invest in programs that help students master basic academics, engage and involve parents, and move dollars into classrooms. These are the activities of local schools, teachers, and parents, not pencil-pushers and bureaucrats in Washington.

Basic academics and more dollars to the classroom are a winning combination. Now, we must ensure the best education possible for the most number of students, and the best way to accomplish that goal is to see that our tax dollars make it right back into the classroom. When federal education dollars seep into the pools of Washington's 40-agency education bureaucracy, the exact opposite happens—millions of students lose out on available funding.

As H.G. Wells said in his famous Outline of History, ''Human history becomes more and more a race between education and catastrophe.'' No one would disagree with that. And no one would deny that this is a race we must win.

Today, Republicans are launching a number of initiatives designed to help America win that race. The ongoing Education at a Crossroads project continues to illuminate problem areas and success stories in education. The ''Dollars to the Classroom'' resolution will help refocus our efforts on children, not bureaucracies. These Republican projects will help ensure a stronger education system, and a brighter future for every American student.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume. I think we can all agree on the importance of sending the majority of education dollars to the classroom, but in fact this resolution does not ask for that. This resolution asks that 95 percent of the program dollars go to the classroom, and in fact that is already what is happening. But having said that we all feel that the majority of education dollars should go to the classroom so that children can receive a quality education, I have to stipulate that I do not agree with the rationale and the myths outlined in this present resolution that is before us today. I wonder why we are consuming our precious floor debate time on this unnecessary rhetoric instead of considering measures which will truly improve the public education of our children.

I believe this body needs to act upon solutions, not resolutions, in our quest to respond to the educational needs of our children. Playing politics through the consideration of this resolution is not the proper nor justified response to our problems in the education system. Despite the obvious political goals of the majority on this resolution, which is to embarrass the Department of Education, I believe it is necessary to point out some of its obvious mistruths.

Among the many premises of this measure is the statement that 3 years ago less than 60 percent of funds spent on elementary and secondary education was spent on instruction. I do not know how we can confirm the accuracy of that statement when, as we all know, the determination of whether an expense is classified as administrative or instructional varies from one school district to another. Some schools classify teacher aides and professional development as administrative costs while others classify that as instructional. In this instance and in many others throughout the resolution, the claims advocated by the majority clearly have absolutely no basis in fact.

Another misleading premise is that the Department of Education and the program it operates are gobbling up funds for wasteful administrative purposes rather than targeting dollars for the classroom. This conclusion is misleading and was never proven by the majority during the committee consideration of this legislation. Nearly all major education programs, and that is what we are really talking about, is the programs, include a 5 percent cap on funds that may be used by State and local educators for administrative purposes. The statutory limits contained in our federal election laws specifically ensure that the funds we provide are going to benefit our Nation's students, not the bureaucracies the majority claims. The limited administrative costs that do exist focus in large part on accountability and quality improvements, and that is something that we should all be concerned with. Additionally, nearly all States are presently taking advantage of a new provision in the Elementary and Secondary Education Act which permits a single consolidated application for many Federal grant programs.

Mr. Speaker, rather than wasting time debating a resolution designed to undermine public education, we should adopt instead a positive approach to educational progress, one that emphasizes how the Federal Government can assist local school reform or help prepare crumbling schools that they are now in desperate need of. These are the solutions, not resolutions, I was referring to earlier.

The Democratic caucus I believe has adopted an education agenda that will truly help ensure a quality education for our Nation's children and respond to the needs of our public education system. This agenda emphasizes early childhood development, well-trained teachers, relief for crumbling and overcrowded schools through the rebuilding of our Nation's educational infrastructure, support for local plans to renew neighborhood public schools and coordination of an efficient use of existing resources. The Democratic agenda will ensure that every child will be ready to learn to read by the time they enter kindergarten and bring down student-to-teacher ratios and provide quality instruction and assist schools to wire the classrooms to the Internet plus support local schools' renewal plans that are developed by stakeholders in our communities' public school system, and encourage States to adopt rigorous standards of academic performance. These are actual solutions to the problems we encounter in our educational system. These are what we should be debating, not meaningless politically minded resolutions.

Finally, Mr. Speaker, I find it ironic that the one instance in which the majority decides to work together in a bipartisan manner is on a measure that does nothing to respond to the Nation's educational needs. I challenge my Republican colleagues to work together in a bipartisan fashion to address those tangible issues which I previously outlined that will truly help our Nation's children. Everyone in this body needs to remember, we need to provide solutions, not resolutions.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds just to say that after 35 years of Democrat control, their resolutions and their legislation was well-intended. Unfortunately, it struck out.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Speaker, I am proud to support House Resolution 139, the dollars to the classroom resolution. I commend the gentleman from Pennsylvania [Mr. PITTS], the sponsor; the gentleman from Pennsylvania [Mr. GOODLING] and the Committee on Education and the Workforce for their continual hard work to ensure that real reform occurs in our Nation's education system.

Mr. Speaker, this resolution would simply set a goal that at least 90 percent of Federal elementary and secondary education dollars reach the classroom. It is currently estimated that only 65 percent of all Federal funds actually reach our Nation's classrooms. This town is notorious for talking about reforming this education system, but this dismal statistic proves that nothing has been accomplished.

The dollars to the classroom resolution is a great way to send a message to the administration that we in Congress are prepared to invoke real reform at the Department of Education. Our goal should be an education system where every child can outscore, outperform and outcompete the students of every other Nation in the world. It is time to put our children before bureaucrats. The decision of how our education money is spent needs to be made by local teachers, local administrators and parents, not the Federal Government. It is time that we invest more wisely, and we must spend our education dollars where they can achieve the most, right in the classroom.

This resolution would mean as much as $1,800 would be added to each classroom budget. At Houston Middle School in southern Missouri, where I taught a class last week, $1,800 is the difference between having computers

and much newer books and other much needed learning resources in that classroom. They desperately need it. It is finally time for Congress to take a stand and do what is right for our Nation's children. I urge my colleagues to support the dollars to the classroom resolution.

□ 1230

Mr. MARTINEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in opposition to House Resolution 139, the dollars to the classroom resolution. The resolution, if you take a moment to read it, in its resolve clause, is perfectly admirable and legitimate. It says the House of Representatives urges the Congress and the U.S. Department of Education, the States and local agencies, to determine the extent to which Federal elementary secondary education dollars are currently reaching the classroom and then work toward a goal of at least 90 percent of the funding to be utilized in that way.

I do not believe there is a single Member of the Congress that will argue against such a resolution.

What troubles us and why the Democrats on the Committee on Education and the Workforce all voted against this resolution is because the whereas clauses contain in them absolutely unfounded, unsubstantiated conclusions.

If these conclusions were actually factual, why are they calling upon the Congress and the Federal Government and the States to study this matter? If they have all the facts, that should be it.

But the very fact that they are calling upon the Congress and the Federal Government and the States to look at this and to determine exactly what is reaching the classroom is discounted by the fact that more than half of the whereas clauses contain in them what I consider absolutely fallacious conclusions regarding the subject matter.

I believe that it is intentionally so stated, because it wishes to disparage the idea of Federal funds for education.

I think that we have to look very closely at the whereas clauses and not just be sucked into voting for the resolution because of the resolve clause. I stand here today and urge my colleagues on both sides of the aisle to read this resolution carefully and see if there is any reason to support the whereas clauses.

There is absolutely nothing to indicate in the testimony given to the subcommittee that all of the funding that is intended to go to the classrooms or the school districts are not so being funded. Yet this resolution makes general conclusions that the money is not getting to the schools.

The resolution states although the States receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their paperwork is associated with those Federal dollars.

That statement is absolutely unsubstantiated. There is no evidence that the States spend 50 percent of their paperwork on Federal programs. So I think that that is an outrageous statement that in itself calls for a negative vote on this resolution.

Furthermore, there is an assault statement on the New York City public school system. The resolution says ''while it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom.''

There is no evidence to that fact regarding this particular school system. In any event, it is not relevant to this resolution, because all that the resolution is attempting to discuss are Federal dollars, not local and State dollars. So that whereas clause simply is not relevant, as it deals with local funds.

The resolution also states even if 65 percent of the Federal education dollars presently reach the classroom, it still means that billions of dollars are not directly spent on the classroom.

This is absolutely a false statement. Whoever said only 65 percent of Federal education funds reach the classroom? There is already evidence in the record to indicate that between 95 and 98 percent of the funding from the Federal Government actually gets to the local school districts.

We have testimony in our record here, the gentleman from Missouri [Mr. BLUNT], in response to my question said in discussing this matter with others, he thinks ''the average in the country is somewhere between 93 and 98 percent actually getting to the districts.''

So I cannot imagine where there is any truth whatsoever in this statement about 65 percent of the Federal education dollars reaching the classroom.

So on with the rest of the resolution. It makes mention of the Digest of Education Statistics, regarding total money local and State that are spent in elementary secondary schools. This resolution is dealing with only talking about Federal dollars, so let us stick to the subject matter, and not mix apples with oranges.

I believe that there is ample evidence in all the statistics that are available that 93 percent of our Federal dollars are actually reaching the school districts.

The resolution states too much of our Federal education funding is spent on the bureaucracy and too little spent on our Nation's youth.

The U.S. Department of Education has come repeatedly before our committees and stated that only 2 percent of its budget is spent on administrative costs. So the rest of it goes down to the States.

If we mean to incriminate how the States handle their budgets, then that is a matter entirely separate from this resolution. This resolution is only talking about the Federal money. We have been very careful in determining the way in which the funding is to be allocated in terms of all of the programs that we have implemented.

Programs for special education and for other matters are clear in their distinction as to how the funds are to be spent. I think one has to look at the newly developed Coopers & Lybrand accounting package, and the analysis of the Milwaukee school district which shows that 93 percent of all title I funds went to the classroom for instructional support and 90 percent of all title I funds were spent at the school level.

In the State of South Carolina, we had the opportunity to hear from the Superintendent of Education, Barbara Stock Nielsen, who testified on May 8 of this year that the vast majority of Federal dollars do reach the classroom and that it is probably easier to track the Federal dollars than it is the State and local dollars.

Mr. Speaker, given the facts that we know, that we have been presented in the subcommittee, it is clear that the Federal Government is doing an excellent job. Let us not pass a resolution that disparages Federal aid to education with facts stated in the whereas clause that are absolutely unfounded, unsubstantiated, and in many cases totally false.

So I urge my colleagues to vote down this resolution. It may feel good to say you want more money to get to the students and to the classrooms, but I ask you to look at the whereas clauses and see how inconsistent they are and vote down this House Resolution 139.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. PITTS] to discuss this.

Mr. PITTS. Mr. Speaker, in response to the gentlewoman who said there was no evidence or substantiation, let me quote from the testimony that she should have heard when the hearing was held before the committee. A quote from Lisa Graham Keegan, the Arizona State Superintendent, who said Federal funds account for 10 percent of the education funding, but 50 percent of their paperwork burden. Dr. Charles Garris, superintendent of Unionville-Chadds Ford School District, my own district, came and presented testimony, talking about Federal funds only.

He said that even at the local level, after the administrative overhead from the Federal, at the local level, 25 percent of the funds never reach the students that they were intended to serve, and he detailed the expenditure of those funds. Then he had a stack of papers, an application for a Federal grant. He put it down and he said, ''This takes 5 months to apply, and still, after 5 months of applying, going through 216 steps, we don't know whether we will get any. I will not even apply.''

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

Mr. Speaker, we have heard that claim, and I wonder when that claim or statement was made, because, more recently, innovations at the Department of Education through programs like Ed-Flex and other waiver initiatives of the Education Department has allowed States and localities to waive statutory and regulatory requirements of several Federal education programs, such as Even-Start, migrant education, Eisenhower Provisional Development Safe and Drug-Free Schools, community programs, innovation education programs, emergency immigrant education, and the Perkins Vocational Education Programs.

Twelve States currently are Ed-Flex States. So if a State wants to apply for that, they have the option to do that. That is still not the problem or the major educational problem that our education system has in its system today, and I do not think this resolution, which has no standing in law, because it is just a resolution, is going to do anything to really alleviate any of those problems.

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

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Speaker, I rise in strong support of this resolution. Guaranteeing that 90 percent of Federal funds for elementary and secondary schools is spent directly in the classroom is just plain good sense. I cannot imagine why anybody could be against that.

While there is not complete certainty as to the actual percentage of Federal education dollars that reach the classroom, we do have available to us several studies which suggest that well over 30 percent of these funds are eaten up by the Federal and State bureaucracy.

I have been part of the hearings all around the country on the Crossroads to Education. Everywhere we go, we hear from local people that these funds are eaten up by the bureaucracy. I do not think this should be so, Mr. Speaker. I believe that too much of Federal education funding is spent on bureaucracy and not enough on teaching our children.

I believe that we should support this resolution in a bipartisan way, and even the Democrats on our committee may vote against it. I believe most Democrats in this Congress will support this in a bipartisan way, because they know that the people who actually know our children at home should be the people in charge.

I urge support of H.R. 139.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume to respond to that.

Look, here comes back the same story. We are comparing apples and oranges when you compare Federal programs and State programs.

The Federal Government has no way of dictating to States what they expend for administration or other paperwork requirements in their own State. The Federal Government does not control that.

The Federal Government does have caps in the Federal Government on how much can be spent on administration. So to say in one breath that the State and Federal governments are guilty of an excessive cost of administration and overhead regarding paperwork is a misstatement, and it is a misleading statement.

Nobody is against as many of the funds as possible going to the classroom. The Federal programs, as outlined by the gentlewoman from Hawaii [Mrs. MINK] have stated that up to 93 percent, and maybe more, in most cases, are going, of Federal dollars, are going to the classroom. The only thing we can control by this resolution is the Federal dollars going to the classroom.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, in our great State of South Dakota, we have a fine tradition of public education. My children participated in that process. We always believe as a matter of policy that the State and local governments are those where the function and responsibility primarily for education resides, but as a matter of conviction, that to the extent the Federal Government, the taxpayers, are asked for Federal dollars to support education, that those dollars ought to go into the classroom.

My two young girls attend public schools. They are only 2 of the 51 million students in America who may not have the resources and supplies necessary to prepare them for the 21st century, because we are not getting enough of the Federal funding into the classroom.

That is why I support this resolution. With this resolution, it is estimated that each classroom would receive an additional $1,800. In my State of South Dakota we spend approximately $3,500 per student. Another $1,800 could help pay for additional computer software, hooking on to the Internet or books.

I believe in public education. I hope my colleagues in this body will show their support for public education by supporting a resolution which will ensure that we get the very best value for our tax dollar.

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

Mr. Speaker, here again, I do not know how many times we are going to say this, but the fact is that the figures that they come up with do not take into account that 93 percent of the elementary and secondary education spending is done with local dollars, and it is locally controlled.

What we are talking about in the resolution is an effort to make sure that at least 95 percent of these funds get to the education classroom, and, in the Federal programs, except the moneys they use for the publications that they are allowed to make in the budget that they get which is appropriated by this Congress for those specific purposes, is not used for the programs, and the program money, more than 95 percent, is actually ending up in the classroom.

□ 1245

That is the only thing this Federal Government cannot control. As an average, throughout the United States, only 6 percent of the money that local schools receive in assistance to their budgets is from the Federal Government. Of that, they are getting the majority in the classroom.

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

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington, Mrs. LINDA SMITH.

Mrs. LINDA SMITH of Washington. Mr. Speaker, today I rise in strong support of this resolution, and I want to thank the chairman for bringing it to the floor. I listened carefully to the debate. It is still confusing because we all say we want the money to go to the classroom, but I hear debates against that.

We have to have our No. 1 priority to be the classroom, the hands-on, where the teacher knows the child's name, and we have the teaching of the basics, reading, writing, arithmetic.

What I found when I got to Washington, DC, though, about 3 years ago, was a lot of apologists for the bureaucracy, fighting hard every day to keep the Federal buildings full of bureaucrats, when actually we need teachers in the classrooms at home.

This resolution just says 90 percent of our Federal dollars, the money we pay, and gets to the Federal level, goes into the classroom. How can Members argue with that, at a time when people are saying, go back to the basics, we want local control?

I urge a strong vote ''yes'' for this resolution.

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

Mr. Speaker, what we are talking about is a half-truth. The Education Department already sends at least 95 percent of the major education program money to the States. Only 2 percent is used by the Department for administration.

Mr. Speaker, I yield such time as she may consume to my colleague, the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Speaker, I do not know how often we have said it in committee, and we are repeating it again on the floor: the U.S. Department of Education spends only 2 percent of the total funding for education on its administration. So I do not understand this accusation of this huge bureaucracy consuming the money that belongs to the classrooms and to the school districts. The statistics are there, the studies have been made, and CRS reports all indicate that the figures given by the U.S. Department of Education are correct, only 2 percent.

I also want to call to the attention of the House that in the various legislation that we have passed we have also stipulated not only limitation on Federal bureaucracy or Federal administrative costs, but we have put caps on the State administrative costs. I have a long list here. I do not know how much time there is.

Let us look at Goals 2000. The maximum percent that the States can spend on administration is 4 percent of their grant. Title I LEA grants, 1 percent of the grant is a cap on State and local educational administrative costs; Even Start, a 5-percent limit; title I migrant, a 1-percent limit; Eisenhower Professional Development, a 5-percent limit; title VI, a 3.75-percent limit; safe and drug-free schools, a 4-percent limit; the vocational basic grants, a 5-percent limit; adult education, a 5-percent limit; IDEA, a 5-percent limit.

So we have been careful in understanding the requirements for administration, but also the need to get the money to the places the legislation intended. In each of these major pieces of legislation, we have carefully not only limited the Federal costs of administration, but we have stipulated a limitation on the amount of moneys the State can spend.

If the States in other programs are spending more money than they should be, that is a State and local matter. So for those people who are arguing State and local control, that that is the best place to regulate education, then we ought not to be talking about how they spend their money for education. If we truly believe in local control, that is a matter which the local people, the local State officials, have to come to grips with. But insofar as the Congress, as far as Federal administration is concerned, I believe we have been absolutely attentive to the needs of the classroom, the school districts, and the children.

There are, of course, some areas where it is not possible for the moneys to go directly to the classroom; such as funds for professional development. This is not a direct classroom benefit; but we are benefiting a teacher who is going on for further education.

I believe that this resolution is simply an attempt to haunt the House and the U.S. Department of Education with all sorts of cobwebs and misguided conclusions, to try to cast an impression that the Federal Government has been a wastrel and has not been attentive to the needs of the students and the needs of our local school districts. This of course is false.

Again, I ask the House to vote down this resolution.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, only some groups that would want the power to reside in Washington, D.C., of wasteful spending would oppose this. Why? They want the power here in River City; the same people who vote against balanced budgets, tax relief, because those are taxes given to spend more money for failed systems.

Let me tell the Members, the studies did not even take into account the time that principals and administrators put into working on the paperwork. We have heard States saying up to 50 percent, 50 percent of their costs, are dealing with Federal paperwork.

Let me give Members an idea. Goals 2000 that my colleagues mention, and say this was a George Bush-Ronald Reagan thing, Goals 2000, look at the number of ''shalls'' and ''wills.'' I am not a lawyer, but I know a ''will'' in a line is more important; the States will do certain things. If they do not comply, it has to override the board. The board then sends the recommendations for Goals 2000.

Think about the group that has to look at that. Then it goes to Sacramento. Think about just all the schools in our districts sending all this in to the superintendent, then sending it to the State and the Governor, and then, guess what? There is a big bureaucracy back here in Washington, DC; we know there are problems with it, so they send paperwork back. That takes dollars away.

My wife is an elementary school principal. She had to attend a class for 1½ weeks just to learn how to write a grant to the Federal Government. That is not even included, the dollars get down there, then they have to look at that. Seven hundred and sixty Federal education programs.

Let us look at this. The President wanted $3 billion for a literacy program. There are 14. What is wrong with saying, let us fund 1 or 2, and get rid of the other 13 or 12 of them? But no, my liberal friends will want to put more money for failed systems and keep the same system going.

Let us look at the results. We are 28th in math and science, last of the 15 industrialized nations in all core courses. Money is the issue, but the money to get down to the classroom, not to the Federal bureaucracy.

Mr. MARTINEZ. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks and include extraneous material.)

Mrs. MINK of Hawaii. Mr. Speaker, I include for the RECORD the chart to which I made reference, and a letter from Mr. Riley:

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, July 14, 1997.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am responding on behalf of President Clinton to your letters dated May 8, 1997, and June 11, 1997, inviting the President to join in the review and evaluation of Federal education programs currently being conducted by the House Committee on Education and the Workforce. I am forwarding a copy of this letter to those who joined you in writing.

As you know, education is the President's highest priority as he works to help all Americans prepare for the challenges of the 21st century. The President also has a keen interest, dating back to the 1993 National Performance Review, in determining ''what works and what is wasted'' in Federal programs.

I came to Washington to make the changes needed to help improve teaching and learning in America's schools. I think you also know that I share your interest in local control of education, focusing on the basics, supporting parents, and getting the most out of Federal education dollars by making sure they have the most positive and cost-effective impact on American classrooms. These principles are at the core of every elementary and secondary education initiative proposed by the President Clinton, and we remain convinced that they are essential to effective education reform.

Over the last year, various Federal Departments, including the Department of Education, have provided a considerable volume of material to staff of your Committee relative to the list of more than 700 programs, which have been characterized in press events and public statements as ''education'' programs directly impacting elementary and secondary education.

A cursory examination of the Committee's list reveals that its size is primarily due to three factors. First, education, training and outreach are by definition a component of virtually every Federal program activity. For example, educational activities are critical to Department of Agriculture efforts to improve nutrition, Department of Health and Human Services programs to prevent the spread of disease, and Department of Transportation activities to encourage safety in the transportation sector. Second, the Federal government has a strong interest, determined and defined largely by the Congress, in supporting a wide variety of specialized career training and research activities. This includes training FBI agents and air traffic controllers as well as much of the research carried out at the National Institutes of Health. Third, for 130 years the Federal government has played a key role in expanding opportunity and quality at every level of education, a role primarily filled through programs administered by the Department of Education.

Programs in the first two categories were never designed, nor were ever claimed, before the Committee undertook its current review, to improve the quality and performance of our elementary and secondary schools. Programs in the third category include a significant number of activities that support postsecondary education, in addition to elementary and secondary education. According to our review of the Committee list, this leaves less than one quarter of the programs identified by the Committee that actually deliver dollars aimed at improving elementary and secondary education.

The Department's item-by-item review of the Committee's list is enclosed for your information. That review was conducted in consultation with other involved agencies. In short, this review shows that the Committee's tally of ''Federal education programs'' is significantly overstated. Out of the latest total of 788 programs:

183 are no longer authorized or funded;

139 are postsecondary or adult education programs;

71 funds specialized research;

68 provide employment or job-related training and technical assistance;

58 are for the education and training of health professionals;

47 provide public information or community outreach;

27 support the arts, museums, or historic preservation;

26 provide various services to individuals;

16 fund construction projects, community development, and community service; and

11 are nutrition programs.

The remaining 142 Federal programs that support elementary and secondary education, include noninstructional activities like the President's Council on Physical Fitness and Sports, as well as educational outreach activities related to specific agency missions, such as training science teachers through the Department of Energy and Aviation Education at the Department of Transportation.

Focusing just on the 305 programs identified as Department of Education programs, 122 are unauthorized, unfunded or simply not programs. That leaves 183 Department of Education programs covering pre-K through postgraduate education and training, of which 102 programs impact elementary and secondary education.

Despite these sharply reduced numbers of what can realistically be characterized as ''elementary and secondary education programs,'' the entire list of 788 programs has been cited as proof of (1) wasteful and inefficient duplication in Federal programs, (2) an excessive and costly Federal bureaucracy, and (3) burdensome regulatory and paperwork requirements on schools and teachers. In reality, the Clinton Administration working with Congress has an impressive record on all three counts:

Beginning with the 1993 National Performance Review, the Clinton Administration has taken the lead in eliminating unnecessary or ineffective programs and consolidating duplicative activities. Through fiscal year 1997 the Department proposed the elimination, phase-out, or consolidation of more than 100 programs, while Congress has agreed to eliminate 64 programs totaling $625 million. Even with the addition of new programs, the total administered by the Department fell from 240 in 1995 to under 200 in 1997. The recently signed reauthorization of the Individuals with Disabilities Education Act included program consolidations that will reduce that number even further. In addition, the President's 1998 budget request included 10 more program terminations, and his proposed reauthorization of the Carl D. Perkins Vocational and Applied Technology Education Act would reduce the number of authorized vocational education programs from 23 to 3.

The Clinton Administration has reduced the number of Federal employees to levels not seen since the Kennedy Administration. The Department of Education has actually seen its workforce fall by nearly 40 percent since 1980. In fact, the Department today employs over 3,000 fewer individuals than its predecessor agencies. Partly as a result of this decline, the Department administers more dollars per employee than any other Cabinet-level agency, and delivers 98 cents of every appropriated dollar to States, schools, and students.

No President has done more to reduce regulatory burden, cut paperwork, and enhance local control of our elementary and secondary schools. Under President Clinton's regulatory reinvention initiative, the Department has eliminated nearly 40 percent of its regulations. The Department also has greatly expanded waivers of statutory and regulatory requirements that stood in the way of better teaching and learning, including allowing State-level officials in 11 States broad authority to waive Federal requirements as part of the ED-FLEX demonstration. Consolidated applications and reduced reporting requirements have helped to reduce the paperwork burden on applicants for Department programs by over 10 percent. We are also cutting paperwork by conducting more business over the Department's site on the World Wide Web, which is currently visited about 5 million times each month. Finally, no Federal program provides more flexible support for locally-based education reform efforts than the Goals 2000 program, for which no regulations were promulgated.

The President and I share your determination to eliminate unnecessary programs in order to devote the maximum Federal resources to those activities that make a real difference in improving teaching and learning in the classroom. The American people expect us to work together to help prepare their children for tomorrow's challenges. As we work on reauthorizations, including the upcoming Higher Education Reauthorization, the Department wants to continue to work on a bipartisan basis to remove obsolete programs from Federal statute as we have done in other legislation over the last several years.

Yours sincerely,

RICHARD W. RILEY,
Secretary.

Enclosure.

STATE ADMINISTRATIVE COSTS FOR FORMULA GRANT PROGRAMS

[Dollars in millions]

Program	1997 Appro.	Max percent for admin.	Amount for admin.
Goals 2000	$476	4.00	$19.0
Title I LEA Grants	7,194	1.00	71.9
Even Start	102	[1] 5.00	5.1
Title I Migrant	305	1.00	3.1
Title I N&D	39	1.00	0.4
Eisenhower Prof. Dev.	310	[1] 5.00	15.5
Title VI	310	3.75	11.6
Safe & Drug-Free/SEAs	415	4.00	16.6
Save & Drug-Free/Governors	104	5.00	5.2
Voc. Ed. (Basic Grants, Tech-Prep)	1,110	5.00	55.5
Adult Education	340	5.00	17.0
IDEA State Grants	3,108	5.00	165.4
IDEA Preschool	360	5.00	18.0
IDEA Infants & Families	318	([2])	([3])
Total (not including IDEA Infants)	14,173	2.70	382.7
Total, ESEA programs	9,255	1.40	129.6

[1] Authorization allows funds set aside at the State level to be used for technical assistance or other activities in addition to State administration.

[2] No limit.

[3] Unknown.

Note.—In all cases, the percentages shown are the maximum amounts that States can use for administration. Some States will use smaller amounts for some programs. On the other hand, the maximum amount for a few programs is actually slightly higher than what is shown because the statute allows States to reserve X% or $Y, whichever is greater; this will have only a minimal impact on the overall totals, but allows the smallest States to use, for administration, a portion significantly greater than the national averages.

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

Mr. GOODLING. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA], chairman of the Subcommittee on Oversight and Investigations.

Mr. HOEKSTRA. Mr. Speaker, I thank the chairman for yielding time to me, and congratulate him on all the fine work we have done on the Committee on Education and the Workforce, and also for really allowing our subcommittee to travel around the country over the last year and hear what is going on in education and the impact that the Federal Government is having.

Let us take a brief look at exactly what this resolution is calling for. Number one, it asks to determine the extent to which the Federal elementary and secondary education dollars are currently reaching the classroom. It invites us to work together to remove the barriers that currently prevent a greater percentage of funds from reaching the classroom, from reaching our kids, and then work toward a goal of getting 90 cents of every Federal education dollar into the classroom. It simply states we should return a greater percentage of our Federal dollars back to the classroom, and that this is the most effective place and this is the place where we can have most of the leverage with our kids.

Mr. Speaker, I am glad that my colleague, the gentlewoman from Hawaii [Mrs. MINK] is confident that we are doing a good job here in Washington. I wish she could have been with us more often as we went around the country and have visited 14 different States, have had hearings here in Washington, and there is a consistent message, whether it is Milwaukee, New York, Chicago, California, Phoenix, Wilmington, Georgia, Cincinnati, Louisville, Little Rock, Cleveland, Muskegon, Michigan. All of these people are telling us one consistent thing: paperwork, bureaucracy, and mandates from Washington are smothering creativity and effectiveness at the local level. They are not saying everything is fine, they are saying, we are being smothered by the paperwork. People at the State legislature are saying, we are being smothered by mandates that we need to pass on to the local school districts.

No, when we take a look at it from a State level, when we take a look at it from a local level, no, everything is not fine with education and with Federal education dollars. We need more local parental control, we need a focus on more basic academics, and we need to get more dollars to the classroom.

Instead of looking at the local level, I am disappointed that my colleague, the gentlewoman from Hawaii [Mrs. MINK] does not agree with our President. Our President recognizes that everything is not fine. In 1996, as we were moving out and spending more money on education, what did our President say? ''We cannot ask the American people to spend more on education until we do a better job with the money we've got now.''

The President recognizes we need to get more dollars into the classroom, the people at the local level recognize we need to get more money to the classroom. It is only a few here in the House of Representatives that believe that everything is fine and we do not need to change anything. No, we have a lot of work to do. We need to move forward. When we are getting somewhere between 50 to 65 cents of Federal dollars into the classroom, we know we can do better.

What are people saying? Dr. Yvonne Chan, from a great charter school we visited in California, said ''Don't swamp us with the paperwork and we can have a lot more money going to the kids.'' This is a woman who saved $1 million out of her State budget and they are focusing it on the kids, and

they are doing wonderful things in that charter school in that State.

We have seen that around the country, States freeing up administrators, States freeing up teachers at the local level to focus on what needs to be done in the classroom. It is about time Washington decides that is the best place to go, that we start agreeing with the movements that are going on around the States to less mandates, more flexibility at the local level, and more dollars to the classroom.

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

As quickly as I can, Mr. Speaker, at least 95 percent of the Federal dollars are reaching the classroom, Federal dollars I am talking about, for Federal programs. They reach the classroom. The paperwork from Washington is not what is inundating the local school districts. If we look at the State of Kansas, it has less than an inch of paperwork regulations. If we look at the State of California, it is about 17 inches of paper regulations. That is what these people are complaining about. But when we ask the question wrong, we are going to get the answer wrong.

This is not about power. My friend, the gentleman from California, Mr. DUKE CUNNINGHAM, says that we are hungry for power up here. I have never felt that power up here. It is not about power, it is about States' rights.

Mr. GOODLING. Mr. Speaker, I yield the remainder of my time to the gentleman from Missouri [Mr. BLUNT].

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

Mr. BLUNT. Mr. Speaker, the question today is, should we send more dollars to the classroom? This does not seem like it would be a tough question, but it is a question that we are struggling with on the House floor today.

□ 1300

Who knows your child's name better? A teacher who knows that child or a bureaucrat in the beltway in Washington or even in the State capital?

Our opponents on this issue say that we are already meeting the 90 percent standard. Well, if that is true, let us pass this resolution and ensure that we meet this standard in the future. But we have studies that suggest that we are meeting a 65 percent standard. The difference in the 65 percent standard and a 90 percent standard is about $1,800 for every classroom in America. Every elementary school principal, every secondary school principal can count the number of rooms in their building, multiply that by $1,800; that is the difference in what we are talking about here today.

Mr. Speaker, this is the difference in whether we buy microscopes or not; whether we buy computers or not; whether a classroom has an overhead projector or not; whether there are chemicals for the chemical lab or tools for the shop. And Dollars to the Classroom can increase teachers' salaries, rather than create another form for teachers to fill out.

Dollars to the Classroom is more accountable to the taxpayer because it would ensure for the first time by passing this resolution that, in fact, 90 percent of all funds earmarked for elementary and secondary programs get to the classroom. By doing this, we start the process of setting a new standard, the standard that says that Federal dollars that are appropriated here for education programs really need to get to where kids and teachers are.

We have heard today about that study in the New York City school system that says that 43 percent of money in that district is spent on education; 43 percent is not good enough. Throwing dollars at education will not solve this problem. It is a worn out solution. We need to continue to work toward new solutions.

The new solution we are advancing today is to get the money in the hands of teachers, get the money to classrooms, short circuit any bureaucracy, whether it is bureaucracy in Washington, in State capitals, or even at the local administrative level.

School superintendents and administrators support this concept. Teachers support this concept. Today, Mr. Speaker, I urge my colleagues to join us in supporting this concept. This bill is different because it sends dollars directly to the classroom where solutions can be found. I urge my colleagues to support this new strategy that puts our children first.

Mr. RADANOVICH. Mr. Speaker, as a cosponsor of House Resolution 139—the dollars to the classroom resolution—I want to express my strong support for this measure and ask my colleagues for their support as well.

With the passage of this measure, the Congress has a tremendous opportunity to send a strong message on how to improve our public education structure. The resolution states that at least 90 percent of Federal funds for elementary and secondary education should be spent in classrooms.

We all agree that the public education system is in disarray. We can improve our schools by providing them with the resources they need to make their classrooms better, safer places to learn. House Resolution 139 does just that. The best thing Washington can do to better educate our children is to send more responsibility and funding back to the local communities and schools who know the needs of these children best.

For too long, the Government has taken a view that bureaucrats in Washington, DC, know what is best for the children in my State of California. How can that be true if California's education needs vary significantly within our State, let alone compared to other States? Who would try to argue that schools in rural Mariposa County have the same needs as schools in inner-city Los Angeles? Probably someone at the Department of Education.

Mr. Speaker, we can no longer continue to build a one-size-fits-all education agenda. I was sent to this Congress to represent the people and the families of California's Central Valley. I believe part of this representation includes giving my constituents the resources they need to ensure that our children have the best education possible. House Resolution 139 sends that important message.

As we head into the 21st century, it is important that the Federal Government work with States and local communities by giving them more flexibility and decisionmaking power to shape the policies that are so crucial to our children's education. House Resolution 139 is an important step in that direction.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and agree to the resolution, House Resolution 139, as amended.

The question was taken.

Mr. PITTS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 AMENDMENTS

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1227) to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

The Clerk read as follows:

S. 1227

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

SECTION 1. INVESTMENT MANAGERS UNDER ERISA TO INCLUDE FIDUCIARIES REGISTERED SOLELY UNDER STATE LAW ONLY IF FEDERAL REGISTRATION PROHIBITED UNDER RECENTLY ENACTED PROVISIONS.

(a) IN GENERAL.—Section 3(38)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(38)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by striking ''who is'' and all that follows through clause (i) and inserting the following: ''who (i) is registered as an investment adviser under the Investment Advisers Act of 1940; (ii) is not registered as an investment adviser under such Act by reason of paragraph (1) of section 203A(a) of such Act, is registered as an investment adviser under the laws of the State (referred to in such paragraph (1)) in which it maintains its principal office and place of business, and, at the time the fiduciary last filed the registration form most recently filed by the fiduciary with such State in order to maintain the fiduciary's registration under the laws of such State, also filed a copy of such form with the Secretary;''.

(b) AVAILABILITY OF DOCUMENTS VIA FILING DEPOSITORY.—A fiduciary shall be treated as meeting the requirements of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 (as amended by subsection (a)) relating to provision to the Secretary of Labor of a copy of the form referred to therein, if a copy of such form (or substantially similar information) is available to the Secretary of Labor from a centralized electronic or other record-keeping database.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on

July 8, 1997, except that the requirement of section 3(38)(B)(ii) of the Employee Retirement Income Security Act of 1974 (as amended by this Act) for filing with the Secretary of Labor of a copy of a registration form which has been filed with a State before the date of the enactment of this Act, or is to be filed with a State during the 1-year period beginning with such date, shall be treated as satisfied upon the filing of such a copy with the Secretary at any time during such 1-year period. This section shall supersede section 308(b) of the National Securities Markets Improvement Act of 1996 (and the amendment made thereby).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

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

Mr. Speaker I am pleased today to rise to seek passage of Senate 1227, legislation which amends title I of the Employee Retirement Income Security Act, known as ERISA, to permit investment advisors registered with State securities regulators to continue to serve as investment managers to ERISA plans.

Mr. Speaker, Senate bill 1227 is identical to H.R. 2226, which I introduced on July 23, 1997, with the cosponsorship of the gentleman from New Jersey [Mr. PAYNE], ranking member on the Subcommittee on Employer-Employee Relations.

At the end of last Congress, landmark bipartisan legislation was enacted which adopted a new approach for regulating investment advisers, the Investment Advisors Supervision Coordination Act. Under the act, beginning July 8, 1997, States are assigned primary responsibility for regulating smaller investment advisors and the Securities and Exchange Commission is assigned primary responsibility for regulating larger investment advisors.

Mr. Speaker, under this framework, however, smaller investment advisors registered only by the States, and prohibited by the new law from registering with the SEC, would no longer meet the definition of investment manager under ERISA, since the current Federal law definition only recognizes advisers registered with the SEC.

As a temporary measure, a 2-year sunset provision was included in the securities reform law extending for 2 years the qualification of State registered investment advisers as investment managers under ERISA. This provision was intended to address the problem on an interim basis while congressional committees with jurisdiction over ERISA reviewed the issue. We have reviewed this issue and have developed Senate bill 1227 and H.R. 2226 to permanently correct this oversight.

Without this legislation, State-licensed investment advisers who, because of the securities reform law, no longer are permitted to register with the SEC would be unable to continue to be qualified to serve as investment managers to pension and welfare plans covered by ERISA. Without this bill, the practice of thousands of small investment advisers and investment advisory firms would be seriously disrupted after October 10, 1998, as would the 401(k) and other pension plans of their clients.

It is necessary for an investment adviser seeking to advise and manage the assets of an employee benefit plan subject to ERISA to meet ERISA's definition of investment manager. It is also important for business reasons for small investment advisers to eliminate the uncertainty about their status as investment managers under ERISA. This uncertainty makes it difficult for such advisers to acquire new ERISA plan clients and could well cause the loss of existing clients.

Mr. Speaker, the bill will amend title I of ERISA to permit an investment adviser to serve as an investment manager to ERISA plans if it is registered with either the SEC or the State in which it maintains its principal office and place of business, if it could no longer register with the SEC as a result of the requirements of the 1996 securities reform law.

In addition, the bill requires that whatever filing is made by the investment adviser with the State be filed with the Secretary of Labor as well. The Department of Labor has asked for this dual filing with the Department and has assured the Congress that it needs no additional resources to process the forms.

This legislation has the support, therefore, of the Department of Labor. Arthur Levitt, Chairman of the Securities and Exchange Commission, has written to the Committee on Education and Workforce, expressing the need for this legislation and his support for this effort to correct this problem.

In addition, the bill is supported by the International Association of Financial Planning, the Institute of Certified Financial Planners, the National Association of Personal Financial Advisers, the American Institute of Certified Public Accountants, and the North American Securities Administrators Association, Inc.

By passing this legislation today we will correct this oversight in the securities reform law, thus protecting small advisers from unintended ruin and bringing stability to the capital management marketplace. I urge its passage.

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

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

Mr. Speaker, I rise today to speak on S. 1227, the ERISA rules for investment managers. Usually this legislation would be managed by the gentleman from New Jersey [Mr. PAYNE]. Unfortunately, he has been detained. I do, however, want to compliment him for his leadership on this issue.

Mr. Speaker, the 104th Congress passed the Investment Advisers Supervision Coordination Act, which made a change in the ERISA definition of investment manager. This change would have had unforeseen, potentially damaging effects on smaller investment firms. Because these investment advisers would not qualify as plan fiduciaries under ERISA, they would no longer be able to administer plan assets.

S. 1227 would require firm advisers that administer less than $25 million in plan assets to register with the Department of Labor, and the idea that the Department of Labor would be the central database of investment advisers is a good one. Furthermore, this action will preserve the ability of these advisers to act as plan fiduciaries. This proposal that is before us now would restore current law and reestablish systemic uniformity.

Mr. Speaker, I commend the gentleman from Illinois [Mr. FAWELL], chairman of the Subcommittee on Employer-Employee Relations, and the gentleman from New Jersey [Mr. PAYNE], ranking member of the subcommittee, cosponsoring the House version of the bill, and I urge my colleagues to support S. 1227.

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

Mr. FAWELL. 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 Illinois [Mr. FAWELL] that the House suspend the rules and pass the Senate bill, S. 1227.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1227 and House Resolution 139.

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

There was no objection.

J. ROY ROWLAND FEDERAL COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1484) to redesignate the Dublin Federal Courthouse building located in Dublin, GA, as the ''J. Roy Rowland Federal Courthouse,'' as amended.

The Clerk read as follows:

H.R. 1484

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

SECTION 1. REDESIGNATION.

The United States courthouse located at 100 Franklin Street in Dublin, Georgia, and known as the Dublin Federal Courthouse, shall be known and designated as the ''J. Roy Rowland United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''J. Roy Rowland United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

Mr. Speaker, H.R. 1484 designates the U.S. Courthouse in Dublin, GA, as the J. Roy Rowland United States Courthouse.

Congressman Rowland was a dedicated public servant. He served in the U.S. Army during World War II as a surgeon in command of a machine gun crew, earning the Bronze Star for service in combat. Following the war, he returned to his home State of Georgia and earned his medical degree from the Medical College of Georgia. He then became a family practice physician, serving the people of Dublin, GA.

In 1976, Dr. Rowland was elected to the State legislature, where he served as State delegate until 1982. In 1983, Dr. Rowland was elected to the U.S. House of Representatives. While in Congress, he concentrated his efforts on legislative matters concerning health issues.

He was instrumental in stopping the illegal access and abuse of Quaaludes, which at the time was becoming the illegal drug widely used. At a later date, Congressman Rowland employed his medical expertise to providing leadership in Congress during formulation and consideration of legislative initiatives concerning AIDS. The naming of this building in honor of Congressman Rowland is a fitting tribute to his dedicated service to his country. I support this bill ask urge my colleagues to support this bill.

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

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

Mr. Speaker, I wholeheartedly join in support of this bill to designate the courthouse in Dublin, GA, as the J. Roy Rowland United States Courthouse.

Congressman Rowland was a World War II vet, during which he was awarded the Bronze Star, and after he left the Army he continued his educational pursuits and, in 1952, graduated from the Medical College of Georgia.

Doc Rowland was elected to the U.S. Congress in 1983, and he earned a well-deserved reputation for expertise in health and medical issues which naturally fit his professional discipline.

□ 1315

He was instrumental in passing legislation to stop the illegal use of Quaaludes which for many years had disrupted the lives of so many of our young adolescents attempting to adjust to adult life.

He also became, without a doubt, the reasoned, practical voice during heated debate on the issue of AIDS and AIDS funding and will be remembered for that historical achievement.

Dr. Rowland set a standard for bipartisan fairness and for bipartisan relations and he included everyone. He was not an exclusive type of Member. He never resorted to personal attacks or never was engaged in any damaging rhetoric.

I say that because he was a true gentleman, truly deserving of the designation being brought here today. Our former colleague provided the working model to ensure a bipartisan spirit that everybody talks about around here, but few Members really practice. For Dr. Rowland, that was a part of his professional makeup.

It is absolutely fitting that we honor him with this designation and to the sponsor, the gentleman from Georgia [Mr. NORWOOD], I say, right on. I am proud to play a part, with him, in naming this courthouse for Dr. Rowland.

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

Mr. KIM. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank my good friend, the gentleman from Ohio [Mr. TRAFICANT], for his kind words.

Mr. Speaker, it is a great pleasure and actually an honor for me to be here presenting this bill to the House of Representatives on behalf of one of my constituents, Dr. J. Roy Rowland.

Dr. Rowland was very instrumental, while in Washington, on health care issues and one of the most, I think, outstanding examples of bipartisanship that I know of in this Congress in recent years. In 1993 and 1994, in the 103d Congress, he put together a coalition of five Republicans and five Democrats to try to help solve some of the serious problems that we have in this country with health care. It was later known as the Rowland-Democrat-Bilirakis-Republican health care bill and it sort of set the stage for how we work together with our colleagues.

Dr. Rowland is a good man. Dr. Rowland is a great American, and I am so very pleased that we are today in the process of renaming the U.S. Federal courthouse in Dublin, GA, after him as a token of all of our esteem here and as a token of the esteem that his constituents back in Georgia still hold him. This is a great pleasure and I hope all Members, and I know they will, because he made friends readily on both sides of the aisle, I hope all of our friends will vote for him today.

Mr. BILIRAKIS. Mr. Speaker, I rise today to join my colleagues in supporting H.R. 1484, legislation to rename the Federal courthouse in Dublin, GA, after former Congressman Roy Rowland.

Roy graduated from the Medical College of Georgia, and for many years, he was the only family physician in the entire Congress. He willingly shared his experience and medical knowledge with his colleagues on numerous occasions.

Many times, when health care legislation was debated by the then House Energy and Commerce Committee, Roy's opinions and suggestions were sought out. My colleagues on both sides of the aisle always found them invaluable.

I had the good fortune to work closely with Roy on health care reform. We both served on the House Energy and Commerce Committee and the Veterans Committee. In addition, we served as cochairman of the Congressional Sunbelt Caucus on infant mortality.

In my opinion, our greatest legislative accomplishment together was drafting two separate and completely bipartisan health care bills in the 103d Congress. H.R. 3955, the Health Reform Consensus Act, was the first comprehensive health bill introduced in the Congress that was truly bipartisan. I believe that Roy's medical background provided this bill with crucial credibility among our House colleagues.

As a leader in the House rural health care coalition, Roy assisted in drafting a wide range of bills to improve the delivery of rural health care that later became law. He also authored legislation creating the National AIDS Commission to establish better coordination among programs associated with this disease. Finally, while serving as the vice chairman of the National Commission to Prevent Infant Mortality, he cosponsored several measures to provide prenatal and child health care services to high-risk mothers.

Roy proved himself in other legislative areas as well. For instance, he was actively involved in environmental issues, and, in fact, he served on the joint conference committee that authored the 1990 Clean Air Act. He also played a key role in the 1987 Clean Water Act and served as a House conferee when the final version of this legislation was debated by a House-Senate conference committee. In addition, he served as one of the leaders in promoting the proposed balanced-budget amendment to the Constitution.

With regard to veterans, Roy served as the chairman of the then House Veterans' Hospitals and Health Care Subcommittee. He was a leader in fighting for improvements in the veterans' health care system and cosponsored several legislative measures to assist our veterans.

These are just some of the highlights that Roy accomplished as a Member of the House of Representatives. His talents and unique insights are missed, especially as Congress considers improving our health care system. I commend Roy for his tireless efforts and strongly urge my colleagues to support H.R. 1484.

Mr. TRAFICANT. Mr. Speaker, I am very supportive of this bill. I urge all for an ''aye'' vote.

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

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

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the

motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1484, as amended.

The question was taken.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DAVID W. DYER FEDERAL COURTHOUSE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1479) to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the ''David W. Dyer Federal Courthouse,'' as amended.

The Clerk read as follows:

H.R. 1479

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, shall be known and designated as the ''David W. Dyer Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''David W. Dyer Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT], each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

House Resolution 1479, as amended, designates the Federal building and U.S. courthouse in Miami, Florida as the David W. Dyer Federal Building and U.S. Courthouse. Judge Dyer served on the Federal bench for more than 30 years, establishing himself as one of the most revered jurists in the State of Florida.

Born in Ohio, Judge Dyer attended Ohio State University and received his law degree in 1933 from Stetson University. He served in the U.S. Army during World War II, rising to the rank of major. Following the war, Judge Dyer returned to Florida where he established a law firm in Florida.

In 1961, President Kennedy appointed Judge Dyer to the U.S. District Court for the Southern District of Florida. He served as chief judge from 1962 to 1966, when President Johnson elevated him to the U.S. Court of Appeals for the Fifth Judicial Circuit. At the time the Fifth Circuit was primarily composed of the Southern States and quickly became a focal point for civil rights issues. Judge Dyer ruled judiciously on the challenges brought before the bench in the constitutional battle for racial equality.

The naming of this Federal complex is a fitting tribute to a dedicated public servant and distinguished jurist. I support the bill and urge my colleagues to support this bill.

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

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

Mr. Speaker, I join in support of H.R. 1479. I want to commend the sponsor of the bill, the gentleman from Florida [Mr. HASTINGS], for introducing this bill that will designate the Federal building and courthouse at 300 Northeast Avenue in Miami, FL, as the David W. Dyer United States Courthouse.

Judge Dyer is a native Ohioan. He was born in Columbus, OH, in 1910. We are proud of him, former Buckeye. After service in World War II, he began to practice law and, in 1961, was tapped by President Kennedy, who appointed him to the District Court for the Southern District of Florida.

In 1966, President Johnson appointed Judge Dyer to the U.S. Court of Appeals and, in 1977, Judge Dyer had assumed senior status. In Judge Dyer's 30 years of service to the people of Florida, he had participated in many notable cases.

In the early 1960's, he was on the three judge panel which reapportioned the entire State of Florida on the basis of the one-man, one-vote principle. That in itself will be a highlight of a career distinguished by so many great actions and commonsense decisions.

Judge Dyer is noted for his fairness, his diligence and personal commitment to equality under the law. I am very proud to support the bill offered by the gentleman from Florida [Mr. HASTINGS] and I am very proud to be a part of the designation and naming of this facility for Judge David W. Dyer, our beloved Buckeye.

Mr. SHAW. Mr. Speaker, I rise today in strong support of H.R. 1479, a bill designating the U.S. courthouse in Miami as the ''David W. Dyer Federal Building and United States Courthouse.''

Mr. Speaker, Judge David Dyer was a distinguished jurist in Florida for over 30 years. Judge Dyer was born in Ohio in 1910, and moved to Florida in the early 1930's to complete his third year of law school at Stetson University, my law school alma mater.

Judge Dyer was a Florida lawyer in private practice from 1933 until 1961, except for the time he served in the Army during World War II. In 1961, he was appointed to the Federal bench by President John F. Kennedy. Five years later, President Lyndon Johnson elevated Judge Dyer to the court of appeals. After a decade serving as an appellate court judge, Judge Dyer assumed senior status.

Mr. Speaker, during his long career on the bench, Judge Dyer wrote important legal opinions in a number of areas, but many legal scholars believe his greatest impact was in the arena of civil rights. When Judge Dyer was appointed to the Federal bench in 1961, Florida was still a State not fully desegregated. Thanks in part to Judge Dyer's foresight and courage to enforce the law and uphold the Constitution, racial discrimination sanctioned by the law was rooted out and eliminated in Florida.

It is fitting to honor Judge Dyer for his long and distinguished service by passage of this legislation. I urge all of my colleagues to support H.R. 1479.

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

Mr. TRAFICANT. Mr. Speaker, I urge an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the bill, H.R. 1479, as amended.

The question was taken.

Mr. KIM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bills just considered.

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

There was no objection.

MOTION OFFERED BY MR. ENSIGN

The SPEAKER pro tempore. For what purpose dose the gentleman from Nevada rise?

Mr. ENSIGN. Mr. Speaker, I have a motion at the desk.

RECESS

The SPEAKER pro tempore. Under clause 12 of rule I, the Chair declares the House in recess at this time subject to the call of the Chair, there being no business pending at this point.

Accordingly (at 1 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 5 o'clock and 2 minutes p.m.

MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the privileged motion.

The Clerk read as follows:

Mr. ENSIGN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 52, nays 359, answered ''present'' 1, not voting 21, as follows:

[Roll No. 532]

YEAS—52

Allen
Carson
Conyers
Coyne
DeGette
Dellums
Deutsch
Doggett
Ensign
Eshoo
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gephardt
Gibbons
Hastings (FL)
Hefner
Hinchey
Hoyer
Jackson (IL)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (RI)
LaFalce
Lantos
Lewis (GA)
Markey
Martinez
McCarthy (NY)
McDermott
McNulty
Millender-McDonald
Miller (CA)
Mink
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Serrano
Stark
Taylor (MS)
Torres
Weygand
Wise

NAYS—359

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—21

Andrews
Bonior
Bono
Borski
Brown (CA)
Capps
Cubin
Foglietta
Gonzalez
Granger
Herger
Hunter
Kanjorski
Kennedy (MA)
McIntosh
Mollohan
Payne
Pickett
Schiff
Schumer
Weldon (PA)

□ 1739

Messrs. SMITH of Oregon, BATEMAN, CHAMBLISS, ADAM SMITH of Washington, BARRETT of Nebraska, BARRETT of Wisconsin and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 278 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 278

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for debate purposes only.

MOTION TO ADJOURN

Mr. ENSIGN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ENSIGN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ENSIGN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to adjourn was rejected.

□ 1745

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. FROST. Mr. Speaker, I ask unanimous consent that time yielded to the following Members: The gentleman

from New Jersey [Mr. MENENDEZ], the gentleman from California [Mr. BECERRA], the gentlewoman from California [Ms. WATERS], the gentleman from California [Mr. CONDIT], the gentlewoman from Oregon [Ms. HOOLEY], the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from California [Mr. DOOLEY] and the gentlewoman from California [Ms. ROYBAL-ALLARD] for the purpose of noticing a question of privilege not count against the one-half hour yielded to me by the gentleman from New York [Mr. SOLOMON].

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

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER].

(Mr. ROHRABACHER asked and was given permission to proceed out of order.)

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ROHRABACHER. Mr. Speaker, pursuant to clause 1(c) of rule XXVIII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 2267. The form of the motion is as follows:

Mr. ROHRABACHER moved that the managers on the part of the House at the conference on the disagreeing of votes of the House and the Senate on H.R. 2267, Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act for fiscal year 1998, be instructed to insist on the House's disagreement with section 111 of the Senate amendment which provides for a permanent extension of section 245(i) of the Immigration and Nationalities Act.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, House Resolution 278 waives all points of order against the conference report accompanying H.R. 1119 and that is the fiscal 1998 defense authorization bill, the most important bill to come before this body in any given year. The rule also provides that the conference report be considered as read. This is, of course, the traditional type of rule for consideration of conference reports and will allow expedited consideration of this very vital piece of legislation.

Mr. Speaker, the annual defense authorization bill is without question the most important bill we will consider this year. In doing our business, that sometimes seems routine, we should never lose sight of the fact that the number one duty of the Federal Government is the protection of national security, and that is exactly what this conference report is all about.

Mr. Speaker, as usual, the gentleman from South Carolina [Mr. SPENCE] and the ranking member, the gentleman from California [Mr. DELLUMS] and their staffs have done outstanding work. I commend them and urge support for the rule so that they can get on with the business of the day.

Mr. Speaker, it is absolutely imperative that this bill contain adequate funding for the young men and women in uniform who are right now out in the field standing vigilant on behalf of all Americans in Bosnia, in South Korea and other parts of the world. Mr. Speaker, it is imperative that this bill set out policies which are consistent with and seek to maintain the unique warrior culture of the military. For without that, we cannot win wars and that is what militaries are for. No matter whether some Members like that or not. Some Members seem to have forgotten about that in recent years.

Mr. Speaker, to the best extent possible, this bill does all of that. At $268 billion plus, the bill adds nearly 3 billion to President's Clinton's wholly inadequate request. The bill adds 3.6 billion to the President's request for procurement alone, and $570 million for research and development over and above the President's request, and that is so very, very important because if we are going to put young men and women in uniform in harm's way, we had better put them there with the best that money can buy and research and development can obtain. These accounts contain adequate funding for the weapons systems of tomorrow such as the F–22 stealth fighter, the Marine Corps V–22 troop carrier, which is vital to the kind of rapid deployment war that we will fight in the future, and the next generation of aircraft carriers and submarines as well.

These accounts also contain funding to bring us one step closer to developing and deploying defenses against ballistic missiles, something for which Members will be grateful some day.

This conference report also contains a 2.8 percent pay raise for our military and it adds significant funding increases for barracks, for family housing, for child care centers. And, Mr. Speaker, Members should remember that years ago, when I served in the military in the United States Marine Corps, 80 percent of us were single. Today the vast majority of military personnel are married. They have families. It is absolutely imperative that they have barracks, they have family housing, and that they have child care centers so that we can expect to attract the best cross-section of America that we can.

Despite all these excellent provisions in this bill, Mr. Speaker, let me again go on record, we continue to provide inadequate, yes, inadequate funds for this Nation's defenses. This bill will represent the 13th straight year of inflation-adjusted cuts in the budget. No other large account in the Federal budget has been cut so much as the defense budget.

Our military is vastly smaller and older than just 6 years ago when we had to deploy troops in a place called the Persian Gulf. Most experts agree today that such a mission would simply be impossible if we tried to undertake it.

Of course, this is not the fault of the Committee on National Security. They have operated under severe constraints. It is also not the fault of the House Committee on National Security that this Congress, and I want everybody to listen to this, this Congress has failed to stop Communist China from securing a beachhead in this country in Long Beach, California. Members all better wake up and pay attention to that.

The House version of this bill contained a provision that would have barred the lease of the Long Beach Naval Base to Communist China's intelligence-gathering shipping company named COSCO.

But at the intense insistence of a Democrat Member of the other body, the provision has been watered down with a Presidential waiver, and we all know that President Clinton will use that waiver.

Mr. Speaker, this is a scandal of huge proportions. This Communist Government which tried to buy the 1996 election in this country may now be handed an intelligence-gathering facility on American shores. I never heard of such a thing and never believed it could happen in this Congress. What have we come to?

A bitterly ironic part of this story, Mr. Speaker, is that private groups in California may yet succeed in denying COSCO this lease through a court injunction. According to press reports, the City of Long Beach is now looking for other tenants. Is it not something that the city of Long Beach may bail us out, we, the Congress? Think about it.

Private citizens can block Communist China from securing a beachhead on American soil on environmental and historical grounds, but this United States Congress cannot stop China on national security grounds. It is truly a disgrace.

Mr. Speaker, because of one or perhaps a few Members of the other body, this Congress has been disgraced. I resent it.

Despite all this, I nonetheless urge support of the rule and this conference report today. It is vital legislation, and it is simply the best we can do at this juncture. And once again, I would commend the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] and the Committee on National Security and their staffs for their excellent work on this bill.

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

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

Mr. Speaker, I rise in support of this rule and the conference report on the

Department of Defense authorization for fiscal year 1998. This conference report provides funds essential to sustain force readiness, for the critical weapons systems and equipment that will ensure the continued superiority of the U.S. military, and for increases in pay and allowances and for other necessary quality of life improvements our men and women in uniform and for their families.

In short, Mr. Speaker, this conference report authorizes the programs that make up our military strength today and which will ensure that our forces remain second to none in the 21st Century.

Mr. Speaker, the conference agreement does take a forward look on the needs of our military in the new century. First and foremost, the conference agreement contains a 2.8 percent pay increase for the military and provides for funding for construction and improvement of troop and family housing. The agreement also contains a consolidation of housing allowances, stabilizes service members' pay for those times when service members participate in training exercises or are on deployment, and provides increases in the family separation allowance and hazardous duty incentive pay. These are all important matters that increase moral and will hopefully help retain the valuable services of men and women who serve this country in uniform.

The agreement provides funding for the acquisition of seven V–22 Osprey tiltrotor aircraft. The V–22 is designed to replace the Marine Corps' aging fleets of CH–46 helicopters and will transport Marines and their equipment into combat. The conference report provides $2.1 billion for continued research and development and $74.9 million for advanced procurement for the F–22 Raptor. The F–22 is the next generation air superiority fighter which is yet another system in the overall arsenal of the U.S. military which will take us into the new century in a position of power.

Mr. Speaker, the conferees have authorized $331 million for long lead time related to the procurement of additional B–2's, or for modification and repair of the existing B–2 fleet, should the President certify Congress that additional aircraft are not needed by the Air Force. An important part of the conference agreement relating to the B–2 fleet is the requirement that the Secretary of Defense ensure that all necessary actions are taken to preserve the option to build more B–2 bombers until the panel on long-range air power, established by the fiscal year 1998 Defense Appropriations Act submits its report to Congress. I am gratified that this language will ensure that all of our options remain open while the issue of our long-range air power needs is studied.

In sum, Mr. Speaker, this is a good conference report that deserves the support of every Member of the House. I commend this rule providing for its consideration and urge its adoption in order that the House may proceed to the consideration of the conference report.

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

Mr. Speaker, pursuant to the order of the House, I defer to the Members named in the unanimous consent agreement to give notice to the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey [Mr. MENENDEZ].

(Mr. MENENDEZ asked and was given permission to proceed out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the allegations made by Mr. Robert Dornan have been found to be largely without merit, including his charges of improper voting from a business, rather than a residential address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that those accused of voting from the same address included a Marines barracks and the domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals; and that those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United states that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the privacy rights of United States citizens have been violated by the Committee's improper use of those INS records;

Whereas the INS itself has questioned the validity and accuracy of the Committee's use of INS documents;

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and have all the information they need regarding who voted in the 46th District and all the information they need to make a judgment concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to produce or present any credible evidence sufficient to change the outcome of the election of Congresswoman Sanchez and is now, in place of producing such credible evidence, pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has after nearly 1 year not shown or provided any credible evidence sufficient to demonstrate that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

□ 1800

The SPEAKER pro tempore (Mr. SNOWBARGER). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New Jersey [Mr. MENENDEZ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MENENDEZ. Am I to understand the Speaker to say that by Thursday of this week that this resolution would be brought to the floor?

The SPEAKER pro tempore. The Speaker will inform the gentleman of the scheduling within that time.

Mr. MENENDEZ. Further parliamentary inquiry, is it my understanding that it can be no later than Thursday of this week, Mr. Speaker?

The SPEAKER pro tempore. That is correct.

Mr. MENENDEZ. And further parliamentary inquiry. What notice will the Member receive that the resolution will be forthcoming?

The SPEAKER pro tempore. The leadership will give timely notice to the gentleman.

(Mr. BECERRA asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BECERRA. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. BECERRA] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Ms. NORTON asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. NORTON. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez has been duly elected to represent the 46th District of California; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that going from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will be inserted in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from the District of Columbia [Ms. NORTON] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Mr. CONDIT asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. CONDIT. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26th, 1977 in Washington, D.C. on April 19th, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the Committee on the House Oversight has issued unprecedented

subpeoneas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursing never ending and unsubstantiated areas or review; and

Whereas, the Committee on the House Oversight should complete its review of this matter and bring the matter forward for the House of Representatives to vote upon: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. CONDIT] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(Ms. ROYBAL-ALLARD asked and was given permission to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. ROYBAL-ALLARD. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, there, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly notice.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. ROYBAL-ALLARD] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1815

(By unanimous consent, Ms. HOOLEY of Oregon was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. HOOLEY of Oregon. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as a duly elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C., and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning these votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Oregon [Ms. HOOLEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(By unanimous consent, Ms. WATERS was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. WATERS. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, a contested election contest has been pending between Congresswoman Loretta Sanchez and Mr. Robert Dornan since December 26, 1997; and

Whereas the Task Force on the Contested Election in the 46th District of California has only met on February 26, 1997 and October 24, 1997 in Washington, D.C., and on April 19, 1997 in Orange County, California; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business rather than a residence address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. WATERS] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

(By unanimous consent, Mr. DOOLEY of California was allowed to speak out of order.)

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. DOOLEY of California. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only three times; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were the legal residences of the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over 5 months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgment concerning those votes; and

Whereas the Committee on House Oversight has after over 9 months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous announcement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior announcement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. DOOLEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. SOLOMON. Mr. Speaker, I yield 6 minutes to the gentleman from Westerville, Ohio [Mr. KASICH], who a number of years ago came to this body. He has since proven himself to be one

of the most respected and distinguished Members. As a matter of fact, I can only recall disagreeing with him one time. It was on a little airplane, but beyond that, he has always been right.

Mr. KASICH. A little airplane that cost $2 billion apiece, but nevertheless.

Mr. Speaker, I am very disappointed the conferees did not reflect the clear will of the House in the conference report's provision dealing with Bosnia. The mission of the U.S. Armed Forces in Bosnia has been characterized by a failure to define achievable objectives, a unilateral shifting of deadlines and a refusal on the part of the administration to clearly explain its goals either to Congress or to the public at large. If the American people are to have any confidence in our national security policy, that policy must be honestly and forthrightly presented to them.

I am troubled by the unclear focus of the mission and the apparent lack of an exit strategy. The underlying premise of the original mission was to separate the warring parties, then turn the peacekeeping role over to our European allies within one year.

In November of 1995, in his address to the Nation regarding our proposed commitment of forces to Bosnia, President Clinton said that our participation should last about one year. However, in November of 1996, the President announced that our military presence in Bosnia would be extended for another 18 months, until June 30 of 1998.

Secretary of Defense Cohen has emphatically stated his understanding that U.S. forces would be withdrawn by the end of June of 1998. However, on September 23 of this year, National Security Adviser Berger cast serious doubt on this second deadline.

It was against this background on June 24, 1997, that the House voted in overwhelming numbers to prohibit funding for U.S. ground forces in Bosnia after June of 1998. This strong show of support for setting a date certain for withdrawal came just after the House rejected an amendment to withdraw our forces by December 31, 1997. Together, these votes demonstrated the consensus in the House that we should wrap up our Bosnia deployment.

The conferees' decision to abandon a firm withdrawal date in favor of language merely requiring presidential certifications for the Bosnia mission to be extended for an indefinite period of time after June 30, 1998; in other words, there is no limit, we have accepted a much weaker position, not only weakens the House position but it offers further scope for yet another extension of the Bosnia mission.

It is a generally accepted premise that the President is the sole organ of the Federal Government in the field of international relations and that Congress generally accepts a broad scope for independent executive action in international affairs.

□ 1830

But Congress has long been concerned about U.S. military commitments and security arrangements that have been made by the President unilaterally, without the consent or full knowledge of Congress.

Throughout our Nation's history, prior Presidents have sought Congressional consent for extended deployments of the United States Armed Forces overseas, either through declarations of war or by acts of Congress authorizing specific deployment.

Article I of the Constitution grants Congress the sole authority to declare war. These powers were explicitly given to Congress in order to prevent the President, in his role as Commander in Chief, from using the Armed Forces for purposes that have not been approved of by Congress on behalf of the national security interests of the American people.

Nowhere in the Constitution is the President empowered to deploy U.S. Armed Forces for war or beyond our borders without the consent of Congress. It is generally agreed, however, that situations of imminent or immediate danger to American life or property may arise that would give the President the power to act without previous Congressional consent. But the extended deployment to Bosnia hardly qualifies for such unilateral action.

President Clinton, by ordering the deployment of our military into Bosnia without the consent of Congress, has assumed that the making of war is the prerogative of the executive branch. But the raising, maintenance, governance and regulation of the deployment and use of the Armed Forces of the United States is the prerogative of Congress.

Not only does the conferees' weakening of the House position undercut Congress' legitimate authority to work its will on a vital foreign policy matter that involves the commitment of substantial U.S. military forces, it comes precisely at a time when the international organization, the international force, is clearly drifting deeper into the quagmire in the Balkans, rather than preparing to disengage from it.

During the last three months, that force has become more and more entangled in efforts at nation building, a flawed objective as well as an inappropriate use of combat forces. For example, those troops are increasingly becoming involved in Serbian interparty politics, the takeover of police stations and the censorship of television broadcasts. These recent actions compromise our status as neutral peacekeepers and jeopardize the primary mission of separating the former belligerents. More important, they endanger American lives in much the same way as our poorly-thought-out policies in Somalia and Lebanon.

The administration has compounded the difficulty of a confused, evolving mission in Bosnia by the lack of a clear exit strategy. When Henry Shelton testified in the Senate during his confirmation hearing, General Shelton admitted he had not been informed about the exit strategy for Bosnia. It is likely that to the extent an exit strategy exists, it is so firmly tied to hazily defined future political events that there is always sufficient reason to leave U.S. troops in place.

Finally, our mission in Bosnia raises troubling questions about allied burden sharing. The bottom line on the burden sharing is this is in the vital interests of Europe, but is not really the vital direct interests of the United States, and it does not follow that U.S. ground troops must be tied up there for years. If the Europeans truly have the will to maintain peace in Bosnia, they will find a way, and the administration should press the Europeans to begin planning now.

Ladies and gentlemen of the House, if the President of the United States attempts to extend the mission in Bosnia beyond June of 1998, I will come to the House floor and do everything I can to work with the chairman of the Committee on Rules to end that deployment. This is a mission with no clear objective, no exit strategy, and no reasonable goal of accomplishing a mission. Frankly, it is difficult to know what the mission is because the administration has never defined it. This is a prescription for failure and a risking of the lives of U.S. men and women in Bosnia. The President should get us out.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume for the purposes of agreeing with the gentleman from Ohio [Mr. KASICH] and commending him for his statement.

Mr. Speaker, I am the vice president of the North Atlantic Assembly, the parliamentary arm of NATO. At a NATO meeting just 2 weeks ago, I informed our 15 other NATO allies that by June 1998, we will have been in Bosnia for 2½ years; that this was not going to turn into another Vietnam; that we were not going to continue to leave our troops there indefinitely at great expense to our military budget; and that the NATO allies had better begin to make plans to solve a European problem, a European problem being a civil strife within sovereign boundaries of a country, and that NATO should not be there trying to solve civil matters, trying to be peacemakers.

So I just wanted to commend the gentleman from Ohio [Mr. KASICH] for his statement. We will speak to this further. We have spoken to it twice already on the floor of this Congress, and we will speak to it again in the months to come, that those troops must come out of there no later than June 1998.

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

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. DELLUMS], the ranking member on the Committee on National Security.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, first, this is a very straightforward rule, one hour of debate on the conference report. I have no problem with the rule. Secondly, I would like to say to my distinguished colleague, the gentleman from Ohio [Mr. KASICH] that there is a different perspective and point of view on Bosnia. This obviously is not the time nor the place for us to engage in substantive debate on that matter.

With the balance of the time, Mr. Speaker, I would like to, for the purposes of colloquy, engage the distinguished gentleman from Colorado [Mr. HEFLEY].

There is considerable concern, I would like to say to my distinguished colleague from Colorado, at both the local level and the Federal level, that the environmental cleanup proposed by the Department of the Army for the Presidio in San Francisco will not meet the environmental health and safety criteria appropriate for a national park.

The Presidio, as you know, Mr. Speaker, is the only base closure to convert to national park use, and it is important for the Army to meet the cleanup levels set by the National Park Service.

I would encourage the committee to work with the gentlewoman from California [Ms. PELOSI] in urging the Department of the Army to expedite its environmental remediation efforts at the Presidio. This is a clear case where there should be an accelerated cleanup that meets the requirements of the national park to ensure the public health and safety of the millions of visitors there.

Mr. HEFLEY. Mr. Speaker, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, I share the concerns that my colleague has raised and will work with the committee, and with him, and with the gentlewoman from California [Ms. PELOSI] to ensure an appropriate cleanup for the Presidio.

We have this problem with a number of bases around the country, but I think this one has a unique factor connected with it. I think the gentleman from California [Mr. DELLUMS] has pointed out what that factor is, and that is that this is a national park. We want to move forward in creating this, and, if we are going to do this, we want it to be a good national park. We cannot do that without the cleanup.

I share the gentleman's concerns and will do everything I can to work with him and solve this problem.

Mr. DELLUMS. Mr. Speaker, reclaiming my time, I thank the gentleman for his thoughtful remarks and response. I would just like to further for the record make the following comment.

Significant philanthropic efforts are under way at the Presidio where sizeable pledges have been made to the National Park Service. In addition to the potential threat to philanthropic interests, it would be difficult for the Presidio Trust to meet its self-sufficiency requirements without a timely and thorough cleanup of the Presidio. Securing the leases necessary to generate revenues is essential to the success of the trust, and can only be accomplished if the cleanup is timely and thorough.

I would like to yield to the gentleman from Colorado for his final remarks.

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding further.

Mr. Speaker, the gentleman has raised very important concerns, ones which have also been voiced by the Committee on Appropriations in two of its measures. We will work together to resolve these questions to ensure the success of the Presidio.

Mr. DELLUMS. Mr. Speaker, reclaiming my time, I think this has been an important colloquy.

Mr. MOAKLEY. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. RODRIGUEZ], a member of the committee.

Mr. RODRIGUEZ. Mr. Speaker, I want to indicate that this is no compromise. It is like someone stealing your wallet and then offering only to return a few dollars. The bottom line is, this is not an appropriate agreement we can deal with.

The language in this bill prevents fair competition for Defense Department maintenance work. This means higher costs for U.S. taxpayers. I repeat, the depot language in this bill will cost the taxpayers money.

We just completed a competition for work done at Kelly Air Force Base. Warner–Robins Air Force Base in Georgia won the contract, at a savings of $190 million. The language in this bill would prevent us from seeing such savings in the future.

Without the ability to conduct a fair public-private competition, the Air Force and Defense Department will not be able to fund the modernization program needed for our military to remain superior. Whether one thinks we should be spending additional money or not for national defense, everyone should agree that we should use every dollar most effectively.

The language in this bill is to the contrary. It makes public-private competition next to impossible. Supporters of the language freely and proudly admit that it will make it too expensive and too restrictive for the private contractors to bid on depot work at San Antonio and Sacramento. The deck is stacked against free competition and against the U.S. taxpayer and military modernization.

It should come as no surprise that the most punitive restrictions fall on the competition workload at the closing depots in San Antonio and Sacramento. Private bidders must comply with arcane rules not imposed on the public bidders, so we do not have a level playing field.

The Depot Caucus believes this work should go to the depots, regardless of cost and regardless of what the Defense Department needs. They are protecting their home turf, and I respect that, but it is also bad policy, and this is not what we should be supporting. It puts our troops at a disadvantage.

The Secretary of Defense and his military commanders need the flexibility on the current law to modernize. To do so, they need to have the ability to take the best and most appropriate public or private bid.

Let us not tie the Pentagon's hands with a requirement on design, because, at the end, it is only to protect the existing bases that are there now. It will be at the expense of modernization and at the expense of readiness. A vote against the defense authorization bill is a vote for competition and for the future of our military readiness.

Mr. Speaker, there is also evidence in the newspapers by some individuals indicating that on the contracts that are out there, ''Contractors will have to include in their bids millions of dollars of costs that were previously required.'' I think this will make it unlikely that the contractor will even bid.

Mr. SOLOMON. Mr. Speaker, let me interrupt this debate to yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS] chairman of the Permanent Select Committee on Intelligence.

CONFERENCE REPORT ON S. 858, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS submitted the following conference report and statement on the Senate bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–350)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S.858), to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1998''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES
Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.
TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM
Sec. 201. Authorization of appropriations.
TITLE III—GENERAL PROVISIONS
Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Detail of intelligence community personnel.
Sec. 304. Extension of application of sanctions laws to intelligence activities.
Sec. 305. Sense of Congress on intelligence community contracting.
Sec. 306. Sense of Congress on receipt of classified information.
Sec. 307. Provision of information on certain violent crimes abroad to victims and victims' families.
Sec. 308. Annual reports on intelligence activities of the People's Republic of China.
Sec. 309. Standards for spelling of foreign names and places and for use of geographic coordinates.
Sec. 310. Review of studies on chemical weapons in the Persian Gulf during the Persian Gulf War.
Sec. 311. Amendments to Fair Credit Reporting Act.
TITLE IV—CENTRAL INTELLIGENCE AGENCY
Sec. 401. Multiyear leasing authority.
Sec. 402. Subpoena authority for the Inspector General of the Central Intelligence Agency.
Sec. 403. CIA central services program.
Sec. 404. Protection of CIA facilities.
Sec. 405. Administrative location of the Office of the Director of Central Intelligence.
TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES
Sec. 501. Authority to award academic degree of Bachelor of Science in Intelligence.
Sec. 502. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.
Sec. 503. Unauthorized use of name, initials, or seal of National Reconnaissance Office.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.
(11) The National Reconnaissance Office.
(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S.858 of the One Hundred Fifth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $121,580,000.

(2) AVAILABILITY OF CERTAIN FUNDS.—Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 283 full-time personnel as of September 30, 1998. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 1998 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 1998, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (as added by section 303 of this Act), during fiscal year 1998, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) LIMITATION.—Amounts available for the Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

''SEC. 113. (a) DETAIL.—(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

''(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed one year when the heads of the parent and host agencies determine that such extension is in the public interest.

''(b) BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which the employee is detailed.

''(c) ANNUAL REPORT.—Not later than March 1, 1999, and annually thereafter, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) during the 12-month period ending on the date of the report. The report shall set forth the number of personnel detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the details.''.

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking out the items relating to sections 120, 121, and 110 and inserting in lieu thereof the following:

''Sec. 110. National mission of National Imagery and Mapping Agency.
''Sec. 111. Collection tasking authority.
''Sec. 112. Restrictions on intelligence sharing with the United Nations.
''Sec. 113. Detail of intelligence community personnel—intelligence community assignment program.''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to an employee on detail on or after January 1, 1997.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking out ''January 6, 1998'' and inserting in lieu thereof ''January 6, 1999''.

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION.

It is the sense of Congress that Members of Congress have equal standing with officials of the Executive Branch to receive classified information so that Congress may carry out its oversight responsibilities under the Constitution.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the national interests of the United States to provide information regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad to the victims of such crimes, or the families of victims of such crimes if they are United States citizens; and

(2) the provision of such information is sufficiently important that the discharge of the responsibility for identifying and disseminating such information should be vested in a cabinet-level officer of the United States Government.

(b) RESPONSIBILITY.—The Secretary of State shall take appropriate actions to ensure that the United States Government takes all appropriate actions to—

(1) identify promptly information (including classified information) in the possession of the departments and agencies of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of United States citizens abroad; and

(2) subject to subsection (c), promptly make such information available to—

(A) the victims of such crimes; or

(B) when appropriate, the family members of the victims of such crimes if such family members are United States citizens.

(c) LIMITATIONS.—The Secretary shall work with the heads of appropriate departments and agencies of the United States Government in order to ensure that information relevant to a crime covered by subsection (b) is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available under that subsection unless such disclosure is specifically prohibited by law.

SEC. 308. ANNUAL REPORTS ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly and in consultation with the heads of other appropriate Federal agencies, including the National Security Agency and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to Congress a report on intelligence activities of the People's Republic of China directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation shall jointly transmit classified and unclassified versions of the report to the Speaker and Minority leader of the House of Representatives, the Majority and Minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

SEC. 309. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES.

(a) SURVEY OF CURRENT STANDARDS.—

(1) SURVEY.—The Director of Central Intelligence shall carry out a survey of current standards for the spelling of foreign names and places, and the use of geographic coordinates for such places, among the elements of the intelligence community.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Director shall submit to the congressional intelligence committees a report on the survey carried out under paragraph (1). The report shall be submitted in unclassified form, but may include a classified annex.

(b) GUIDELINES.—

(1) ISSUANCE.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidelines to ensure the use of uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places. The guidelines shall apply to all intelligence reports, intelligence products, and intelligence databases prepared and utilized by the elements of the intelligence community.

(2) BASIS.—The guidelines under paragraph (1) shall, to the maximum extent practicable, be based on current United States Government standards for the transliteration of foreign names, standards for foreign place names developed by the Board on Geographic Names, and a standard set of geographic coordinates.

(3) SUBMITTAL TO CONGRESS.—The Director shall submit a copy of the guidelines to the congressional intelligence committees.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 310. REVIEW OF STUDIES ON CHEMICAL WEAPONS IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR.

(a) REVIEW.—

(1) IN GENERAL.—Not later than May 31, 1998, the Inspector General of the Central Intelligence Agency shall complete a review of the studies conducted by the Federal Government regarding the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations during the Persian Gulf War.

(2) PURPOSE.—The purpose of the review is to identify any additional investigation or research that may be necessary—

(A) to determine fully and completely the extent of Central Intelligence Agency knowledge of the presence, use, or destruction of such weapons in that theater of operations during that war; and

(B) with respect to any other issue relating to the presence, use, or destruction of such weapons in that theater of operations during that war that the Inspector General considers appropriate.

(b) REPORT ON REVIEW.—

(1) REQUIREMENT.—Upon the completion of the review, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the results of the review. The report shall include such recommendations for additional investigations or research as the Inspector General considers appropriate.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 311. AMENDMENTS TO FAIR CREDIT REPORTING ACT.

(a) EXCEPTION TO CONSUMER DISCLOSURE REQUIREMENT.—Section 604(b) of the Fair Credit Reporting Act (15 U.S.C. 1681b(b)) (as amended by chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996) is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR NATIONAL SECURITY INVESTIGATIONS.—

''(A) IN GENERAL.—In the case of an agency or department of the United States Government which seeks to obtain and use a consumer report for employment purposes, paragraph (3) shall not apply to any adverse action by such agency or department which is based in part on such consumer report, if the head of such agency or department makes a written finding that—

''(i) the consumer report is relevant to a national security investigation of such agency or department;

''(ii) the investigation is within the jurisdiction of such agency or department;

''(iii) there is reason to believe that compliance with paragraph (3) will—

''(I) endanger the life or physical safety of any person;

''(II) result in flight from prosecution;

''(III) result in the destruction of, or tampering with, evidence relevant to the investigation;

''(IV) result in the intimidation of a potential witness relevant to the investigation;

''(V) result in the compromise of classified information; or

''(VI) otherwise seriously jeopardize or unduly delay the investigation or another official proceeding.

''(B) NOTIFICATION OF CONSUMER UPON CONCLUSION OF INVESTIGATION.—Upon the conclusion of a national security investigation described in subparagraph (A), or upon the determination that the exception under subparagraph (A) is no longer required for the reasons set forth in such subparagraph, the official exercising the authority in such subparagraph shall provide to the consumer who is the subject of the consumer report with regard to which such finding was made—

''(i) a copy of such consumer report with any classified information redacted as necessary;

''(ii) notice of any adverse action which is based, in part, on the consumer report; and

''(iii) the identification with reasonable specificity of the nature of the investigation for which the consumer report was sought.

''(C) DELEGATION BY HEAD OF AGENCY OR DEPARTMENT.—For purposes of subparagraphs (A) and (B), the head of any agency or department of the United States Government may delegate his or her authorities under this paragraph to an official of such agency or department who has personnel security responsibilities and is a member of the Senior Executive Service or equivalent civilian or military rank.

''(D) REPORT TO THE CONGRESS.—Not later than January 31 of each year, the head of each agency and department of the United States Government that exercised authority under this paragraph during the preceding year shall submit a report to the Congress on the number of times the department or agency exercised such authority during the year.

''(E) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

''(i) CLASSIFIED INFORMATION.—The term 'classified information' means information that is protected from unauthorized disclosure under Executive Order No. 12958 or successor orders.

''(ii) NATIONAL SECURITY INVESTIGATION.—The term 'national security investigation' means any official inquiry by an agency or department of the United States Government to determine the eligibility of a consumer to receive access or continued access to classified information or to determine whether classified information has been lost or compromised.''.

(b) RESALE OF CONSUMER REPORT TO A FEDERAL AGENCY OR DEPARTMENT.—Section 607(e) of the Fair Credit Reporting Act (12 U.S.C. 1681e(e)) (as amended by chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996) is amended by adding at the end the following new paragraph:

''(3) RESALE OF CONSUMER REPORT TO A FEDERAL AGENCY OR DEPARTMENT.—Notwithstanding paragraph (1) or (2), a person who procures a consumer report for purposes of reselling the report (or any information in the report) shall not disclose the identity of the end-user of the report under paragraph (1) or (2) if—

''(A) the end user is an agency or department of the United States Government which procures the report from the person for purposes of determining the eligibility of the consumer concerned to receive access or continued access to classified information (as defined in section 604(b)(4)(E)(i)); and

''(B) the agency or department certifies in writing to the person reselling the report that nondisclosure is necessary to protect classified information or the safety of persons employed by or contracting with, or undergoing investigation for work or contracting with the agency or department.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect as if such amendments had been included in chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 as of the date of the enactment of such Act.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

(a) IN GENERAL.—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended—

(1) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6), respectively;

(2) by inserting ''(a)'' after ''SEC. 5.'';

(3) in paragraph (5), as so redesignated, by striking out ''without regard'' and all that follows through ''; and'' and inserting in lieu thereof a semicolon;

(4) by striking out the period at the end of paragraph (6), as so redesignated, and inserting in lieu thereof ''; and'';

(5) by inserting after paragraph (6) the following new paragraph:

''(7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years.''; and

(6) by inserting at the end the following new subsection:

''(b)(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for—

''(A) the entire lease; or

''(B) the first 12 months of the lease and the Government's estimated termination liability.

''(2) In the case of any such lease entered into under subparagraph (B) of paragraph (1)—

''(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

''(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs with respect to such lease shall remain available until the costs associated with termination of such lease are paid;

''(C) funds available for termination liability shall remain available to satisfy rental obligations with respect to such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds are in excess of the amount of termination liability at the time of their use to satisfy such rental obligations; and

''(D) funds appropriated for a fiscal year may be used to make payments on such lease, for a maximum of 12 months, beginning any time during such fiscal year.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to multiyear leases entered into under section 5 of the Central Intelligence Agency Act of 1949, as so amended, on or after October 1, 1997.

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) AUTHORITY.—Subsection (e) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of Government agencies, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element or component of the Agency.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(E) Not later than January 31 and July 31 of each year, the Inspector General shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the Inspector General's exercise of authority under this paragraph during the preceding six months.''.

(b) LIMITATION ON AUTHORITY FOR PROTECTION OF NATIONAL SECURITY.—Subsection (b)(3) of that section is amended by inserting '', or from issuing any subpoena, after the Inspector General has decided to initiate, carry out, or complete such audit, inspection, or investigation or to issue such subpoena,'' after ''or investigation''.

SEC. 403. CIA CENTRAL SERVICES PROGRAM.

(a) AUTHORITY FOR PROGRAM.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''CENTRAL SERVICES PROGRAM

''SEC. 21. (a) IN GENERAL.—The Director may carry out a program under which elements of the Agency provide items and services on a reimbursable basis to other elements of the Agency and to other Government agencies. The Director shall carry out the program in accordance with the provisions of this section.

''(b) PARTICIPATION OF AGENCY ELEMENTS.—(1) In order to carry out the program, the Director shall—

''(A) designate the elements of the Agency that are to provide items or services under the program (in this section referred to as 'central service providers');

''(B) specify the items or services to be provided under the program by such providers; and

''(C) assign to such providers for purposes of the program such inventories, equipment, and other assets (including equipment on order) as the Director determines necessary to permit such providers to provide items or services under the program.

''(2) The designation of elements and the specification of items and services under paragraph (1) shall be subject to the approval of the Director of the Office of Management and Budget.

''(c) CENTRAL SERVICES WORKING CAPITAL FUND.—(1) There is established a fund to be known as the Central Services Working Capital Fund (in this section referred to as the 'Fund'). The purpose of the Fund is to provide sums for activities under the program.

''(2) There shall be deposited in the Fund the following:

''(A) Amounts appropriated to the Fund.

''(B) Amounts credited to the Fund from payments received by central service providers under subsection (e).

''(C) Fees imposed and collected under subsection (f)(1).

''(D) Amounts collected in payment for loss or damage to equipment or other property of a central service provider as a result of activities under the program.

''(E) Such other amounts as the Director is authorized to deposit in or transfer to the Fund.

''(3) Amounts in the Fund shall be available, without fiscal year limitation, for the following purposes:

''(A) To pay the costs of providing items or services under the program.

''(B) To pay the costs of carrying out activities under subsection (f)(2).

''(d) LIMITATION ON AMOUNT OF ORDERS.—The total value of all orders for items or services to be provided under the program in any fiscal year may not exceed an amount specified in advance by the Director of the Office of Management and Budget.

''(e) PAYMENT FOR ITEMS AND SERVICES.—(1) A Government agency provided items or services under the program shall pay the central service provider concerned for such items or services an amount equal to the costs incurred by the provider in providing such items or services plus any fee imposed under subsection (f). In calculating such costs, the Director shall take into account personnel costs (including costs associated with salaries, annual leave, and workers' compensation), plant and equipment costs (including depreciation of plant and equipment), operation and maintenance expenses, amortized costs, and other expenses.

''(2) Payment for items or services under paragraph (1) may take the form of an advanced

payment by an agency from appropriations available to such agency for the procurement of such items or services.

''(f) FEES.—(1) The Director may permit a central service provider to impose and collect a fee with respect to the provision of an item or service under the program. The amount of the fee may not exceed an amount equal to four percent of the payment received by the provider for the item or service.

''(2)(A) Subject to subparagraph (B), the Director may obligate and expend amounts in the Fund that are attributable to the fees imposed and collected under paragraph (1) to acquire equipment or systems for, or to improve the equipment or systems of, elements of the Agency that are not designated for participation in the program in order to facilitate the designation of such elements for future participation in the program.

''(B) The Director may not expend amounts in the Fund for purposes specified in subparagraph (A) in fiscal year 1998, 1999, or 2000 unless the Director—

''(i) secures the prior approval of the Director of the Office of Management and Budget; and

''(ii) submits notice of the proposed expenditure to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

''(g) AUDIT.—(1) Not later than December 31 each year, the Inspector General of the Central Intelligence Agency shall conduct an audit of the activities under the program during the preceding fiscal year.

''(2) The Director of the Office of Management and Budget shall determine the form and content of annual audits under paragraph (1). Such audits shall include an itemized accounting of the items or services provided, the costs associated with the items or services provided, the payments and any fees received for the items or services provided, and the agencies provided items or services.

''(3) Not later than 30 days after the completion of an audit under paragraph (1), the Inspector General shall submit a copy of the audit to the following:

''(A) The Director of the Office of Management and Budget.

''(B) The Director of Central Intelligence.

''(C) The Permanent Select Committee on Intelligence of the House of Representatives.

''(D) The Select Committee on Intelligence of the Senate.

''(h) TERMINATION.—(1) The authority of the Director to carry out the program under this section shall terminate on March 31, 2000.

''(2) Subject to paragraph (3), the Director of Central Intelligence and the Director of the Office of Management and Budget, acting jointly—

''(A) may terminate the program under this section and the Fund at any time; and

''(B) upon such termination, shall provide for the disposition of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the program or the Fund.

''(3) The Director of Central Intelligence and the Director of the Office of Management and Budget may not undertake any action under paragraph (2) until 60 days after the date on which the Directors jointly submit notice of such action to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.''.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations in section 101, $2,000,000 shall be available for deposit in the Central Services Working Capital Fund established by section 21(c) of the Central Intelligence Agency Act of 1949, as added by subsection (a).

SEC. 404. PROTECTION OF CIA FACILITIES.

Subsection (a) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking out ''powers only within Agency installations,'' and all that follows through the end and inserting in lieu thereof the following: ''powers—

''(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound;

''(B) in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet;

''(C) within any other Agency installation and protected property; and

''(D) in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any installation or property referred to in subparagraph (C) and extending outward 500 feet.''; and

(3) by adding at the end the following new paragraphs:

''(2) The performance of functions and exercise of powers under subparagraph (B) or (D) of paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that the performance of such functions and exercise of such powers is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to Agency installations, property, or employees.

''(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency, or any other Federal police or Federal protective service.

''(4) The rules and regulations enforced by such personnel shall be the rules and regulations prescribed by the Director and shall only be applicable to the areas referred to in subparagraph (A) or (C) of paragraph (1).

''(5) Not later than December 1, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Central Intelligence Agency.''.

SEC. 405. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102(e) of the National Security Act of 1947 (50 U.S.C. 403(e)) is amended by adding at the end the following:

''(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE.

(a) AUTHORITY FOR NEW BACHELOR'S DEGREE.—Section 2161 of title 10, United States Code, is amended to read as follows:

''§2161. Joint Military Intelligence College: academic degrees

''Under regulations prescribed by the Secretary of Defense, the president of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer upon a graduate of the college who has fulfilled the requirements for the degree the following:

''(1) The degree of Master of Science of Strategic Intelligence (MSSI).

''(2) The degree of Bachelor of Science in Intelligence (BSI).''.

(b) CLERICAL AMENDMENT.—The item relating to that section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2161. Joint Military Intelligence College: academic degrees.''.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974) is amended by striking out ''for fiscal years 1996 and 1997'' and inserting in lieu thereof ''for fiscal years 1998 and 1999''.

SEC. 503. UNAUTHORIZED USE OF NAME, INITIALS, OR SEAL OF NATIONAL RECONNAISSANCE OFFICE.

(a) EXTENSION, REORGANIZATION, AND CONSOLIDATION OF AUTHORITIES.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

''§425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies

''(a) PROHIBITION.—Except with the written permission of both the Secretary of Defense and the Director of Central Intelligence, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary and the Director, any of the following (or any colorable imitation thereof):

''(1) The words 'Defense Intelligence Agency', the initials 'DIA', or the seal of the Defense Intelligence Agency.

''(2) The words 'National Reconnaissance Office', the initials 'NRO', or the seal of the National Reconnaissance Office.

''(3) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

''(4) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.''.

(b) TRANSFER OF ENFORCEMENT AUTHORITY.—Subsection (b) of section 202 of title 10, United States Code, is transferred to the end of section 425 of such title, as added by subsection (a), and is amended by inserting ''AUTHORITY TO ENJOIN VIOLATIONS.—'' after ''(b)''.

(c) REPEAL OF REORGANIZED PROVISIONS.—Sections 202 and 445 of title 10, United States Code, are repealed.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter II of chapter 8 of title 10, United States Code, is amended by striking out the item relating to section 202.

(2) The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

''424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency.

''425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies.''.

(3) The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by striking out the item relating to section 445.

And the House agree to the same.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

PORTER GOSS,
BILL YOUNG,
JERRY LEWIS,
BUD SHUSTER,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
CHARLES F. BASS,
JIM GIBBONS,
NORM DICKS,
JULIAN C. DIXON,
DAVID E. SKAGGS,
NANCY PELOSI,
JANE HARMAN,
IKE SKELTON,
SANFORD D. BISHOP,

From the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,

Managers on the Part of the House.

From the Select Committee on Intelligence:

RICHARD SHELBY,
JOHN H. CHAFEE,
DICK LUGAR,
MIKE DEWINE,
JON KYL,
JAMES INHOFE,
ORRIN HATCH,
PAT ROBERTS,
WAYNE ALLARD,
DANIEL COATS,
BOB KERREY,
JOHN GLENN,
RICHARD H. BRYAN,
BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK LAUTENBERG,
CARL LEVIN,

From the Committee on Armed Services:

STROM THURMAN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and the intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the Senate and the House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION FOR APPROPRIATIONS

Section 101 of the conference report lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1998. Section 101 is identical to section 101 of the Senate bill and section 101 of the House amendment.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Section 102 of the conference report makes clear that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and applicable personnel ceilings covered under this title for fiscal year 1998 are contained in a classified Schedule of Authorizations. The classified Schedule of Authorizations is incorporated into the Act by this section. The details of the Schedule are explained in the classified annex to this report. Section 102 is identical to section 102 of the Senate bill and section 102 of the House amendment.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS

Section 103 of the conference report authorizes the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, in fiscal year 1998 to authorize employment of civilian personnel in excess of the personnel ceilings applicable to the components of the Intelligence Community under section 102 by an amount not to exceed two percent of the total of the ceilings applicable under section 102. The Director of Central Intelligence may exercise this authority only when doing so is necessary to the performance of important intelligence functions. Any exercise of this authority must be reported to the two intelligence committees of the Congress.

The managers emphasize that the authority conferred by section 103 is not intended to permit the wholesale raising of personnel strength in any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees. The managers do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this bill. Section 103 is identical to section 103 of the Senate bill and section 103 of the House amendment.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT

Section 104 of the conference report authorizes appropriations for the Community Management Account of the Director of Central Intelligence and sets the personnel end-strength for the Intelligence Community Management Staff for fiscal year 1998.

Subsection (a) authorizes appropriations of $121,580,000 for fiscal year 1998 for the activities of the Community Management Account (CMA) of the Director of Central Intelligence. This amount includes funds identified for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program, which shall remain available until September 30, 1999.

Subsection (b) authorizes 283 full-time personnel for the Community Management Staff for fiscal year 1998 and provides that such personnel may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection (c) authorizes additional appropriations and personnel for the Community Management Account as specified in the classified Schedule of Authorizations.

Subsection (d) requires, except as provided in Section 303 of this Act, or for temporary situations of less than one year, that personnel from another element of the United States Government be detailed to an element of the Community Management Account on a reimbursable basis.

Subsection (e) authorizes $27,000,000 of the amount authorized in subsection (a) to be made available for the National Drug Intelligence Center (NDIC). This subsection is identical to subsection (e) in the House amendment. The Senate bill had no similar provision. The Senate recedes. The managers agree that continued funding of the NDIC from the NFIP deserves considerable study, and many remain concerned that the balance between law enforcement and national security equities in the NDIC's operations is skewed in favor of the law enforcement community. This is due, in part, to placement of the NDIC within the Department of Justice.

The managers urge the President to carefully examine this problem and report to the Committees before April 1, 1998. This examination should be undertaken and reported as a part of the National Counter-Narcotics Architecture Review currently being prepared by the Office of National Drug Control Policy. The report should describe current and proposed efforts to structure the NDIC to effectively coordinate and consolidate strategic drug intelligence from national security and law enforcement agencies. It should also describe what steps have been taken to ensure that the relevant national security and law enforcement agencies are providing the NDIC with access to data needed to accomplish this task. The managers agree that upon receipt of this report the intelligence committees will reconsider whether it is appropriate to continue funding the NDIC as a part of the National Foreign Intelligence Program.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Section 201 is identical to section 201 of the House amendment and section 201 of the Senate bill.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW

Section 301 is identical to section 301 of the House amendment and section 301 of the Senate bill.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Section 302 is identical to section 302 of the House amendment and section 302 of the Senate bill.

SEC 303. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL

The managers strongly support the inauguration of the Intelligence Community Assignment Program (ICAP). This type of initiative is critical if the Intelligence Community is to prepare itself for future challenges that will require an ever increasing level of coordination and cooperation between the various elements of the community. Section 303 is similar to section 304 of the House amendment and section 303 of the Senate bill. The managers agreed to a provision that is nearly identical to that found in the House amendment. Section 303 of the conference report does not, however, terminate this authority on September 30, 2002.

SEC. 304. EXTENSION OF APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

Section 304 of the conference report extends until January 6, 1999 the authority granted by section 303 of the Intelligence Authorization Act of Fiscal Year 1996 for the President to stay the imposition of an economic, cultural, diplomatic, or other sanction or related action when the President determines and reports to Congress that to proceed without delay would seriously risk the compromise of an intelligence source or method, or an ongoing criminal investigation. Section 304 is similar to section 305 of

the House amendment and section 304 of the Senate bill. The Senate bill extended the deferral authority until January 6, 2001, whereas the House amendment extended the authority until January 6, 1999. The managers agreed to adopt the House amendment with minor technical changes.

SEC. 305. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING

Section 305 expresses the sense of the Congress that the Director of Central Intelligence should continue to direct elements of the Intelligence Community to award contracts in a manner that would maximize the procurement of products produced in the United States, when such action is compatible with the national security interests of the United States, consistent with operational and security concerns, and fiscally sound. A provision similar to section 305 has been included in previous intelligence authorization acts. Section 305 is similar in intent to sections 306 through 308 of the House amendment. The Senate bill had no similar provision.

SEC. 306. SENSE OF CONGRESS ON RECEIPT OF CLASSIFIED INFORMATION

Section 306 expresses the sense of the Congress that Members of Congress have equal standing with officials of the executive branch to receive classified information so that Congress may carry out its oversight responsibilities. The Senate bill contained a provision that directed the President to inform all employees of the executive branch, and employees of contractors carrying out duties under classified contracts, that the disclosure of classified information reasonably believed by the person to be evidence of a violation of law, regulation, or rule; false statement to Congress; gross mismanagement, waste of funds, abuse of authority; or a substantial and specific danger to public safety, is not contrary to law, executive order, regulation, or is otherwise not contrary to public policy. The Senate provision would have allowed disclosure of such information to any Member or staff member of a committee of Congress having oversight responsibility for the department, agency, or element of the Federal Government to which such information relates. The Senate bill would also have allowed disclosure of such classified information to the employee's own Representative. The House amendment had no similar provision.

The managers decided not to include section 306 of the Senate bill in the conference report. Such action should not, however, be interpreted as agreement with the Administration's position on whether it is constitutional for Congress to legislate on this subject matter. The managers' action also should not be further interpreted as agreement with the opinion of the Justice Department's Office of Legal Counsel, which explicitly stated that only the President may determine when executive branch employees may disclose classified information to Members of Congress. The managers assert that members of congressional committees have a need to know information, classified or otherwise, that directly relates to their responsibility to conduct vigorous and thorough oversight of the activities of the executive departments and agencies within their committees' jurisdiction.

While the managers recognize the Chief Executive's inherent constitutional authority to protect sensitive national security information, they do not agree that this authority may be asserted against Congress to withhold evidence of wrongdoing and thereby impede Congress in exercising its legislative oversight authority. Therefore, the managers committed to hold hearings on this issue and develop appropriate legislative solutions.

SEC. 307. PROVISION OF INFORMATION ON CERTAIN VIOLENT CRIMES ABROAD TO VICTIMS AND VICTIMS' FAMILIES

Section 307 directs the Secretary of State to ensure that the United States Government takes all appropriate actions to identify promptly all unclassified and classified information in the possession of the United States Government regarding the killing, abduction, torture, or other serious mistreatment of a U.S. citizen abroad. The provision further requires the Secretary of State to ensure that all information is promptly reviewed and, to the maximum extent practicable, without jeopardizing sensitive sources and methods or other vital national security interests, or without jeopardizing an on-going criminal investigation or proceeding, made available to the victim or victim's family if they are United States citizens, unless such a disclosure is specifically prohibited by law.

Section 307 is similar to section 307 of the Senate bill. The House amendment had no similar provision. The managers agreed to a provision that limits the release of information to U.S. citizens. The managers also exempted from disclosure information that may jeopardize an on-going criminal investigation or proceeding. Additionally, the managers acknowledged that there are certain statutes that specifically prohibit disclosure of certain types or categories of information and, therefore, added language that defers to those statutory prohibitions.

The managers recognized that the term ''information'' is very broad and may be interpreted to include all forms of information in the possession of the United States Government. The managers also recognized that the various agencies and departments of the United States Government may have in their possession non-official information that is readily available to the public via other means, e.g. press clippings. Therefore, the managers intend the term ''information'' to be construed to mean information that is not available to the victims or families unless provided to them by the United States Government.

SEC. 308. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA

Section 308 directs the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, in consultation with the heads of other appropriate Federal agencies, to prepare and transmit to Congress a report on the intelligence activities of the People's Republic of China directed against or affecting the interests of the United States. Section 308 is similar to section 309 of the House amendment. The Senate bill had no similar provision.

SEC. 309. STANDARDS FOR SPELLING OF FOREIGN NAMES AND PLACES AND FOR USE OF GEOGRAPHIC COORDINATES

Section 309 directs the Director of Central Intelligence to carry out a survey of current standards for the spelling of foreign names and places, and the geographic coordinates for such places. This provision further directs the Director of Central Intelligence to submit the results of the survey to the congressional intelligence committees and issue guidelines to ensure uniform spelling of foreign names and places and the uniform use of geographic coordinates for such places.

Section 309 is nearly identical to section 308 of the Senate bill. The House amendment had no similar provision.

SEC. 310. REVIEW OF STUDIES ON CHEMICAL WEAPONS IN THE PERSIAN GULF DURING THE PERSIAN GULF WAR

Section 310 directs the Inspector General (IG) of the Central Intelligence Agency to complete a review of the studies conducted by the Federal Government regarding the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations during the Persian Gulf War. This review is required to be completed not later than May 31, 1998. Section 310 is similar to section 310 of the House amendment. The Senate bill had no similar provision.

The managers were aware of at lest ten investigations or studies that were in various states of completion. The managers noted that the CIA IG is already in the final stages of two major projects related to chemical weapons and the Persian Gulf War. At the request of former Director of Central Intelligence Deutch, the IG is assessing allegations made by two former Agency employees regarding the CIA's handling of information concerning the possible exposure of United States personnel to chemical weapons. Additionally, in support of the Presidential Advisory Committee on Gulf War Veterans' Illnesses, the CIA IG is conducting a special assessment of the Agency's handling of information related to the Iraqi ammunition storage depot at Khamisiyah. Both of these studies are expected to be completed in October 1997. The remaining studies that relate to the possible exposure of United States forces to chemical weapons during the Persian Gulf War include the following:

1. The CIA's Persian Gulf War Illness Task Force published an unclassified report on Khamisiyah, ''An Historical Perspective on Related Intelligence,'' in April 1997. The Agency's Directorate of Intelligence published an unclassified ''Report on Intelligence Related to Gulf War Illnesses,'' in August 1996.

2. The Assistant to the Secretary of Defense for Intelligence Oversight is preparing a report on what information was available to the Department of Defense concerning Iraqi chemical weapons before and during the Gulf War, and what the Department did with that information.

3. The Inspector General to the Department of Defense has been tasked to investigate the disappearance of military logs related to chemical weapons alerts during the war.

4. The Inspector General of the Army is conducting a series of investigations relating to the possible exposure of U.S. troops to chemical weapons.

5. The augmented Persian Gulf Investigation Team, under the direction of the Office of the Special Assistant to the Secretary of Defense for Gulf War Illnesses, is continuing a broad inquiry into the Gulf War illness issue, including the role of chemical exposures.

6. The Presidential Advisory Committee on Gulf War Veterans' Illnesses is completing its work on answering questions from the President related to the Khamisiyah ammunition storage depot.

7. The Senate Veterans' Affairs Committee has hired a special investigator to look into Gulf War issues, and the House Veterans' Affairs Committee remains active on the issue.

8. The General Accounting Office published a report entitled ''Gulf War Illnesses: Improved Monitoring of Clinical Progress and Reexamination of Research Emphasis are Needed,'' in June 1997. The GAO is also preparing answers to questions posed by the House Veterans' Affairs Committee concerning DoD logs and possible chemical weapons exposure incidents.

Therefore, instead of requiring the IG to undertake another investigation that would essentially mirror ongoing efforts, the managers agreed to direct the IG to conduct a review that will identify whether any additional investigation or research is necessary to determine the extent of the Central Intelligence Agency's knowledge of the presence,

use, or destruction of chemical weapons and any other issue relating to the presence, use, or destruction of such weapons. The results of this review will allow the congressional intelligence committees to direct the appropriate authorities to conduct additional specific investigations without duplicating past efforts. The managers are very concerned about the handling of information relating to the presence, use, or destruction of chemical weapons in the Persian Gulf theater of operations; they remain committed to ensuring a thorough understanding of these matters.

SEC. 311 EXCEPTIONS TO CERTAIN FAIR CREDIT REPORTING REQUIREMENTS RELATING TO NATIONAL SECURITY INVESTIGATIONS

Section 311 amends the Fair Credit Reporting Act (FCRA) to allow for a limited exception to particular consumer disclosure requirements and exempts a reseller of a consumer report, under certain conditions, from disclosing the identity of an end-user of a consumer report as required by P.L. 104–208, Division A, Title II, Subtitle D, Chapter 1, §2403(b) and §2407(c), respectively. These provisions became effective on September 30, 1997. There was no similar provision to section 311 in the Senate bill or the House amendment. The managers received a letter from the Chairman of the House Committee on Banking and Financial Services supporting this provision. The content of the letter is as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING AND FINANCIAL SERVICES

Washington, DC, September 16, 1997.

Hon. Porter J. Goss,

Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to the proposed Fair Credit Reporting Act (FCRA) amendments to the Intelligence Authorization Act for Fiscal Year 1998. I appreciate your staff apprising the Banking Committee of these proposed provisions.

Amendments to the FCRA that were enacted in the 104th Congress and effective September 30, 1997, will require employers to give advance notice to employees prior to taking an adverse action based on an employee's consumer report. In addition, the laws requires sellers of consumer reports to disclose to consumers the end users of the reports. It is my understanding that the Central Intelligence Agency (CIA) and other intelligence representatives are concerned that these provisions could adversely impact the ability of U.S. government agencies involved in national security matters to conduct investigations of employees suspected of posing a security risk or counterintelligence risk. As a result, the intelligence community has proposed two changes to the FCRA which it would like included in the legislation during conference consideration of the bill. Enclosed is legislative language implementing these changes which has been vetted with the intelligence community and which I can support.

The first proposed change to the FCRA would provide a waiver for agencies engaged in national security matters from the requirement that an employee be notified prior to his/her employer taking an adverse action based on the employee's consumer report. The waiver would apply when a senior department head makes a written finding that credit information regarding an employee is relevant to a legitimate national security investigation and that advance notice would jeopardize the investigation and endanger personnel and classified information. The second proposed change to the FCRA would provide that resellers of consumer reports are not required to disclose the identity of the end user if the end user is a U.S. government agency which has requested the consumer report as part of a top secret security clearance process.

The FCRA falls under the jurisdiction of the Committee on Banking and Financial Services. In the interest of time, and based on Banking Committee staff discussions with Intelligence Committee staff and officials representing the intelligence community, the Banking Committee will not exercise its jurisdiction at this time over the proposed FCRA amendments. The Banking Committee does maintain, however, its jurisdiction over the FCRA and reserves the right to referral of all provisions related to the FCRA in the future.

Again, I appreciate your staff and officials from the intelligence community bringing these proposed FCRA changes to the attention of the Banking Committee. I believe that the attached changes to the FCRA, are reasonable and should be included in the Intelligence Authorization Act.

Sincerely,

JAMES A. LEACH,
Chairman.

CIA employees and most CIA contractors with staff-like access are required to have a Top Secret (TS) clearance with Sensitive Compartmented Information (SCI) access. National Security Directive 63 (NSD 63), requires all executive branch agencies to verify the financial status and credit habits of individuals considered for access to TS and SCI material. Consequently, the agencies obtain a consumer report for all applicants, employees, and contractors. Such applicants, employees, and contractors sign a written consent to release this information as a part of their application process or routine reinvestigation. This consent is attached to the Standard Form (SF) 86 (Questionnaire for National Security Positions).

In addition to the SF 86, Title 50, United States Code, section 435(a)(3) requires all individuals with access to classified information to consent to the release of financial background information during the period of such access. A section 435 release authorizes investigative agencies to obtain a wide variety of financial information. The release may only be used, however, when an individual is suspected of disclosing classified information to a foreign power, has excessive indebtedness or unexplained wealth, or, by virtue of his access to compromised classified information, is suspected of disclosing such information to a foreign power. Additionally, under Title 50, United States Code, section 436(b), the fact that a section 435 release has been executed by an investigative agency to obtain a consumer report may not be legally disclosed to the consumer or anyone other than representatives of the requesting agency. Therefore, the FCRA, as amended, would not require notification of the consumer when the consumer report is obtained under section 435.

The managers understand, however, that an agency or department may need to examine an employee's consumer report to make an early assessment of the employee's consumer spending habits. The need for early access to a consumer report arises in cases where there are indications that an employee presents security or counterintelligence concerns, but the threshold to execute a section 435 release has not been met. Under current law, a consumer report may be obtained in such cases without notifying the employee.

As of September 30, 1997, however, the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.), as amended by the ''Consumer Credit Reporting Reform Act of 1996,'' among other things, requires employers to notify individuals before an ''adverse action'' is taken based in whole or in part on a consumer report and provide the consumer with a copy of the report. ''Adverse action'' is defined very broadly by the FCRA, as amended. This presents a problem to agencies or departments conducting legitimate national security investigations because they may take ''adverse action'' based on information in a consumer report obtained outside of a section 435 release and will have to notify an employee in the earliest stages of an investigation that they have taken such action. Once alerted, the subject of the investigation who is in actual contact with a foreign intelligence service may cease, or more carefully conceal, contacts with foreign agents making it more difficult to detect actual espionage activity.

Section 311(a) provides a limited exception to the consumer notification requirement for legitimate national security investigations when certain factors are present. The managers are aware, however, of the abuses that prompted the enactment of the ''Consumer Credit Reporting Reform Act of 1996'' and are sensitive to the need for the consumer protections contained therein. Therefore, section 311(a) requires the head of the department or agency to make a written finding, to be maintained in the employee's personnel security file, as to such factors before an exception may be made. Further, an exception may be made only when adverse action is based in part on information obtained from a consumer report. An exception is not available for adverse action which is based in whole on such information. Also, upon the conclusion of an investigation or when the factors are no longer present, the head of the department or agency is required to provide a copy of the credit report and notice of any adverse action which is based in part on such report. The head of the department or agency will also have to identify the nature of the investigation to the consumer concerned. Additionally, the managers note that protections such as notice and opportunity to respond and correct information are already provided by the CIA to individuals for whom a security clearance has been denied or revoked. The managers also understand that all information obtained from a consumer report will be shared with an appellant contesting an adverse security decision. The CIA also provides the identity of the reporting agency so that an appellant may challenge the accuracy of the report directly with the reporting agency. The managers support these policies and urge their continuation.

The FCRA, as amended, will also require a reseller of a consumer report to disclose to the consumer reporting agency that originally furnishes the report the identity of the end-user of the report. Hence, the CIA will have to be identified as the end-user in the records of the source consumer reporting agency. Therefore, this new requirement will create significant security and safety concerns for CIA applicants, employees, and activities involving classified contracts because the data bases of consumer reporting agencies are not secure and are vulnerable to foreign intelligence services.

Section 311(b) provides an exemption to the end-user identification requirements of the FCRA, as amended. A department or agency that seeks an exemption under this provision must certify to the reseller that nondisclosure is necessary to protect classified information or the life or physical safety of an applicant, employee, or contractor with the agency or department.

The amendments is subsections (a) and (b) shall take effect as if such amendments had been included in chapter 1 of subtitle D of the Economic Growth and Regulatory Paperwork Reduction Act of 1996. The managers believe section 311 strikes a reasonable balance between the needs of the consumer and

the need to protect national security information.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY

Section 401 amends section 5 of the Central intelligence Agency Act of 1949 to provide clear statutory authority for the CIA to enter into multi-year leases of terms not to exceed 15 years. Section 401 is similar to section 401 of the Senate bill and nearly identical to section 401 of the House amendment.

The managers adopted this provision specifically without any reference to section 8 of the CIA Act of 1949. It is the CIA's position that section 8 authorizes the CIA to enter into covert multi-year leases. The managers agreed that if the reference to section 8 remained in section 401 of the conference report it would be tantamount to a statutory endorsement of the CIA's interpretation. The managers left that question open and agreed that the issue requires further analysis. Therefore, section 401 is not intended to modify or supersede any multi-year leasing authority granted to the Director of Central Intelligence under section 8, as presently construed. The managers also concurred with the reporting requirement contained in the Senate report for covert leases and request that the report be provided to both committees.

SEC. 402. SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY

Section 402 amends section 17(e) of the CIA Act of 1949 to provide the CIA Inspector General (IG) with authority to subpoena records and other documentary information necessary in the performance of functions assigned to the IG. Section 402 is identical to section 402 in the Senate bill. The House amendment had no similar provision.

The Inspectors General throughout the Federal Government are responsible for identifying corruption, waste, and fraud in their respective agencies or departments. All other statutory Inspectors General have subpoena authority to compel the production of records and documents during the course of their investigations. The CIA IG's enabling statute did not provide subpoena authority. The managers agreed that the CIA IG needed the same authority as other executive branch Inspectors General to adequately fulfill the CIA IG's statutory obligations.

SEC. 403. CENTRAL SERVICES PROGRAM

Section 403 establishes a ''Central Services Program'' and its necessary working capital fund at the CIA. Section 403 is similar to section 402 of the House amendment. The Senate bill had no similar provision. The managers welcome this initiative to make the administrative support services provided by the CIA more efficient and competitive.

SEC. 404. PROTECTION OF CIA FACILITIES

Section 404 authorizes the CIA security protective officers to exercise their law enforcement functions 500 feet beyond the confines of CIA facilities and also onto the Federal Highway Administration (FHWA) property immediately adjacent to the CIA Headquarters compound, subject to certain limitations. Section 404 is similar to section 403 of the House amendment. The Senate bill had no similar provision.

The managers recognized the growing threat of terrorist attacks and the particular attraction of CIA facilities as potential targets of such attacks. The managers were also sensitive, however, to the public's reaction to an unlimited grant of jurisdiction, considering that the 500 foot zone extends onto residential property in some areas. Therefore, the exercise of this new authority is expressly limited to only those circumstances where the CIA security protective officers can identify specific and articulable facts giving them reason to believe that the exercise of this authority is reasonable to protect against physical damage or injury, or threats of physical damage or injury, to CIA installations, property, or employees. This provision also expressly states that the rules and regulations prescribed by the Director of Central Intelligence for agency property and installations do not extend into the 500 foot area established by this provision. Thus, there will be no restrictions, for example, on the taking of photographs within the 500 foot zone.

The managers do not envision a general grant of police authority in the 500 foot zone, but do envision the CIA security protective officers functioning as federal police, for limited purposes, within the 500 foot zone with all attendant authorities, capabilities, immunities, and liabilities. The managers expect the Director of Central Intelligence to coordinate and establish Memoranda of Understanding with all federal, state, or local law enforcement agencies with which the CIA will exercise concurrent jurisdiction in the 500 foot zones. The Director of Central Intelligence shall submit such Memoranda of Understanding to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives. The Director of Central Intelligence is also expected to develop a training plan to familiarize the Agency's security protective officers with their new authorities and responsibilities. The Director of Central Intelligence shall submit such plan to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than 30 days after the enactment of this provision.

Section 404 also includes a reporting requirement so that the intelligence committees may closely scrutinize the exercise of this new authority.

SEC. 405. ADMINISTRATIVE LOCATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Section 405 is identical to section 303 of the House amendment and section 305 of the senate bill.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE

Section 501 is identical to section 501 of the House amendment and similar to section 501 of the Senate bill.

SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS

Section 502 is identical to section 502 of the Senate bill and section 503 of the House amendment.

SEC. 503. UNAUTHORIZED USE OF THE NAME, INITIALS, OR SEAL OF THE NATIONAL RECONNAISSANCE OFFICE

Section 503 prohibits the unauthorized use of the name, initials, or seal of the National Reconnaissance Office and consolidates all preexisting unauthorized use prohibitions for the Intelligence Community under one in section in subchapter I of chapter 21 of title 10, United States Code. Section 503 is similar to section 503 of the Senate bill and section 502 of the House amendment. The managers agreed to require the permission of both the Secretary of Defense and the Director of Central Intelligence before any person may use the name, initial, or seal of the National Reconnaissance Office, Defense Intelligence Agency, the National Imagery and Mapping Agency, or the Defense Mapping Agency in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity.

PROVISIONS NOT INCLUDED IN THE CONFERENCE REPORT

Sense of the Senate

Section 309 of the Senate bill expressed a sense of the Senate that any tax legislation enacted by Congress this year should meet a standard of fairness in its distributional impact on upper, middle, and lower income taxpayers. The House amendment has no similar provision. The Senate recedes.

Title VI—Miscellaneous Community Program Adjustments

Title VI of the House amendment contained eight sections. Sections 601 through 604, and 606 through 608 addressed various defense tactical intelligence and related activities. The managers are aware that the conference committee negotiating the National Defense Authorization Act for Fiscal Year 1998 is considering these same issues, and note that several of these provisions will likely be included in that conference report. Without waiving jurisdiction, the managers agreed not to include these provisions in the conference report.

Section 605 established new requirements relating to the Congressional Budget Justification Books (CBJBs). The managers understand that the Community Management Staff is currently revising the structure of the CBJBs and the material contained therein in an effort to make these documents more informative and responsive to congressional needs. The managers urge the Community Management Staff to continue to work with those committees that use the CBJBs to address the concerns raised by those committees regarding the content and structure of the CBJBs. In light of this on-going review, the managers agreed to defer legislative action pending the outcome of those discussions.

From the Permanent Select Committee on Intelligence, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

PORTER GOSS,
BILL YOUNG,
JERRY LEWIS,
BUD SHUSTER,
BILL MCCOLLUM,
MICHAEL N. CASTLE,
SHERWOOD BOEHLERT,
CHARLES F. BASS,
JIM GIBBONS,
NORM DICKS,
JULIAN C. DIXON,
DAVID E. SKAGGS,
NANCY PELOSI,
JANE HARMAN,
IKE SKELTON,
SANFORD D. BISHOP,

From the Committee on National Security, for consideration of defense tactical intelligence and related activities:

FLOYD SPENCE,
BOB STUMP,

Managers on the Part of the House.

From the Select Committee on Intelligence:

RICHARD SHELBY,
JOHN H. CHAFEE,
DICK LUGAR,
MIKE DEWINE,
JON KYL,
JAMES INHOFE,
ORRIN HATCH,
PAT ROBERTS,
WAYNE ALLARD,
DANIEL COATS,
BOB KERREY,
JOHN GLENN,
RICHARD H. BRYAN,

BOB GRAHAM,
JOHN F. KERRY,
MAX BAUCUS,
CHUCK ROBB,
FRANK LAUTENBERG,
CARL LEVIN,
From the Committee on Armed Services:
STROM THURMAN,
Managers on the Part of the Senate.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. FAZIO], the chairman of the Democratic Caucus.

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

Mr. Speaker, I rise today in strong opposition to the Defense Department authorization bill and the accompanying conference report. I implore my colleagues to join me in voting against that report.

Mr. Speaker, there are several reasons that this conference report is bad for the Nation. First and foremost, this bill severely restricts the public-private competitions that are to take place at McClellan Air Force Base in Sacramento and Kelly Air Force Base in San Antonio as mandated by the 1995 BRACC law.

□ 1845

McClellan and Kelly Air Force Base are closing and will be closed. But as McClellan closes, 15,000 jobs and the infrastructure that supports them will disappear from Sacramento's economy. This, by the way, is the third base closure we have had in four BRACC rounds.

I am here to implore Members to support the BRAC Commission, however, and its recommendation, and give DOD the flexibility to use competitions as a means to achieve lower costs and greater efficiencies. It has been shown that competitions save money for the American taxpayer.

Without, for example, the recent competition for the C–5 work load done at Kelly in the past, Warner-Robbins Air Logistic Center in Georgia would have used over $100 million in new military construction to build new buildings to handle the work load.

Instead, the contract was awarded on the basis of a public-private competition and Warner-Robbins won by coming up with a creative solution so their bid would be competitive. That public-private competition for the C–5 work load saved taxpayers hundreds of millions of dollars.

With the Federal budget being severely constrained for the next several years, it is critical we spend every defense dollar prudently. I am not asking DOD to just give the Sacramento work load to a private contractor. I am merely asking that the private contractors be given the opportunity to bid for the work on a level playing field, just as they did in the instance of that C–5 work.

The depot maintenance language currently in the DOD authorization report does not provide that level playing field. Instead, the language was crafted to give the public depots an overwhelming advantage. Sure, it lets the competitions go forward, but it puts so many restrictions on the competitions that it will be impossible for the private contractors to win.

In fact, recently the Sacramento Bee quoted an industry representative who said, in response to the language in this report we are voting on tonight, ''I can't conceive of a company that would bid for McClellan and Kelly under these circumstances.''

Not only is this so-called compromise language not a compromise, it was also negotiated in secret without the knowledge or input of several members of the authorization committee, including my good friend and colleague, the gentleman from Texas, Mr. CIRO RODRIGUEZ who just spoke. This was done in the dark of night by people who had an agenda. That was to make this floor think that it had compromised, when in fact they had wired the competition for an outcome.

The President has said over and over again that he would veto a defense authorization bill that would restrict the competitions at McClellan and Kelly. He has sent his advisers to talk to members of the committees about his commitment to vetoing this bill. In fact, I received a letter from Secretary Cohen just a month ago that reiterated that veto threat. It is obvious that the current language would severely restrict the competitions, and on that basis alone I believe the President will veto this bill. In fact, there is a letter this evening from the Director of the Office of Management and Budget which says the following: ''We need to ensure more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge, not to preserve excess infrastructure. The impact on the Department's costs and our Nation's military capacity would be profound if this report were adopted.''

He says parenthetically, ''The President's senior advisers would recommend that he veto the bill.'' There is no question, that will be the result if we continue down this path that we are on tonight. But in addition, the conference report includes new restrictions on supercomputer exports that will have a profound impact on the Nation's high-technology economy. Computer technology advances at such a rapid rate that the computers on many desks were once considered supercomputers. The U.S. computer industry leads the world in production and sales of high-powered computers, and that leading role will be harmed by the language in this report.

Please join me in opposing the defense authorization conference report, because it is bad for our national defense and bad for American taxpayers.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Farmington, Utah [Mr. HANSEN], who without question is one of the most respected Members of this House.

Mr. HANSEN. Mr. Speaker, I appreciate the gentleman yielding me the time.

Mr. Speaker, let me point out in regard to what has happened that we all know how BRACC went about it, the anguish we all felt as BRACC closed many bases, how tough it was, but we all went along with it. We knew the President had a few days in which he could look at it. He had two choices, yes or no. He could not change it.

No disrespect to our President, but he came up with a statement in this one, and said, I will get around this, and in effect tried to do that by privatization inplace.

Now, we have heard many things flying around here. Let me point out, we have only compromised this thing time after time after time. Seven times it has been voted on over here; seven times we won. It has been voted on in the Senate and it won there. Now the conference report is before us.

One of these charges is, the President will veto this. I think the Members should ask the gentleman from South Carolina, Chairman SPENCE if a veto message has been issued. I know of no veto message that has been issued; also, that the Pentagon was not part of it. Let me tell the Members, I can give them personal knowledge that the Pentagon was part of many of these compromises, and it has been watered down, and the idea that one of the Senators did not like the 60–40 rule, it went to 50–50. I think almost all of these charges we have just heard have been answered.

The charge that this is not fair competition, the House has overwhelmingly supported restoring integrity to the BRAC process by opposing subsidized privatization inplace. The compromise bill requires full and open competition on all noncore work loads. Anyone who reads this bill will see that it is free and fair competition.

Another charge on this floor, private bidders should not have to pay for Government assets. Closed bases represent hundreds of millions of dollars of Government assets owned by the American taxpayers. If a private sector company wants to bid on Government contracts, they need to account for this cost to the taxpayers.

Another charge: Depot maintenance provisions are more restrictive and require private work to be involved in-house. That is absolutely false. The bill changes the 60–40 to 50–50, even including a full accounting. I urge people to support this rule and support this conference report. It is fair, and if it does anything, it upholds flaw. It amazes me that any of my colleagues would argue to violate the law of the land.

Mr. MOAKLEY. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland [Mr. HOYER], former Speaker of the House of Representatives in the State of Maryland, and the present chairman of the steering committee.

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

Mr. HOYER. President of the Senate.

Mr. Speaker, I thank the distinguished chairman in exile of the Committee on Rules for recognizing my former status in which I had some authority. I have since lost that.

Mr. Speaker, this bill, in my opinion, recognizes the enormous contributions of our military personnel. It acknowledges the sacrifice and commitment required of those who choose to follow a career in our military services. This bill seeks to encourage their continued dedication and retention in several very important ways. Military pay and quality of life is protected by a 2.8-percent pay increase and emphasizes the importance of military housing, construction, and improvements. It provides for child development centers for our troops and their families. It provides $35 million to continue impact aid, important in my area and around the country.

Furthermore, Mr. Speaker, it provides our war fighters with the best possible equipment, $293.9 million in particular for R&D for the Navy's Super Hornet. This is an investment, Mr. Speaker, which keeps this critical program on track, reaching the fleet by 2001. The Super Hornet is proving to be one of DOD's most successful accusation programs.

Also, Mr. Speaker, the committee increased funding for the joint strike fighter. This will accelerate the program to meet Navy requirements and ensure our continued air superiority and pilot survivability.

In addition, Mr. Speaker, this bill addresses our national security interests. It emphasizes our concerns for the most appropriate use of our military forces in Bosnia. Unlike the House bill as it left here, this bill does not completely tie the hands of our President and the Joint Chiefs, in my opinion, inappropriately.

As we learned so painfully during the 4-year-long conflict in Bosnia, the aggressors are bullies and worse. Mr. Speaker, if we and our NATO allies are not willing to confront the bullies in Bosnia, the aggressors, and who I call bullies. In fact, in many respects many of them are war criminals. If we and our NATO allies are not willing to confront these criminals in Bosnia and lay the groundwork for long-term peace in that region, we will encourage the transgressions that have appeared in the past to reoccur and ensure that we will act again sometime, somewhere. That, Mr. Speaker, is the lesson of history. We must not forget.

I congratulate the conferees for including in this bill compromise language which will not hamstring the President or compromise our commitment.

Mr. BUYER. Mr. Speaker, will the gentleman yield?

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

Mr. BUYER. Just on the point on Bosnia, Mr. Speaker, part of the purpose I brought that legislation to the House floor is that I did not make up that day, that was the President's day. We sought to extend the time for him to fulfill that commitment.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the gentleman's observation. Whoever's date it was, I did not agree with it. I tell my friend, I think it is a very significant tactical error to tell your enemy, and in this case not our enemy but the aggressing parties and the parties in question, when you are going to take specific action. I think that is tactically a mistake. I did not agree with it, whether the President said it or we said it.

Mr. SOLOMON. Mr. Speaker I proudly yield such time as he may consume to the gentleman from Lincoln, Nebraska [Mr. BEREUTER], one of the most outstanding and respected Members of this body, sent to us 19 years ago next month by the people of Lincoln, Nebraska, and surrounding environs. He is still with us.

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

Mr. BEREUTER. Mr. Speaker, I thank the chairman of the committee for yielding time to me.

I rise in support of the rule, but I wish to speak now tonight as an outside conferee on the House Committee on International Relations assigned to this legislation on the issue of supercomputer exports and the regulations thereof.

This Member rises to express his serious concerns about the conference committee's proposed statute changes to our current supercomputer licensing process. Unfortunately, the jurisdiction of the Committee on International Relations on this subject was almost totally ignored.

The proposed statute changes have at least two fundamental flaws. First, they do not adequately recognize or take into account how quickly computer processing speeds become outdated. They, therefore, ensure that our regulatory framework for licensing supercomputers will always be chronically outdated relative to technological change.

Second and perhaps more importantly, these proposed changes force the U.S. Government and our export control enforcement personnel to focus too many resources and personnel on monitoring the export of not so super, relatively slow computers that are no longer either controllable or, for that matter, sufficiently threatening to our national security interests.

By requiring our export enforcement personnel to complete post-shipment verification on any 2000 MTOPS level of computer export, this legislation diverts precious resources away from monitoring high technology exports that are a serious threat to our national security. Requiring such a shotgun approach to export control makes it more likely that we could easily let serious technology diversion slip through our fingers that are real threats to our national security interest.

For these two critical reasons, this Member cannot support this aspect of the conference report. However, this Member would like to note that several changes to the proposed language in the conference report could make it acceptable. For example, simply linking the post-shipment verification requirements to administration-proposed changes in the MTOPS level of control would answer this Member's major concern that we could ultimately be wasting tremendous enforcement resources on monitoring computer exports that are no longer a threat to national security.

Such a change, if coupled with more reasonable short periods for approval of administration-requested changes in MTOPS control levels, would ensure that our export control regime would keep up with advances in computer technology.

Mr. Speaker, this Member certainly believes we must be very cautious to ensure that our high-technology exports are not available to those who threaten our national security interests. But we must be careful in a time of limited resources to recognize our limitations on our ability to control all potentially dangerous items. One of the best ways we can protect our national security is to first monitor and disclose those entities in foreign countries that represent a threat to our interests.

□ 1900

Then we can demand that U.S. exporters simply not export to those entities and, if necessary, initiate criminal proceedings against U.S. exporters if they fail to comply.

Mr. Speaker, I invite my colleagues to read the rest of my remarks in the RECORD.

This Member has insisted on such an approach to officials of the Bureau for Export Administration in the Department of Commerce. In part, because of this Member's insistence and that of the Chairman GILMAN that the Administration must be more proactive on this issue, the Administration has now identified end-users of concern in these countries and has agreed to update that list on a periodic basis.

In conclusion on this subject, Mr. Speaker, this Member is convinced that the House International Relations Committee was moving in the proper direction to remedy the unlawful sale of supercomputers to bad or dangerous end-users. Building on the Senate study initiative to determine exactly what level of computer technology should be controlled, we had expressed our intentions to compel the Administration to develop a comprehensive and efficient policy that places the appropriate high priority on protecting U.S. national security. Such a policy, however, cannot—without substantial costs—attempt to reimpose a ''one-size-fits-all'' licensing policy on computer technology that nearly all exports recognize is simply not permanently and completely controllable. Instead, such a policy should focus on identifying bad end-users and making certain

that such entities do not acquire any technology that is damaging our national security interests.

And lastly, on another subject, Mr. Speaker, this Member gratefully acknowledges and commends the support of Chairman SPENCE and the ranking member, Mr. DELLUMS, as well as the conferees for their support of this Member's language supporting the commitment to retain 100,000 U.S. military personnel in the Asia-Pacific region. This is an important symbolic message, reiterated at the initiative of Chairman SPENCE and this Member that the United States will remain militarily engaged in the Asia-Pacific region for the long term—specifically that we should not reduce our military and naval presence in the region.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON], the ranking member in waiting of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I would like to join the gentleman from Nebraska [Mr. BEREUTER], my friend, to say that this particular language on the computers not only will squander America's security resources on a product that is rapidly generally available, and is even today generally available, but it will be the attempt to control our laptop and desktop computers within a year or two. The computers that we will have on our desks by the year 2000, 2002, will be traveling at 1 or 2 MTOPS.

Beyond that, if my colleagues watch the news, what just happened? Two developments in computer technology, going to copper and having multiple levels of recognition in each cell, is going to change the speed at which new generations occur.

This is an industry where 18 months was a lifetime. If Members want us to stay out in front for our defense and economic needs, then we have to be able to market products as soon as they come up, if they do not threaten American national security.

Mr. Speaker, these products do not threaten our national security. We are soon going to have a shelf life of less than a year. If we put the process in this kind of manner, we are going to end up with computers that are outdated operating the American system. It is the same thing that was done in machine tools. My colleagues did it to machine tools. They stopped American companies from exporting them because they said it was national security. Now we buy our machine tools from Japan.

Mr. Speaker, I urge my colleagues, ''Do not do to the machine computer industry what you did to the machine tool industry.''

This is a very bad time to try to slow down the process of exports. The speed at which new generations and faster computers develop is going to be cut in half from 18 months to as little as 9 months. If we tie up the sale of these computers, we will only cripple America's future and thereby endanger its defense.

Mr. Speaker, I know the gentleman is well-intentioned, but the gentleman is causing mischief here that will hurt American national security.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Santa Clarita, CA [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I rise in support of the rule for the conference report to H.R. 1119, the National Defense Authorization Act.

Although it has taken a long time to get to this point, I want to encourage my colleagues to support this conference report.

Mr. Speaker, the Department of Defense needs this bill to be enacted so that it can implement reforms and manage its vast resources as effectively as possible.

This conference report funds important modernization and research initiatives that are vital to our Nation as our military continues to downsize. While I cannot say that I totally agree with all of the provisions contained in the report, I am supporting it because it reflects the hard work of our chairman and embodies the strong commitment for the defense of our Nation, given the parameters with which we had to work with the budget agreement with the President.

Mr. Speaker, I urge my colleagues to vote ''yes'' on the rule and the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, approximately 4,206 Army Reserve and National Guard members were deployed to Europe as a part of our second rotation for Operation Joint Guard. These brave men and women were caught in the middle of an administrative policy change concerning the payment of the shipment of their personal property. We thought this inequity would be taken care of in the conference report. It was not, because it was determined to be out of scope of the bill.

However, it received wide bipartisan support. I plan, therefore, to introduce a freestanding bill to facilitate reimbursing the 4,206 soldiers as quickly as possible.

Mr. Speaker, I urge all of my colleagues to join me in supporting this so that the families can have equity and we can support our National Guard and Reserve troops by sponsoring this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I listened carefully to the debate so far and I listened to the gentleman from New York [Mr. SOLOMON] talk about the fact that China has an opportunity to establish a beachhead on our shores. I knew, because the Democrats had told me in advance, that they would knock my provision out of the Defense authorization bill to provide more military troops to the border.

Mr. Speaker, I want the Democrats to listen to this. For 12 years they would not hold a hearing on the burden of proof in a civil tax case. The Republicans have just added it to the IRS reform bill. For 12 years they would not hold a hearing on military troops on our border. Here is what I would like to say to my Democrat colleagues. We will probably stay the minority the way we are doing business around here.

Mr. Speaker, young students aged 12 to 17 years old, the use of heroin is, quote-unquote, ''at historic levels.'' Experts tell us that the major point source for heroin and cocaine is coming across the Mexican border.

Our troops are guarding the borders in Bosnia and the Middle East. They were, in fact, administering rabies vaccinations to dogs in Haiti. There has been a recent earthquake in Italy, and our troops are literally building homes in Italy. And while the staff is laughing about it, we are saying we cannot bring it down by having our troops help to secure our borders.

Mr. Speaker, I am going to resubmit that bill with a couple of concerns the Republican Party has, and I am going to ask for some chairmen to sit down and look at the common sense. Our Nation is going to hell in a hand basket. Other than China, the biggest national security threat facing America is narcotics, and they are coming across the border and we have no program.

It is a joke. And, yes, I am admitting as a Democrat, the Democrats killed it. I am going to ask the Republicans to take a look at a national security initiative that this Nation needs. Maybe the majority party will once again realize what the Nation is looking for and needs.

The military does not want it. That is true. The military wants appropriations. I think it is time that the civilian government straightens out our borders and straightens out our Nation.

Mr. Speaker, let me tell my colleagues one last thing. The Drug Enforcement Administrator said that these new sophisticated organized criminal groups in Mexico make the Colombia group look like Boy Scouts.

So, yes, my Democrat colleagues killed it this time; we will resubmit it and maybe we will get some hearings on the Republican side so the Republicans could continue to stay in the majority. Beam me up. How dumb we are as a party.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Monticello, IN [Mr. BUYER], a veteran of the gulf war. The gentleman is doing an outstanding job as the chairman of our Subcommittee on Personnel for the Committee on Armed Services

Mr. BUYER. Mr. Speaker, I would ask everyone to support this rule. My concerns have been addressed not only in this bill, but I also appreciate the leadership of Chairman SOLOMON.

Mr. Speaker, many in this body know that I took on the issue of sexual misconduct in the U.S. military. This bill addresses a lot of those issues. In this bill it addresses a range of these issues that emerged during the Subcommittee

on Personnel's examination of sexual misconduct in the military.

The conference report provides for a review of the ability of the military criminal investigative services to investigate crimes of sexual misconduct and mandates a series of reforms to drill sergeant selection and training.

The bill also addresses my concerns with the loss of rigor and warrior spirit that is occurring in our basic training. This bill requires an independent congressional panel to assess reforms to military basic training, including a determination of the merits of gender-integrated and gender-segregated basic training as well as the method to attain the training objectives established by each of the services.

Mr. Speaker, we also have taken on the issues of military pay, increased housing allowances in high cost areas, retained the statutory floors on end strength and many other areas.

Mr. Speaker, this is a very good bill and I encourage all Members to support it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Speaker, I want to address the issue that the gentleman from Ohio [Mr. KASICH] brought up with regard to Bosnia. The reason that we are in Bosnia, there are two reasons. One is to save lives, and the second is American leadership.

Mr. Speaker, the fact that we did not get involved in Bosnia when we could, and I think we should have, trying to defer to Europe, ultimately resulted in the loss of a quarter of a million lives. We are in Bosnia to save lives. I think when we have the capability to do that, I think we have some moral responsibility to do so.

The second issue is one of American leadership. We have the capacity, the military capability, and I think the moral resolve to do the right thing throughout the world where we are needed. That is what this bill is all about. It is about sustaining America's global military leadership. That is why I support this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN].

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I rise in opposition to the rule and the conference report due to the inclusion in the bill of unnecessarily restrictive export controls on computer products.

Two years ago, the administration determined in an uncontested study that computers of at least 5,000 MTOPS, that is millions of theoretical operations per second, were currently widely available worldwide and that computers up to 7,000 MTOPS would be available the next year; that is, this year.

Based on that study, the current policy allows exports of computers between 2,000 and 7,000 MTOPS without a license for civilian end-use. The U.S. Government made this policy after the Department of Defense, the State Department, and the Commerce Department concluded it would not jeopardize national security.

However, Mr. Speaker, the conference report would repeal this sensible policy and try to limit exports of technology that has already been widely available for purchase abroad for over 3 years. Since competitive products are already available from our foreign competitors, such a policy would hurt U.S. computer companies without improving our national security in any way.

This year, U.S. sales of these computers to Tier III countries will total about $500 million. By 2000, this number is expected to grow to between $1.5 billion and $3 billion in a total worldwide market of $7 billion to $12 billion. That is why I believe that the U.S. Export Administration in their fax to me on Friday indicated, quote,

> The waiting periods in the bill are an affront to normal decisionmaking processes, are unnecessary, and make no technological sense,

Furthermore, the U.S. Export Administration fax to me, said:

> The requirement to conduct postshipment checks will become an extraordinary resource burden, is unadministrable, and is unnecessary.

Mr. Speaker, supporters of this amendment will invariably bring up anecdotal stories about inappropriate computer sales. Certainly we must prevent powerful computers from ending up in the wrong hands. Current U.S. law restricts such sales. We should absolutely discuss ways to improve communications between exporters and the agencies that track dummy civilian end-users.

However, restrictions on domestic exporters will not stop anyone from getting 7,000, or even greater, MTOPS computers because they are already available across the globe. Moreover, current law includes strong penalties for companies that sell to military users or sell restricted technologies. Several companies are currently under investigation under these laws. We do not need new legislation to maintain national security.

Violations of current laws can result in a 20-year prohibition on all exports, prison terms of up to 10 years, and fines of up to $50,000 per violation.

The Spence-Dellums amendment included in the conference report will add layers of bureaucratic impediments, and I would urge my colleagues to vote against the rule.

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Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Del Mar, California [Mr. CUNNINGHAM].

Many C–SPAN viewers will remember the movie ''Top Gun.'' The next speaker's military life was patterned after that movie. He is a fighter pilot from the Vietnam war.

Mr. CUNNINGHAM. Mr. Speaker, I feel like bottom gun tonight because I am upset with this bill.

First of all, in the light of Communist China trying to influence the White House and the DNC, the President gives $50 million to a coal-burning plant in China. Then he shuts down Idaho coal burning in the district of the gentleman from Utah [Mr. HANSEN]. Then he gives sweetheart deals to Lippo Bank with Trie, Riady, Huang and billions of dollars for Lippo Bank.

It is okay for China to take over a national security base now at Long Beach Naval Shipyard. One person shut down Kelly. One person shut down McClellan and Long Beach Naval Shipyard. That is the President of the United States in the BRACC process. Then he entered into a political deal during the political election to try and privatize those two bases.

COSCO, right after Hutchinson took over both ends of the Panama Canal, the President said, it is okay for a Communist-Chinese-run organization to take over a national security base at Long Beach. I do not mind if they are a tenant like they have been. But intel says that COSCO has currently, and in the past, been involved in espionage, in intelligence work for both the military and industry. They will ship in and ship out those issues.

COSCO, this is the same COSCO that rolled out the pier, knocked out the pier in New Orleans. This is the same COSCO shipping yard that took two boat loads of illegals off the shore of California. This is the same shipping company that shipped in chemical and biological weapons to Iran, Iraq, and Libya. This is the same COSCO that shipped in nuclear components to Libya, the same COSCO that shipped in AK–47s. This is the same group that the Chinese had said, when Taiwan was being shelled by China, do you prefer Los Angeles or do you want Taiwan?

Now, the President is going to allow them to take over a national security base in California, just south of Los Angeles? No. We cannot allow this to happen. The House gave in to the Senate position, Mr. Speaker. That is wrong. We ought to fight this. We should not let Communist Chinese take over our bases in this country. We ought to fight tooth, hook and nail to stop it. I fought, and they are going to take it over my dead body.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from San Diego, CA [Mr. HUNTER]. Back in 1980, a man I deeply admire came to this Capital. His name was Ronald Reagan. He was accompanied by the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my great friend on national security, the gentleman from New York [Mr. SOLOMON] for yielding me this time. Let me say a couple things about this bill.

First, we are on a downswing with respect to defense spending. The force structure that we have now has gone

down from 18 Army divisions that we had during Desert Storm to 10. We have gone down from 24 fighter airwings to only 13, roughly half the air power that we had. We have gone down from 546 naval vessels to 346. We are at what I would call the bottom of a dangerous downswing.

In this bill, we have tried to pull up the modernization levels a little bit and we have done that. We have not done it as much as we would like to. I think we have been too constrained by the budget. I think we are going to pay for that in later conflicts. But this bill is better than what we had before.

With respect to supercomputers, the gentleman from Connecticut [Mr. GEJDENSON] talked about this saying it was just totally off base. We have had about 80 supercomputer transactions in which the Chinese and the Russians have received American high performance supercomputers over the last couple of years. Right now we allow American companies to engage in a fiction. If they are told that the supercomputer is going to go to the Agriculture Department in China, they can ship it. If they are told it is going to go to the People's Liberation Army, the military complex, nuclear weapons complex, they cannot ship it. So the bad guys have caught on. They simply stamp ''agriculture'' on the invoices and our people ship it off to them.

All we did, this was a well-reasoned provision that the gentleman from California [Mr. DELLUMS], and the gentleman from South Carolina [Mr. SPENCE] put in this thing, almost unanimously supported by the committee. It simply says if you trust the Secretary of Defense and you want to make a supercomputer sale, show it to him. Let the Secretary of Defense look at your supercomputer sale and review it and make sure it is going to a benign use. It is not going to a nuclear weapons complex. It is not going to military use, and it is not going to accrue later to the detriment of our men and women in uniform. This is a well-thought-out provision. I would hope that Members would support this bill and nobody would vote against this bill because of the supercomputer provisions that are in it.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DELLUMS], the ranking member.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DELLUMS].

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from California [Mr. DELLUMS] is recognized for 3½ minutes.

Mr. DELLUMS. Mr. Speaker, I thank the gentlemen for their generosity.

Mr. Speaker, as far as this gentleman is concerned, there has been a great deal of hyperbole around the issue of high performance computer export policy. Let us state, first of all, the facts. What is the current policy?

All computers of performance above 2,000 million theoretical operations per second, known as MTOPS, that are exported to so-called Tier III countries must have a license. All transactions must have a license unless the sale is to a so-called civilian end user for civilian end use and the performance level is below 7,000 MTOPS.

Now, what is the legislative change that we propose? That the U.S. Government must review civilian end users, civilian end use exports between 2,000 and 7,000 MTOPS in Tier III countries.

The review by the Secretary of Defense, Commerce, Energy, State and the Director of the Arms Control and Disarmament Agency must be conducted within 10 days.

Mr. Speaker, 10 days is reasonable. So people who want to sell computers cannot stop for 10 days to allow the government to look at the efficacy of the transaction. Ten days. We are the government. We have some responsibility here.

I have spent 27 years of my life as an arms control person here. I will not be rolled by hyperbole that does not address the reality of what it is we are trying to do here.

Lack of any objection authorizes export. So if you look for 10 days, there is nothing there, the export goes. Objection by any of the five requires a license review. That protects us as a government for a variety of reasons.

Now, let me tell my colleagues the second significant piece. One argument is, this is an industry that moves fast and 7,000 MTOPS may be obsolete tomorrow, whatever. This bill allows the President to change the performance threshold and that change will go into effect after a 10-day period of congressional review, allowing us to do our job.

Mr. Speaker, I argued during the context of the debate that whatever level Members want to raise the MTOPS, raise them. If we want to make them 7, 10, 20,000, whatever we raised them to, we give the President the flexibility to do it, but we as a government ought to be able to control export. Otherwise why are we here. So all this hyperbole that talks about allowing the industry to go forward selling, the reason why we set policy is because our foreign policy should not be driven solely by commercial interests.

We have a fiduciary responsibility to our people in this country for a variety of different reasons. For those reasons I would argue strenuously that the provisions in this bill dealing with high performance computer export policy is reasonable and it makes sense.

For those who think that it does not, we are simply talking about commercial interests. I think that our arms control interests, that our governmental interests ought to balance out some kind of way. That is our responsibility. For those reasons, I urge my colleagues, whether they support the conference report or not, support this particular policy. It does make sense. It is reasonable.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Now you know why I have such great respect for the gentleman from California [Mr. DELLUMS].

Let me finish on a high note, just to call attention to the fact that this conference report does contain my amendment on the Bosnia troop medal. My provision was approved in the conference that awards all U.S. troops who have served in Operation Joint Endeavor and Operation Joint Guard in Bosnia with the Armed Forces Expeditionary Medal.

The significance of that medal is that it is a campaign level badge unlike the service award that was going to be awarded by the DOD. Even better, the campaign level badge makes these American troops that have served in Bosnia eligible for veterans preference and Federal employment. That is the way to follow through on rewarding those who devote themselves to service in our all-voluntary military.

I want to thank the gentleman from South Carolina [Mr. SPENCE], and the gentleman from California [Mr. DELLUMS], and the House negotiators for sticking with it and to the Senate for accepting this proposal. It is very important to our men and women who serve in the military in Bosnia.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 353, nays 59, not voting 21, as follows:

[Roll No. 533]

YEAS—353

Abercrombie	Blunt	Chenoweth
Aderholt	Boehlert	Christensen
Allen	Boehner	Clayton
Archer	Bonilla	Clement
Armey	Bonior	Coburn
Bachus	Bono	Collins
Baesler	Boswell	Combest
Baker	Boyd	Condit
Baldacci	Brady	Cook
Ballenger	Brown (FL)	Cooksey
Barcia	Bryant	Costello
Barr	Bunning	Cox
Barrett (NE)	Burr	Coyne
Bartlett	Burton	Cramer
Barton	Buyer	Crane
Bass	Callahan	Crapo
Bateman	Calvert	Danner
Bereuter	Camp	Davis (FL)
Berry	Campbell	Davis (VA)
Bilbray	Canady	Deal
Bilirakis	Cannon	DeLauro
Bishop	Carson	DeLay
Blagojevich	Castle	Dellums
Bliley	Chabot	Diaz-Balart
Blumenauer	Chambliss	Dickey

Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—59

Ackerman
Barrett (WI)
Becerra
Bentsen
Berman
Brown (OH)
Cardin
Clay
Clyburn
Cummings
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Ensign
Eshoo
Everett
Fazio
Filner
Frank (MA)
Furse
Gordon
Hilliard
Hinchey
Jackson (IL)
Johnson (WI)
Kasich
Kind (WI)
Kucinich
LaFalce
Lantos
Lofgren
Lowey
Luther
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McKinney
Obey
Olver
Owens
Rangel
Rivers
Rodriguez
Rush
Sanders
Serrano
Tauscher
Thompson
Waters
Waxman
Wexler
Woolsey

NOT VOTING—21

Andrews
Borski
Boucher
Brown (CA)
Capps
Coble
Conyers
Cubin
Flake
Gonzalez
Houghton
Hulshof
McIntosh
Mollohan
Payne
Roukema
Schiff
Schumer
Stark
Weldon (FL)
Yates

□ 1948

Mr. RUSH changed his vote from ''yea'' to ''nay.''

Mr. ABERCROMBIE changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 278, I call up the conference report on the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 23, 1997, at page H9076.)

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

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

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

Mr. SPENCE. Mr. Speaker, the fiscal year 1998 defense authorization bill emerged from committee earlier this year with strong bipartisan support, and I am glad to be able to say the same thing about the conference report. Despite weeks of give and take and often difficult compromise, 33 of the 36 National Security Committee conferees signed the conference report, as did all Republican and Democrat conferees from the other body.

Like the House-passed bill, the conference report takes a balanced approach to addressing a number of quality of life, readiness and modernization problems confronting our military. Although we had to compromise on a number of significant Pentagon reform provisions adopted on the House floor earlier this year due to strong administration opposition, this conference report nonetheless compels further reforms in how the Department of Defense is structured and how it conducts much of its business.

On the major issues the conferees had to address, issues such as the B–2 bomber, the funding cutoff for Bosnia, depots and more, this conference report clearly represents a compromise among many interested parties. I would simply refer anyone who doubts this back to the bipartisan conference report signature sheets. On balance, this conference report strikes a fair balance between numerous competing and conflicting interests, and it deserves the support of all Members.

Mr. Speaker, I am able to present this conference report to the House today due only to the tireless efforts of all the House and Senate conferees as well as the staff. It is the product of teamwork, which is the only way a bill of this size and complexity gets done. In particular, I want to recognize the diligence, dedication and cooperation of the subcommittee and panel chairmen and ranking members, the gentleman from California [Mr. HUNTER], the gentleman from Missouri [Mr. SKELTON], the gentleman from Pennsylvania [Mr. WELDON], the gentleman from Virginia [Mr. PICKETT], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Virginia [Mr. SISISKY], the gentleman from Colorado [Mr. HEFLEY], the gentleman from Texas [Mr. ORTIZ], the gentleman from Indiana [Mr. BUYER], the gentleman from Mississippi [Mr. TAYLOR], the gentleman from New York [Mr. MCHUGH] and the gentleman from Massachusetts [Mr. MEEHAN]. Had it not been for their efforts, this conference report would not have been completed.

I would also like to thank the gentleman from California [Mr. DELLUMS], the committee's ranking member, for his cooperation and support. As always, his diligence and involvement made the process work better and is a central factor underlying the bipartisan support this conference report enjoys.

Finally, Mr. Speaker, I want to thank the staff of the National Security Committee. They have once again demonstrated their professionalism and have done an outstanding job putting together this legislation.

Mr. Speaker, this is an important piece of legislation that enjoys strong bipartisan support. I urge each and every one of my colleagues to support the conference report.

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

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume. First, I would like to thank the distinguished gentleman from South Carolina [Mr. SPENCE] for engaging in a

process which did indeed include the minority. It was both bipartisan and congenial. That notwithstanding, Mr. Speaker, I personally will not be supporting this conference report for the following reasons:

One, the spending levels do not coincide with the national security requirements of this country in this gentleman's opinion. Two, it ignores the near-term and mid-range geopolitical realities of the post Cold War world. And, three, it represents a missed opportunity to right-size our military forces and tailor our weapons to these realities.

Spending on wrong systems is a reality in this conference report. For example, Mr. Speaker, this conference report pushes us toward the weaponization of space by authorizing the now line-item vetoed projects for KE-ASAT programs and Clementine II, another potential ASAT program, which have the possibilities of stimulating an entire new arms race, as well as adding millions for a space-based laser program. This is all being done in advance of appropriate underlying policy formulation, interagency review and appropriate coordination with our friends and allies. These activities are destabilizing and threaten to ignite, as I said, a new arms race to weaponize as opposed to militarize space. In fact, the direction in the statement of managers language for space-based lasers may indeed violate the ABM Treaty, again in this gentleman's opinion.

I could go into numerous other examples, but with the limited time, I believe this gives Members who were not on the conference a better idea of what this gentleman finds objectionable and why I cannot support this conference report.

Finally, Mr. Speaker, I might also advise my colleagues that as of today it has been communicated to me that the President has indicated he will indeed veto this conference report for one of several different reasons.

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

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY], the chairman of our Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Speaker, I rise in strong support of the conference report on H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998. This is a good bill. It is not a perfect bill, but it is a good bill. From my perspective as chairman of the Subcommittee on Military Installations and Facilities, it continues the commitment of the House in addressing the serious shortfalls in basic infrastructure, military housing and other facilities that affect the readiness of the Armed Forces and the quality of life for military personnel and their families.

The conference report, if adopted, would be a forceful expression of the continuing bipartisan concern in Congress over the inadequate budget plans put forward by the administration.

□ 2000

For example, in constant dollars, the administration requested 25 percent less in funding for military construction for the coming fiscal year than it sought just 2 years before. While the bill does not buy back all of the cuts proposed by the President, it goes a long ways toward doing so.

The recommendations of the conferees would authorize an additional $800 million for military construction and military family housing, over $440 million in additional funding will go directly toward housing and quality of life programs. I urge support of this bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to encourage support for this conference report. Not long ago, there were nine men from the 305th Air Mobility Wing recently reported missing and last seen in the skies over the south Atlantic. For reasons unknown, these crew members aboard the Air Force C–141, in route from Windhoek Airfield, Namibia, to Ascension Island, never fully completed their assigned mission of providing de-mining assistance to the Namibian people.

After delivering Army personnel and mine-clearing equipment, their arrival at Ascension never materialized. Evidence indicates a mid-air collision. People from five nations spent several weeks looking for them.

I ask all of the Members to look at this bill in light of those who wear the uniform, who are committed, who are courageous, and, sadly, from time to time, lose their lives.

I ask all Members to look at this bill, because it does help those personnel and their families. It increases the personnel pay, it raises military construction levels for housing and barracks and command centers. It augments health and child care and other family oriented benefits to improve the quality of life. It adds nearly $3.6 billion for important procurement programs such as air traffic collision avoidance systems.

Mr. Speaker, we must do our very best for the young men and young women in uniform, day in and day out, wherever they are, whether it be at Fort Hood, Fort Leavenworth, Fort Leonard Wood, Whiteman Air Force Base, Norfolk, VA, or whether it be in Namibia, Bosnia, Europe or Japan, they are performing their duties, defending our interests and defending our liberty.

I urge the Members of this House to support this bill, because it does so much for the young men and young women in uniform.

Mr. SPENCE. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I do so for the purpose of telling this body that I neglected to mention the fact that the gentleman from Hawaii [Mr. ABERCROMBIE], the ranking member on the maritime panel, has also done yeoman's work in putting together this conference report.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I remain troubled by the high performance computer provisions in the conference report that penalize Israel, imposes unadministerable burdens on the administration, fails to protect business proprietary information, and requires a one-size-fits-all approach to post-shipment verifications that the authors of the legislation acknowledge cannot be fully implemented.

Mr. Speaker, this is an important issue that deserves more oversight and research by the GAO before we take legislative action with significant foreign policy implications.

The Senate approach remains a much preferable alternative to this mandatory and inflexible set of provisions which will clog the export control process with little prospect of advancing our long-range interests. As presently drafted, countries such as Israel, Russia and China cannot be removed from the Tier III list of affected countries even if they take every action we request of them in monitoring the use of these high performance computers.

Clearly, this is an unwise and self-defeating policy. In the case of Israel, let's not penalize an ally when it has done nothing wrong. In the case of Russia, it goes without saying it should immediately comply with all of our existing export control laws and regulations and return to the manufacturer any illegally obtained high performance computers. But a more permanent government solution on this issue must be set aside until we can ensure full Russian cooperation in putting an immediate end to the ongoing role of Russian companies and other entities in providing Iran with medium and long-range missile capability.

While I will not oppose this conference report, I intend to bring the Iran Missile Proliferation Sanctions Act to the House floor within the next week. As important as the supercomputer issues, we need to give first priority to ending this growing threat to our allies and American troops in the Middle East and Persian Gulf.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. ORTIZ].

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

Mr. ORTIZ. Mr. Speaker, I rise today in support of the fiscal year 1998 defense authorization bill. As always,

there were a host of issues before the conference, and I am proud of the way we worked through each one of these issues. Most importantly, this bill represents an overview of our defense needs in the post-cold war period, and it prepares us for this next century.

As the ranking member of the Subcommittee on Military Installations and Facilities, and a member of the Subcommittee on Military Readiness, I am delighted that the bill strongly addresses many of the quality-of-life issues that speak directly to how we provide for those who wear our Nation's uniform.

Housing for our military personnel has been falling apart for the last several years. This bill recognizes that fact and funds housing and barracks, child care centers, health care, and provides a well-deserved pay raise for our service members. The national readiness of our military has long been a prominent concern of mine, and this bill addresses some of the fundamental problems that could weaken our readiness.

One of those readiness issues with which I have been involved is the issue of depot maintenance. The depot provisions in this bill remove politics from BRAC and ensure that no bidder on maintenance work on closing bases will be given preferential treatment. This is a good agreement which represents an honest compromise of ideas, without compromising the national defense of the United States.

Mr. Speaker, remember, this conference report includes a pay raise.

Mr. SPENCE. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Speaker, I rise in strong support of this defense conference report. It is a responsible approach to our defense needs that lives within the budget that we all agree must be balanced.

Mr. Speaker, this bill contains critical quality of life initiatives and continues to address modernization shortfalls. It implements real defense reform and it restores the integrity of the BRAC process.

In sum, this bill provides our Soldiers, Sailors, Airmen and Marines with the technological edge to dominate on the new world battlefield. Support our troops; vote for H.R. 1119.

Mr. DELLUMS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to respond to the comment made by my distinguished colleague, the gentleman from New York [Mr. GILMAN], the Chair of the Committee on International Relations, regarding Tier III countries and whether they could get off the list.

First of all, let us establish the facts. Mr. Speaker, there are five countries on the Tier III list. They are India, Pakistan, Israel, Russia and China. As a matter of fact, Israel, Pakistan and India can get off the Tier III list by signing the Nonproliferation Treaty, so the gentleman from New York is not correct in his observation. With respect to China and Russia, these two countries are in another category and have to be dealt with in a very different way.

As I said earlier in my remarks, if one is going to oppose the high end computer part of this bill, oppose it, but do it on factual grounds, not on grounds that are illusory.

Mr. Speaker, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

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

Mr. Speaker, I would just hope that by the time we come to vote on the authorization bill, that we take into account that this bill, particularly this year, is the result of the efforts of numerous people, giving their best effort to come to a conclusion, come to a resolution.

Not everybody is happy with the contents of the defense authorization bill. Very few people are happy in any given year with the bill because it covers such a wide range of items. In this particular instance, I cannot think of a time when more people devoted not just hours or days, but months, trying to come to a fair resolution.

Mr. Speaker, I have indicated before, this is not theology, this is legislation; this is not a cathedral, this is the House of Representatives. That means that we are not coming to final conclusions and ultimate resolutions here. We are trying to act in concert on the basis of 435 agendas as to what is best for the people of this country.

I ask everyone's support for the Department of Defense authorization bill.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I wish to take a moment to compliment the gentleman from South Carolina, Chairman SPENCE, on the expertise that he has shown and the leadership he has shown in bringing a very complex and complicated bill to the floor.

This bill deals with issues ranging from procurement of sophisticated weapons systems all the way to the quality of life issues that are so important to our men and women in our armed services. We deal with everything from the purchase of F–22s and FA–18s to a 2.8 percent pay raise for our military men and women. Without that 2.8 percent pay raise, the 11,000 members of our armed services who today are on food stamps will not get off of food stamps.

Mr. Speaker, we need this bill enacted into law. We need it passed today, and we need it signed by the President. It is a good bill for the men and women of our Armed Forces, and it is a good bill for America.

Mr. Speaker, I commend the gentleman for bringing this bill to the floor in its current form.

Mr. DELLUMS. Mr. Speaker, I yield one minute to the distinguished gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, as a member of the Committee on National Security, I would like to take a minute to pay tribute to both the chairman and the ranking member of the committee for the remarkable job that they did in bringing this conference agreement to the floor today.

By any measure, this was a marathon run by two of our most skilled negotiators on national security, and I am deeply grateful to both the gentleman from South Carolina, Chairman SPENCE, and the ranking member, the gentleman from California [Mr. DELLUMS] for retaining a House-passed provision which is of particular importance to this Member of the committee.

Specifically, the conference agreement retains a House-passed provision to allow the Army's Construction, Engineering and Research Laboratory to collaborate with the Texas Regional Institute for Environmental Studies at Sam Houston State University in Huntsville, TX, on a critically important computer-based land management initiative. This project will enable the Army to address environmental problems on our military installations.

This authorization of $4 million, coupled with an identical appropriation in Public Law 105–56, will allow CERL and TRIES to carry out this important Army national resources/conservation project beginning this year.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER], the chairman of our Subcommittee on Military Procurement.

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

Mr. Speaker, I learned a lot in this particular conference. I want to thank the chairman for his great leadership in trying to get these things through this conference, which is often like pushing a wheelbarrow full of frogs. Your issues continue to jump out or get pulled out by the other side, and you do the best you can to keep as many of the issues that you think are important for national security in that particular wheelbarrow.

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Let me say to the fine gentleman from South Carolina, Chairman SPENCE, he did a great job of protecting our interests. We did not get a full loaf on everything, but that is what happens when you go into conference.

But we have emerged in the modernization area with more modern equipment, with more money for modernization, both in fixed-wing and rotary aircraft. Also, with respect to our shipbuilding budget, we got a few extra dollars in that shipbuilding budget. With respect to ammunition and other items that reflect on readiness, we did increase that budget to some degree. It was largely because of his efforts.

I also want to thank the gentleman from Missouri [Mr. SKELTON], my ranking member, the ranking member of

the Subcommittee on Military Procurement. He and I worked together. We put a lot of hearings on. We are going to put more hearings on before this session adjourns. I want to thank him for his great work and the ranking member of the full committee, the gentleman from California [Mr. DELLUMS], who did a particularly excellent job working with the chairman and others on a very important aspect of security, which is, do not let the bad guys have high technology when it might come back to bite you.

That is manifested in the provisions on the supercomputer bill. That was one of the most important things we did was put in the supercomputer provision that says, if you are going to sell high-tech to countries that might use it against you at some point on the battlefield, run it by the Secretary of Defense before you do that, run it by the administration, let them see what you are doing, and when necessary, hold up that particular sale.

So my commendations to all of our colleagues. Everybody worked hard. We did a lot of hearings on this bill, and I would recommend passage of the bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. RODRIGUEZ].

Mr. RODRIGUEZ. Mr. Speaker, I want to take this opportunity to read a letter that was sent by the Executive Office of the President. It is signed by Franklin Raines. It talks about the existing legislation that is before us. I am going to read some aspects of it:

The bill includes provisions which intended to protect public depots by limiting private industry's ability to compete for the depot-level maintenance of military systems and components. If enacted, these provisions would run counter to the ongoing efforts by Congress and the administration to use competition to improve the Department of Defense's business practices and it would severely limit the Department's flexibility to increase efficiency and save the taxpayers' dollars.

It also adds that the bill could reduce opportunities to allow the industry to participate in future weapons systems. In addition, it also dictates how the Department of Defense should treat certain competitive factors, and I quote, that the bill seeks to skew its competition in favor of public depots.

One of the things that I want to read in the back, I think this is very critical, it says, If the numerous problems cited above cannot be overcome, the impact on the Department's costs and our national military capacity would be profound; the President's senior advisers would recommend that the bill be vetoed.

The opportunity that we have now before us is to be able to hopefully clear this area so we will not have a veto. Unfortunately, we do. I have received word that the bill is going to be filibustered both by Senator HUTCHISON and Senator GRAMM as well as some of the Senators from California, because of the fact that it does not allow for the opportunity to compete in an appropriate manner.

I want to go back to the letter and emphasize the fact that these are words that are also coming from the Department of Defense, which says: ''We need to encourage more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge,'' and not to hinder it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Jacksonville, FL [Mrs. FOWLER].

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I rise in strong support of the fiscal 1998 defense authorization conference report. Provisions contained in this bill are essential to our national defense and the quality of life of our young men and women in uniform, including a military pay raise of 2.8 percent, greatly needed by the 11,000 active duty military who are currently on food stamps; authorization of additional funds for procurement and research and development, to help assure our continued U.S. military modernization and superiority; increased continuation bonuses for military aviators, to help the services retain their pilots; restoration of integrity to the BRAC process, through fair and open competitions for noncore depot work at closed facilities; and authorization of $883 million for the construction of military family housing, when over 60 percent has been deemed substandard.

We must pass this DOD authorization bill in order to pursue these and other vital national security initiatives. I urge all of my colleagues to support it.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the extremely able ranking minority member of this committee for his leadership in this and in other ways.

I hope the House will vote this down. First, we are dealing with a budget which we adopted recently which Members know will severely constrain our ability to spend on a variety of purposes a few years from now. Passing this authorization guarantees if we follow through with it that 2 and 3 years from now we will not have the money to continue to put police on the streets with Federal help, we will not have the money to provide health care to people who need it, we will not have the money to deal with environmental situations, every domestic purpose now hurting.

Transportation, we are in a terrible dilemma right now because we cannot afford to go forward with our transportation needs. Pass this authorization and we greatly exacerbate that dilemma, because we take some of the money we have available for other purposes, and the logic of this authorization, if we mean it honestly, will be to eat into that.

In particular, the conference committee backed away from this House's clear statement that we should put a limitation on the amount of money we spend for NATO by totally dismissing the overwhelming vote of this House to put some limit on what the American taxpayer is expected to spend for the expansion of NATO. We once again guarantee that there will be an increase in funding.

Members who vote for this conference report now will be estopped later on from complaining when billions of American tax dollars beyond what we have been told earlier are asked for NATO, because this is a blank check for NATO expansion. One need not be opposed to NATO expansion to be opposed to a blank check for it.

Passing this authorization is a disregard of the fiscal discipline we said we would be adopting, and we will live to regret it.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma [Mr. J.C. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I want to commend the ranking member and also Chairman SPENCE for their long suffering and getting us to this point, to where we can vote on this authorization conference report.

Mr. Speaker, I would like to just highlight some things in this legislation that I think the American people need to know about. It provides a 2.8 percent military pay raise, as has been talked about. What that does, for 11,000 men and women that are on food stamps, that should be unconscionable to anybody in this House to allow that to happen.

This adds more than $300 million for construction and renovation of family and troop housing, it adds more than $600 million to key readiness accounts, badly needed; it adds $3.6 billion to modernization accounts, consistent with the unfunded priorities of the military service chiefs, and it compels further business practice reforms that are much, much needed.

On this legislation, I am encouraging a ''yes'' vote on the DOD authorization conference report. Again, I commend the ranking member and the chairman for getting us to this point.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I urge defeat of the conference report. It is defective for many reasons, as has been described by my colleagues. But I want to point out the error in the provision relating to exports of computers.

I think it is important to outline that no one is saying that there is not a level of sophisticated computers that should not be controlled. In fact, there

should be. The problem is, from concept to concrete, we run into an error and problem in this bill. The 2000 MTOPS is not a computer that needs to be controlled. In fact, by next year the Pentium II 450 megahertz version will be, in all likelihood, 2000 MTOPS on one chip.

To change the 2000 MTOPS, because obviously a Pentium II should not be controlled, it is readily available, there is a very lengthy process in the bill that involves multiagency review, and then a 180-day period for Congress to review. I would note that this is an industry where it used to be a law, that it was 18 months. We are down to 9-month product cycles. So by the time the review provision has occurred, the market will have moved further and we will never catch up.

That is why I think that this is, although I am sure it is well-intentioned, I think it is out of kilter with the technology that we face, and therefore, seriously flawed. I believe that is why the Commerce Department, and I quote, said, ''The waiting periods make no technological sense.''

I believe that those who have proposed this mean and intend to do a sensible thing to protect our country. I honor those intentions and those well meanings, but I must point out that between good intentions and sensible results there has been a glitch, in this case. I believe we ought to defeat this conference report, we ought to relook at this, and make sure that we actually take those steps that will actually protect our country, rather than this flawed result.

Mr. SPENCE. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama [Mr. RILEY].

Mr. RILEY. Mr. Speaker, I rise today in strong support of H.R. 1119. First, I want to commend the gentleman from South Carolina, Chairman SPENCE, and the ranking member, the gentleman from California, Mr. DELLUMS, for all their hard work on this bill.

Mr. Speaker, this conference report includes a much deserved 2.8-percent raise for our servicemen and women, over $1.5 billion for family and troop housing, and finally and most importantly, Mr. Speaker, it restores the full faith and integrity to the base closure process. Therefore, Mr. Speaker, I urge all of my colleagues to support this bill.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Virginia [Mr. PICKETT].

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

Mr. Speaker, I rise in support of the conference report on the defense authorization bill for fiscal year 1998. The conference agreement strikes a reasonable balance among the needs for modernization, strategic forces, readiness, and quality-of-life programs for our military people.

As a member of the research and technology panel of the committee of conference, I was very concerned about whether we are making adequate provision to ensure that our forces have the technological edge on the battlefield of the future. I am satisfied that this conference report moves us in the right direction.

Today we are witnessing steady aging of equipment. Many weapons systems and platforms that were purchased in the 1970's and 1980's will reach the end of their useful lives over the next decade or so. Congress must make certain that tomorrow's forces are every bit as modern and capable as today's. Consistent, adequate spending on the modernization of U.S. forces is required to ensure that tomorrow's forces are equipped and ready to dominate the battlefield across the full spectrum of military operations.

The conference agreement follows the House lead to increase funding for missile defense programs. This is true both for the theater missile defense and national missile defense. The agreement also does a commendable job of straightening out the tactical aviation program that will ensure air superiority into the future.

People continue to be the most important component of our military. Quality people are the key to a successful military. Downsizing and deployments have created a high level of turbulence among our military people. They have increasing cause to be concerned about health care, about housing, about retirement, and about other benefits such as the military resale system.

This conference agreement goes a long way toward making certain that our military people and their families are taken care of. More must be done, but this is a major step in the right direction. Mr. Speaker, this conference agreement provides a reasonable and balanced program for our military. I urge its adoption.

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Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. RYUN].

Mr. RYUN. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPENCE] for his hard work and the gentleman from California [Mr. DELLUMS], the ranking member, for all of his work on H.R. 1119. I rise in support of H.R. 1119, the 1998 National Defense Authorization conference report.

Mr. Speaker, once again the President submitted a budget request that does not match our national security goals. Whether it is weapons modernization, health care for military families, military construction, or end-strength levels, the President's request falls woefully short, an inadequate effort.

Mr. Speaker, I support the House's efforts to increase the defense spending above the President's request and ensure that the United States remains the world's premier fighting force.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, when is a compromise not a compromise? Well, this conference report is a classic example of one.

The language in this report, negotiated behind closed doors, does not move an inch in the right direction toward what the Department of Defense's interests are, what is best for the American military forces, and what is best for the taxpayers' dollar. That is competition to determine the best place to overhaul and repair military workload.

This conference report moves in the wrong direction. This so-called compromise language, written without the knowledge or input of several members of the authorizing committee itself, restricts competition. Instead of creating a level playing field, it tilts it even further in favor of public depots, which may not be as cost-effective as the private sector in all cases. But rather than let competition determine the winner, this report, I think, skews the outcome in favor of one type of competitor without concern for the impact on the taxpayer.

If that is not enough, there is a new wrinkle in this report that ought to raise the eyebrows of some other Members. That is the restriction on supercomputer exports, which will have a chilling effect on our Nation's high-tech industry, threatening America's status as the world's leading exporter of technology.

Mr. Speaker, I urge my colleagues to oppose this conference report because it is ''veto bait.'' I emphasize that. It will not become law unless it is further modified to accommodate a level playing field on competition. This is a bad deal for America's taxpayers. I think it is not a good deal for our high-tech industry, and I know in my own district it is doomsday for thousands of Americans who have worked for the Defense Department, and I think it is true also in San Antonio where we only hope to save a few jobs, if we can win the competition to do the public's business.

Mr. Speaker, I urge my colleagues to please join me in voting ''no'' on this report. The President will veto it. We can get a better one with our colleagues' help.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, despite some of the shortcomings that some people may see in this bill, overall it makes us stronger and it deserves to be supported.

In the key area of our own nuclear arsenal, it makes sure that our nuclear weapons are safe and reliable in the future, despite a number of shortcomings and deficiencies that are increasingly getting attention. I would commend to my colleagues' attention a CRS report which was just released last week that discusses some of these key deficiencies that this bill begins to address.

In the very important area of our cooperation with the nations of the

former Soviet Union to take apart delivery systems that were once aimed at us and to prevent nuclear terrorism and smuggling, this bill is a much better bill than the bill that originally left the House.

I would also add, Mr. Speaker, in the most important asset of all, and that is our people, this bill makes some needed corrections to improve that area so that we can get and keep the very best people throughout our military and that will serve us well in the future.

Mr. DELLUMS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker I thank the gentleman from South Carolina [Mr. SPENCE], chairman of the committee, and, of course, the gentleman from California [Mr. DELLUMS], ranking member, for a job well done.

Mr. Speaker, we have been at this conference, and this was no easy conference, something like over three months. Did we get everything we liked? No. I can tell my colleagues that on the depot issue I am not very fond of it. But we never get everything we want when we compromise.

Mr. Speaker, I was startled to hear, believe it or not, that we dropped the cap on NATO participation. I think we can correct that next year. I know I will try as best I can to do that.

But all in all, the bill is the right bill. It is not satisfying to everyone. I would really ask my colleagues to be sure to vote ''aye'' on the bill. The readiness of our troops, and we have spent a great deal of time on the readiness of our people with OPTEMPO and PERSTEMPO. I visited particularly Fort Campbell, Kentucky, in August and I was extremely impressed with our young soldiers and warriors there that belong to the 101st Airborne Division whose morale was extremely high getting ready to go overseas and trusting in the Congress to supply them with the materials that they want.

Mr. Speaker, I implore my colleagues to vote ''aye'' on this bill.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I rise in support of this conference report, but wish to express my limited concerns.

Mr. Speaker, this conference report reduces the Army National Guard end-strength by 5,000 soldiers. This reduction is made to reflect end-strength reductions determined by the Quadrennial Defense Review and agreed upon at an Army offsite meeting on force structure. But in this same agreement the Army was also supposed to take a cut of 5,000 soldiers in fiscal year 1998. However, I am disappointed that this bill only reduces the National Guard end-strength and does not reduce the end-strength of any other component.

Mr. Speaker, this type of policy hurts future efforts to modernize our military, penalizing all our forces at the direct expense of the Army National Guard.

With those concerns, Mr. Speaker, I urge all of my colleagues to support this conference report.

Mr. DELLUMS. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, I would like to ask the gentleman from South Carolina [Mr. SPENCE] if he would engage in a colloquy.

Mr. Speaker, I would ask the gentleman if I am correct in understanding that the conference report provides $40.2 million for upgrades and modifications to the Army's M–113 armored personnel carrier? And is there any amount of funding authorized for reactive armor tiles for the M–113 vehicle?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, the gentleman is correct. Although the conference report specifically directs $35.2 million of the $40.2 million for vehicle upgrades and modifications, it does allow the Army to procure either reactive armor tiles or driver thermal viewers or both with the remaining $5 million.

Mr. TANNER. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise to engage the gentleman from South Carolina [Mr. SPENCE], my good friend, the chairman of the Committee on National Security, in a brief colloquy on employee stock ownership plans in Section 844 of the conference report.

With respect to the ESOP provision, Section 844 which reflects a Senate amendment to the original House provision, I ask for assurance that the conference outcome is consistent with existing law as set forth in Public Law 94–455, establishing that Congress wants to encourage ESOPs, not choke them to death with unreasonable rules and regulations.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I assure the gentleman that there is nothing in the conference report that alters the existing law that the intent of Congress is to encourage ESOP creation and operation, as clearly spelled out in Public Law 94–455. In fact, Section 844 would further that intent.

Mr. BALLENGER. Mr. Speaker, reclaiming my time, I thank the gentleman.

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

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I compliment the chairman on a job well done. I rise in support of this measure. It includes a very well-deserved pay raise for those that protect us. It makes us stronger.

A very important aspect of this that sometimes does not get the attention that it deserves, but it provides for additional funds for modernization and that is very important as we prepare for the 21st century.

Mr. Speaker, again, I thank the gentleman from South Carolina for a very well done job.

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

Mr. Speaker, we have come to the end of the debate and discussion on the conference report. I would simply like to first thank the distinguished gentleman from South Carolina [Mr. SPENCE] for his efforts. As I said earlier in my remarks, he has been congenial; this has been a bipartisan effort.

Second, the fact that I cannot support this conference report, that notwithstanding, I think that it is important that this committee bring this conference report to the floor. We do not choose to end up a debating society. It is terribly important that Members of Congress know that when we pass a bill, go to conference, that eventually we will bring back a significant work product.

There are a number of factors in this bill that some Members like. There are other factors that some Members do not. That is the nature of the legislative process. But I am pleased that we are bringing back a report, a conference report to the floor of this body so that my colleagues may work their will.

Finally, I would simply say, Mr. Speaker, that for the reasons that I enunciated earlier in this bill I will not personally be supporting the report. I have my substantive reasons why that is the case. For any Member who is interested, they can peruse my remarks that were made earlier and with those summarizing remarks.

Mr. Speaker, in the interest of comity and brevity, I yield back the balance of my time.

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

Mr. Speaker, this is a conference report. As is the case with all conference reports, we do not ever get all we want. As I said the other day, we win some, lose some, and in some cases end up in ties. No one is completely 100 percent happy with the product of this conference report or any other produced by this body.

That is the nature of a conference report. Give and take. We have to compromise to get a bill back before this body for us to vote on. The same thing is happening in the other body. They have the same problems we have.

Mr. Speaker, if I had my personal opinion to express at this time, I would say in summation that the conference report does not provide enough for the defense of our country. Most people do not realize the condition we find ourselves in today. The cold war is over and most people think that the threat of war has been removed.

But I am here to tell my colleagues that it is not a matter of ''if'' there will be another war, it is just ''when'' it is going to be and ''where'' it is going to be. And at this point in time, I am afraid we are not prepared sufficiently to defend against the threat this country faces.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, before I we yield all time back, I would just like to make a comment. I would like to finally thank all the members of the staff on both sides of the aisle. For many of my colleagues who are not aware, many of these young people spent numerous weekends away from their relatives, family, and friends, in order to make sure that this extraordinarily complicated bill came together.

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With great personal sacrifice and, in this gentleman's humble opinion, the financial remuneration that goes to these staff people does not offset the intrusion into their private lives, I think we are very fortunate to have a competent and capable staff who are able to work many of these issues late into the night and day in and day out for weeks and weeks. I would feel that I was derelict in my responsibilities, Mr. Speaker, if I did not express my sincere gratitude and thanks for all the staff people who helped put this bill together.

I appreciate the gentleman's generosity.

Mr. SPENCE. Mr. Speaker, I, again, would like to thank the gentleman for what he has done to make this conference report possible to bring it before the body at this time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to express support for one provision of H.R. 1119, Section 2826. Although this provision prohibits conveyance of the property at Long Beach Naval Station to the China Ocean Shipping Company [COSCO], it includes elements of a recommendation I made to this House that allows the President to waive this restriction if it is determined that the transfer would not adversely impact our national security.

Mr. Speaker, I still have reservations about the language in the Conference report, however, because I do not believe it goes far enough to protect the national security of the United States. The language I recommended to the House addressed this issue. The restrictions limit the provisions of this section to Long Beach and to the China Ocean Shipping Company [COSCO]. The language fails to address the impact of transfers of property at other bases to state owned shipping companies which may pose a risk to national security or significantly increase the counter intelligence burden on the U.S. intelligence community.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today in opposition to the conference report on the FY 98 National Defense Authorization bill. This bill goes $2.6 billion over the President's request and $1.7 billion over last year's spending. During a time of fiscal restraint and balanced budgets, there is no room for this kind of unrequested expenditure in our federal ledger. If this Congress continues to treat itself to massive defense spending increases, we will starve our health, education, and elderly programs. This conference report does not reflect our budgetary constraints, nor does it reflect the realities of today's world. In this bill, we are continuing to authorize cold war weapons, such as B–2 bombers and nuclear attack subs, instead of taking this important opportunity to tailor our military capabilities to respond to the new challenges that we will face in the 21st century. Further, this legislation threatens to start an arms race in space. And to pay for this new hardware, we are cutting funds for readiness.

I am pleased that Congress has agreed to expand the Cooperative Threat Reduction program, that we can agree to help our National Guard, and that we have worked to boost funding for research on Gulf war syndrome. We must maintain the superiority of our Armed Forces and ensure that we provide for the brave individuals and families in military service. But this bill takes us only half way there—as it has been crafted, it threatens to bankrupt our entire budget. This bill shows that we have not thought about the kind of military and the kind of weaponry we will need to defend this nation and her allies in the next century. Members of Congress should take the time to sit down again to craft a bill that takes care of our personnel and better matches our future needs.

Mr. MATSUI. Mr. Speaker, I rise today in strong opposition to this bill.

The recommendations of the Defense Base Closure and Realignment [BRAC] Commission regarding McClellan and Kelly Air Force Bases are absolutely clear. When the Commission recommended the closure of these facilities, it directed DOD to either ''consolidate the workloads to other DOD depots or to private sector commercial activities . . .''. Unfortunately, the negotiators of this bill were unwilling to compromise with the President and DOD, insisting on the insertion of language that would prevent this mandate from going forth in an equitable manner.

Let no one in this chamber be misled. McClellan and Kelly Air Force Bases will close. As of July, 2001, they will no longer be Air Force facilities and nothing in this bill will change that in any way.

What this legislation will do, however, is burden the private sector competitors with new requirements without placing any corresponding new requirements on the public depots. This language severely undermines the depot maintenance outsourcing process, turning it into a mockery of fair play and open competition.

Without the ability to judge the public depots and private firms on a level playing field, the Air Force will be unable to determine which of its options under the 1995 BRAC law makes the most sense for our national security. Without fair competition, DOD will be unable to determine which option clearly proves to be the best value for the American taxpayer.

If the goal of privatization, as the BRAC Commission reported, is to ''. . . reduce operating costs, eliminate excess infrastructure, and allow uniformed personnel to focus on skills and activities directly related to their military missions,'' then Congress should not interfere and prejudice this process with biased language. I urge my colleagues to vote in favor of fair and open competition and vote against this bill.

Mr. BUYER. Mr. Speaker, I rise in support of the conference report for H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998, for its recommitment to the fate of American POW's and MIA's.

H.R. 1119 includes most of the House provision which sought to strengthen the process by which our past, present and future POW–MIA's are accounted for. The National Defense Authorization Act for FY 1997 repealed several provisions of law that provided due process for the families of missing service members seeking information about their loved ones' fates, and that encouraged prompt investigations into missing personnel. The conference report restores many of the provisions stricken by the 1997 authorization bill, and makes additional changes to the law to improve the process for accounting for missing persons. These new provisions apply not only to our military, but to different civilian support personnel who may be serving alongside our armed forces far from home. In reaching an agreement in the conference report, I had very constructive negotiations with Senator JOHN MCCAIN, whose history with this issue is well known. Senator MCCAIN was a good-listener, and fair-minded in his approach, allowing us to reach an agreeable compromise between the two Houses' positions. As a result, the conference report on H.R. 1119 contains a reasonable outcome that substantially advances the interests of those who seek to ensure the fullest possible accounting of our POW–MIA's.

Mr. Speaker, the conference report for H.R. 1119 keeps the faith, not only with our people in uniform, but with other equally dedicated citizens who voluntarily venture into harm's way in support the nation's vital interest. It reiterates the theme that should constantly play on the hearts of the American people—that our POW–MIA's are, indeed, not forgotten. For that reason, I urge my colleagues to support the Defense Authorization Act.

Mr. DICKS. Mr. Speaker, as a conferee representing the Intelligence Committee on this legislation, I want to note particularly the resolution of an issue affecting the Defense Airborne Reconnaissance Office, or DARO. The Intelligence Committee originally voted to terminate this office and transfer some of its functions to the Director of the Defense Intelligence Agency. This recommendation was controversial in the Committee—I for one did not support it—but it was endorsed by the House National Security Committee and was likewise reflected in the House defense appropriations bill. The Senate took no action against DARO.

I am pleased that this conference report does not include the DARO termination recommended by the House. The conference agreement compels no change in DARO nor will it require that DARO cease the exercise of its critical responsibilities for strong oversight of airborne reconnaissance. The conference report does clarify that DARO's role does not include program management or budget execution. It should be understood clearly that this provision does not alter DARO's current role or responsibilities since, Department of Defense officials have stressed, DARO has not, does not, and will not manage programs. Instead, all airborne reconnaissance programs

are executed by the military services or by the Defense Advanced Research Projects Agency.

The conference report provides for a review of DARO by the ongoing Defense Reform Task Force, which I support. This task Force could well make a recommendation, and the Secretary of Defense could decide, to place the airborne reconnaissance oversight function in another organizational structure or to alter the manner in which the office reports to senior DoD officials. I have every expectation, however, that the Task Force and the Secretary will strongly support continuation of a centralized and powerful oversight function at a senior level within the Department.

During a colloquy when the House considered the conference report on the Defense Appropriations Act, Chairman Young assured me that the reduction to DARO's operating budget reflected in the Act was made without prejudice and that the Committee would consider a reprogramming request from the Secretary to restore all or part of the funding requested for supporting the airborne reconnaissance oversight function for fiscal year 1998. The defense authorization conference report followed the budgetary allocations of the Appropriations conference in this as in most other matters. I hope that the leadership of the other committees which would have to consider a reprogramming for DARO will likewise defer to the judgment of the Secretary of Defense on funding for this activity in the coming year.

Mr. BLILEY. Mr. Speaker, I rise in support of the conference report and wish to note the hard work of all members of the conference committee to deliver legislation that will ensure the security of our country and adequately provide for the members of our Armed Forces.

As a conferee on various provisions of this legislation which impacted the jurisdiction of the Commerce Committee, I am generally satisfied with the work which has been accomplished over the past several weeks. We have been able to reach agreement on a number of issues, and I appreciate the effort of Chairman SPENCE and other conferees to remain sensitive to the concerns of my Committee regarding a number of provisions on which the Commerce Committee was not represented by conferees.

However, although I signed the conference report and support the overall bill, I continue to have serious reservations concerning several parts of the final work product. Specifically, I do not believe that section 351 of Title III of Division A of H.R. 1119 should be part of this legislation.

This section was not included in the House version of H.R. 1119. Instead, this measure was added by the other body without thorough review and without specific comment by the Executive Branch. Thus, simply on procedural grounds alone, I do not believe that section 351 should be part of the final conference report.

But my concerns regarding this provision are far more than procedural. In this regard, I am attaching a letter signed by myself, Health and Environment Subcommittee Chairman MICHAEL BILIRAKIS, full committee Ranking Member JOHN D. DINGELL, and subcommittee Ranking Member SHERROD BROWN. This letter outlines the Commerce Committee's serious concerns regarding section 351 and the reasons why this section should not have been adopted in conference.

In brief, section 351 establishes a policy for the sale of Clean Air Act emission reduction credits by military facilities. This policy is only applicable to defense facilities and is not applicable to other facilities or emission sources operated by the federal government. Thus, the provision risks creating a patchwork of policies within the federal government which could be at variance with the most efficient implementation of emission trading programs.

Emission trading programs will become increasingly important as this nation strives to meet Clean Air Act standards. Such programs hold the promise to achieve needed reductions at the least cost and to increase flexibility in the implementation of Clean Air Act programs. Thus, what is needed in lieu of section 351 is a comprehensive review of the participation of all federal facilities and operations within new emission trading programs.

The question of how federal facilities participate and what economic incentives may be available to individual facilities is an important question which should not be determined without informed analysis of the available alternatives. In this regard, during the coming months, the Commerce Committee will be actively reviewing this matter and may consider and evaluate policies at variance with those specified in section 351. In brief, the full committee and subcommittee leadership of the Commerce Committee have not endorsed section 351 or the pilot program it will establish and the Committee specifically reserves its rights and prerogatives under the Rules of the House to amend or terminate the pilot program established by this section.

On another provision included in the conference report, I would like to clarify our understanding that the language in section 3404, Transfer of Jurisdiction, Naval Oil Shale Reserves Numbered 1 and 3, transfers only ''administrative jurisdiction'' over the Naval Oil Shale Reserves, and does not impact the jurisdiction of the Commerce Committee. The Commerce Committee has long shared jurisdiction over the Naval Oil Shale Reserves with the National Security and Resources Committees. In order to assure that Americans get the best value for their investments we have agreed to these provisions which allow two of the Naval Oil Shale Reserves to be leased for oil and gas exploration and production. The Commerce Committee expects to be a part of any future legislative efforts to modify these provisions or make any other changes with respect to the operations or disposition of these national assets.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 4, 1997.

Hon. FLOYD SPENCE,
Chairman, House National Security Committee,
Rayburn House Office Building,
Washington, DC.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN SPENCE AND CHAIRMAN THURMOND: We are writing to express our opposition to Section 338 of H.R. 1119 and to ask for your assistance in deleting this provision during the conference committee consideration of this matter.

Section 338 seeks to establish a program, solely within the Department of Defense, to provide for the sale of emission reduction credits established under the Clean Air Act. The section additionally directs that proceeds from such sales will be available to the Department of Defense, not only for the costs attributable to the identification, quantification and valuation of such emission credits, but for allocation within the Department of Defense and to military facilities for activities that are ''necessary for compliance with Federal environmental laws.'' This section was not part of H.R. 1119 as approved by the full House of Representatives.

The House Commerce Committee holds several strong objections to this provision. First, the provision seeks to establish federal policy, applicable ton only one department of government, concerning several environmental trading programs which have different objectives. The provision specifically applies to ''any transferable economic incentives'' which would include, at a minimum, trading programs involving criteria pollutants regulated under Title I of the Clean Air Act, marketable permits established under Title I and Title V of the Clean Air Act, and other programs which seek to provide flexible, alternative implementation of the Act.

While the Commerce Committee would seek to encourage the full participation of the federal government in emission reduction and trading programs, it does not believe that this participation should occur on a segmented or department-by-department basis. Moreover, it is unclear whether the return of funds (over and above the amount of costs associated with identification, quantification and valuation of economic incentives sold) should necessarily be made available to the specific facilities which generated the economic incentives. Requiring that such funds be allocated ''to the extent practicable'' to specific facilities risks ignoring important Clean Air Act goals or other federal priorities.

Second, the provision seeks to establish a policy which may be at variance with present attempts to promote flexible implementation of new Clean Air Act standards. On July 16, 1997, the President directed the Administrator of the Environmental Protection Agency ''in consultation with all affected agencies and parties, to undertake the steps appropriate under law to carry out the attached (implementation) plan'' for the new ozone and particulate matter standards. Section 338 predates this policy, and thus predates any consultation or coordination between the Environmental Protection Agency and the Department of Defense regarding implementation of new clean air act standards which contemplate broad and unprecedented utilization of emission trading programs.

Given the costs associated with full implementation of the new standards, it is clear that offsetting these costs through the sale of allowances and other incentives is essential. The corresponding distribution of the economic benefits resulting from the sale of allowances is thus a significant policy decision. Such a decision should not be made in the context of legislation unrelated to the goals of Clean Air Act programs and policies.

Finally, the Commerce Committee, which has jurisdiction over the law which served to create the economic incentives which are the subject of Section 338, has received no testimony, evidence, or other information from the Department of Defense or other departments or agencies of the federal government which specifically supports the final legislative language of section 338. Thus, the Commerce Committee has had no opportunity to evaluate the propriety of the policies advocated by section 338, the validity of the information and assumptions which underlie its incorporation into this law, or the ability to subject advocates of this provision to normal committee process and questioning. At a minimum, the Commerce Committee must

insist on its right to fully examine this provision within the normal oversight and legislative duties delegated to the Committee by the full House of Representatives.

Thank you for your assistance in striking this provision for the final conference report. Should you require any further information on this provision, please do not hesitate to contact us.

Sincerely,

TOM BLILEY,
Chairman, House Commerce Committee.
MICHAEL BILIRAKIS,
Chairman, Health and Environment Subcommittee.
JOHN D. DINGELL,
Ranking Minority Member House Commerce Committee.
SHERROD BROWN,
Ranking Minority Member Health and Environment Subcommittee.

Mr. KASICH. Mr. Speaker, I am very disappointed that the conferees did not reflect the clear will of the House in the Conference Report's provision dealing with Bosnia [sections 1201 through 1206].

The mission of the U.S. Armed Forces in Bosnia has been characterized by a failure to define achievable objectives, a unilateral shifting of deadlines, and a refusal on the part of the administration to clearly explain its goals either to Congress or to the public at large. If the American people are to have any confidence in our national security policy, that policy must be honestly and forthrightly presented to them.

I am troubled by the unclear focus of the mission and the apparent lack of an exit strategy. The underlying premise of the original mission was to separate the warring factions, then turn the peacekeeping role over to our European allies within one year. In November 1995, in his address to the Nation regarding our proposed commitment of our forces to Bosnia, President Clinton stated that, ''* * * our Joint Chief's of Staff have concluded that U.S. participation should and will last about one year.''

However, in November, 1996, the President announced that our military presence in Bosnia would be extended for another eighteen months, until June 30, 1998. Although Secretary of Defense Cohen has emphatically stated his understanding that U.S. forces would be withdrawn by the end of June, 1998, more recent statements by administration officials, such as those of National Security Advisor Samuel Berger on September 23, 1997, have cast serious doubt on this second deadline.

These shifting deadlines have been accompanied by rhetorical sleights-of-hand, such as the assertion that by renaming the military force in Bosnia from the Implementation Force (''IFOR'') to the Stabilization Force (''SFOR''), a new mission, and therefore a different deployment, was created. Somehow, this was believed to mitigate the fact that U.S. troops are still in Bosnia, nearly a year after the initial withdrawal deadline has passed.

It was against this background that on June 24, 1997, the House voted 278–148 to prohibit funding for U.S. ground forces in Bosnia after June 30, 1998. Moreover, this strong show of support for setting a date certain for withdrawal came just after the House narrowly rejected an amendment to end the U.S. ground force mission in Bosnia by December 31, 1997. Together, these votes demonstrate a consensus in the House to wrap up the Bosnia deployment in the near future and bring the troops home.

The conferees' decision to abandon a firm withdrawal date in favor of language merely requiring Presidential certifications for the Bosnia mission to be extended for an indefinite period of time after June 30, 1998, not only weakens the firm position of the House, it offers further scope for yet another extension of the Bosnia mission. As everyone must surely realize, the President's certification to the terms of the provision is virtually a forgone conclusion. By permitting President Clinton to unilaterally extend the deployment of U.S. Armed Forces in the potentially hostile environment, Congress would be undercutting its obligation to the American people and to the young men and women the President has sent to Bosnia.

It is a generally accepted premise that the President is the ''sole organ of the federal government in the field of international relations,'' and that Congress generally accepts a broad scope for independent executive action in international affairs. But Congress has long been concerned about U.S. military commitments and security arrangements that have been made by the President unilaterally without the consent or full knowledge of Congress.

Throughout our Nation's history, prior Presidents have sought Congressional consent for extended deployments of United States Forces overseas, either through declarations of war or by Acts of Congress authorizing the specific deployment. The latter category has ranged from authorizations to deploy forces overseas (such as the 1949 North Atlantic Treaty and the 1954 Mutual Defense Treaty with Korea) to the use of military force in specific situations (such as the Gulf of Tonkin Resolution in 1965, or the Persian Gulf Resolution of 1991).

Article I of the Constitution grants Congress the ''Power to raise and support Armies * * * to provide and maintain a Navy * * * to make Rules for the Government and Regulations of the land and naval forces * * *'', and grants Congress the sole authority to declare war. These powers were explicitly given to Congress in order to prevent the President, in his role as Commander in Chief, from using the armed forces for purposes that have not been approved of by Congress on behalf of the national security interests of the American people.

Nowhere in the Constitution is the President empowered to deploy United States Armed Forces for war or beyond our borders without the consent of Congress. It is generally agreed, however, that situations of imminent or immediate danger to American life or property may arise that require the President to act without Congressional consent, but the extended deployment to Bosnia hardly qualifies for such unilateral action.

President Clinton, by ordering the deployment of our military into Bosnia without the consent of Congress, has assumed that the making of war is the prerogative of the Executive Branch. But the raising, maintenance, governance, and regulation of the deployment and use of the Armed Forces of the United States is the prerogative of Congress.

Not only does the conferees' weakening of the House position undercut Congress's legitimate authority to work its will on a vital foreign policy matter that involves the commitment of substantial U.S. military forces, it comes precisely at a time when SFOR is clearly drifting deeper into the quagmire in the Balkans, rather than preparing to disengage from it.

During the last three months, SFOR has become more and more entangled in efforts at nation building, a flawed objective as well as an inappropriate use of combat forces. For example, SFOR troops are increasingly becoming involved in Serbian interparty politics, the takeover of police stations, and the censorship of television broadcasts. These recent actions compromise our status as neutral peacekeepers and jeopardize the primary mission of separating the former belligerents. More important, they endanger American lives in much the same way as our poorly thought-out policies in Somalia and Lebanon.

Commenting on the administration's increased engagement in nation building, former secretary of State Henry Kissinger wrote the following: ''America has no national interest for which to risk lives to produce a multiethnic state in Bosnia. The creation of a multiethnic state should be left to negotiations among the parties—welcomed by America if it happens but not pursued at the risk of American lives.''

The administration has compounded the difficulty of a confused, evolving mission in Bosnia by the lack of a clear exit strategy. This problem became very evident during the Senate's hearing to confirm General Henry Shelton as Chairman of the Joint Chiefs of Staff on September 9, 1997, when General Shelton admitted that he had not been informed of the exit strategy for Bosnia. It is likely that to the extent an exit strategy exists, it is so firmly tied to hazily defined future political events that there is always sufficient reason to leave U.S. troops in place: there is always one more local election, always one more arbitration, always one more refugee transfer that would, in the administration's opinion, require the presence of U.S. troops. Making our departure a hostage to these events is a virtual guarantee that U.S. troops will be in Bosnia for a long time to come.

Finally, our mission in Bosnia raises troubling questions about allied burdensharing. I firmly believe that Bosnia is not a vital national interest. It is, at most, a peripheral interest of the United States to end a regional civil war in an area outside of NATO territory. It may be a vital interest to Europe, but it does not follow that U.S. ground troops must be tied up there for years. If the Europeans truly have the will to maintain peace in Bosnia, they will find a way; the administration should press the Europeans to begin planning now to assume full responsibility for the ground mission. If our allies have deficiencies, for example, in logistics capability or command and control, we must identify them and offer help to correct them.

The conference agreement on Bosnia, by permitting what is essentially an open-ended extension of the mission, effectively nullifies the consensus of a record vote in the House and opens the door to further mission creep. I am deeply disappointed that the conferees could not find a mechanism to reassert Congress's legitimate Constitutional authority when our men and women in uniform are deployed in harm's way. Instead, the conferees appear to have countersigned a blank check to continue deployment in the Balkans.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of the conference report to H.R. 1119, the National Defense Authorization Act. This conference includes a very important provision on

an issue that I have been working on for over ten years.

Several programs have been enacted over the years to allow regular and reserve retired members to ensure that, upon their deaths, their survivors will continue to receive a percentage of their retired pay. However, two categories of ''forgotten widows'' have been created by omitting any benefits for survivors of members who died before they could participate in the new programs.

The Survivor Benefit Plan (SBP), enacted in 1972, replaced an earlier unsuccessful program. It offered an 18-month open enrollment period for members already retired. This SBP open enrollment period inadvertently created the first category of ''forgotten widows.'' These individuals are widows of retirees who died before the SBP was enacted or during the open enrollment period before making a participation decision. There are 3,000 to 10,000 pre-1974 widows.

In 1978, the law was changed to allow Reservists the opportunity to elect survivor benefit coverage for their spouses and children when completing 20 years of qualifying service. However, it did not provide coverage for widows of Reserve retirees who died prior to its enactment. Thus the second category of ''forgotten widows'' evolved—the pre-1978 reserve widows. There may be 3,000 to 5,000 widows in this category.

In 1948, when the Civil Service Survivor Benefit Plan was enacted, it also created some civil service forgotten widows. In 1958, Congress authorized an annuity of up to $750 per year for the widows of civil service employees who were married to the employee for at least five years before the retiree's death, were not remarried, and were not entitled to any other annuity based on the deceased employee's service.

Today, all military ''forgotten widows'' have to show for their husbands' careers are memories. The 1958 civil service benefit of $750 equates to more than $3,600 in 1994 dollars.

Military ''forgotten widows'' deserve at least the minimum SBP annuity allowed under current law. Therefore, I introduced legislation, H.R. 38, that would provide these widows with a monthly annuity of $165 per month. H.R. 38, has received bipartisan support and has more than 50 cosponsors.

I was pleased that the Senate included a similar provision in its authorization act. The conference report that we are considering today retains this important provision from the Senate's legislation. The inclusion of forgotten widows in the Survivor Benefit Plan is long overdue.

I urge my colleagues to support the conference report for H.R. 1119.

Mr. SAXTON. Mr. Speaker, I want to thank the committee for adding language to the House-passed version of the Defense Authorization Act that would commission a study to help resolve outstanding U.S. commercial disputes against the Kingdom of Saudi Arabia. There remain, however, slight technical modifications to the directive report language I would like to clarify in this statement.

The purpose of the study is to re-open the claims process established under the FY93 Defense Appropriations Bill and to require the Department of Defense to conduct a broad and comprehensive search into any remaining claims not resolved under the Act. As many in this body are aware, eighteen suits were filed against the Government of Saudi Arabia in the 1980's following their failure to pay for hundreds of millions of dollars worth of construction projects. To date, one important claim remains unresolved—the case of Gibbs and Hill, an engineering firm hired by the Saudi government to design a power and desalinization plant in the late 1970's.

Following the completion of the facilities, the Saudi government refused to pay Gibbs and Hill the $55.1 million owed for their services. Almost twenty years later, the claim is still being pursued by Hill International, Inc., a firm located in my district. Although substantial Congressional support has been organized to pressure the Saudi government to settle this final claim, there has been little action. I am confident, however, that the upcoming report of the Secretary of Defense will help move the process along by identifying the Gibbs and Hill claim, and any other outstanding claims, resulting in a public record of the Kingdom of Saudi Arabia's failure to pay its debts to American businesses.

With the support of the Senate Armed Services Committee for the House directive report language, I am hopeful the Secretary of Defense, in consultation with the Secretaries of State and Commerce, will issue this report in a timely matter.

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

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DELLUMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, the Chair will reduce to not less than 5 minutes the time for a vote by the yeas and nays on the question of suspending the rules and agreeing to House Resolution 139, postponed earlier today, which will immediately follow this vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 286, nays 123, not voting 24, as follows:

[Roll No. 534]

YEAS—286

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Boswell
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
Lucas
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (FL)
Mink
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Shadegg
Shaw
Shimkus
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—123

Ackerman
Barrett (WI)
Becerra
Berman
Blumenauer
Bonilla
Brown (OH)
Campbell
Cardin
Chenoweth
Clay
Condit
Conyers
Costello
Coyne
Crapo
Cummings
Cunningham
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doolittle
Engel
Eshoo
Everett
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Ganske
Gordon
Gutierrez

Hastings (FL)	McCarthy (MO)	Royce
Herger	McDermott	Rush
Hilliard	McGovern	Sabo
Hinchey	McKinney	Sanders
Hooley	Millender-McDonald	Sawyer
Jackson (IL)	Miller (CA)	Sensenbrenner
Jackson-Lee (TX)	Minge	Serrano
Johnson (WI)	Moakley	Sessions
Kennedy (MA)	Morella	Shays
Kilpatrick	Nadler	Sherman
Kind (WI)	Neal	Skaggs
Kleczka	Oberstar	Slaughter
Klug	Obey	Smith (MI)
Kucinich	Olver	Stokes
LaFalce	Owens	Stupak
Lampson	Paul	Tauscher
Lantos	Pelosi	Torres
Lipinski	Pombo	Towns
LoBiondo	Poshard	Traficant
Lofgren	Rahall	Velazquez
Lowey	Ramstad	Vento
Luther	Rangel	Watt (NC)
Manton	Rivers	Waxman
Markey	Rodriguez	Wexler
Martinez	Roukema	Wise
Matsui	Roybal-Allard	Woolsey

NOT VOTING—24

Andrews	Flake	Schiff
Borski	Gonzalez	Schumer
Boucher	Houghton	Shuster
Brown (CA)	Kelly	Smith (OR)
Burr	McDade	Stark
Capps	McIntosh	Taylor (NC)
Cubin	Mollohan	Weldon (FL)
Duncan	Payne	Yates

□ 2109

Mr. SAWYER changed his vote from ''yea'' to ''nay.''

Messrs. CLYBURN, NORWOOD, BARR of Georgia, and NEY changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just adopted.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1270, THE NUCLEAR WASTE POLICY ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–354) on the resolution (H. Res. 283) providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2493, FORAGE IMPROVEMENT ACT OF 1997

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–355) on the resolution (H. Res. 284) providing for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands, which was referred to the House Calendar and ordered to be printed.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceeding.

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

ABUSE OF SUBPOENA POWER

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MORAN of Virginia. Mr. Speaker, on Saturday, a constituent of mine by the name of Ted Hudson, received a subpoena for all of the telephone records of his wife from the U.S. House of Representatives, the Committee on Government Reform and Oversight, investigating campaign financing. This subpoena was issued only because his wife's name is LiPing Chen. His wife has a Chinese surname. Mr. Speaker, this is a 20-year civil servant who categorically denies any involvement by him or his wife in political fund-raising for any party in the 1996 campaign or any other campaign back to 1986 when the $50 tax credit was repealed and at that time he was a Republican.

The only reason his wife's telephone records were subpoenaed is because she has a Chinese surname. This Congress has no business turning our Government into a police state. This is totally inappropriate and I will come to the floor every day until this subpoena is withdrawn and an apology is issued to this family.

Mr. Speaker, I submit for the RECORD a letter I received from Mr. Hudson and an attachment from his telephone company.

ALEXANDRIA, VA,
October 26, 1997.

Hon. JAMES P. MORAN,
House of Representatives, Cannon House Office Building, Washington, DC.

Re Committee on Government Reform and Oversight abuse of subpoena power.

DEAR MR. MORAN: My wife, LiPing Chen Hudson, received the attached letter on Saturday, October 25, from the telephone company stating: ''We received a subpoena from the House of Representatives of the Congress of the United States of America, requesting toll billing records for your telephone number . . . for the period of January 1, 1994 through September 17, 1997.''

My wife is a citizen of Taiwan, an alien with conditional permanent residency in this country (in 1995 your office was instrumental in getting the Immigration and Naturalization Service to process our application), who spends most of her time caring for our 22-month-old daughter. As we are on the verge of applying to remove the conditional status, I am very concerned about how the INS may view a Congressional subpoena on her record.

We do not know why she is being investigated. The committee doing so is the one investigating alleged campaign fundraising abuses. Li had a Chinese surname. She once held a low level job (translating and staffing meetings with the FBI and Secret Service) in the security office of the Taiwan non-embassy here (a job that she resigned in 1995 in order to marry me, a one-time registered Republican (I was a callow youth at the time) and currently a 20-year mid-level Federal civil servant who hasn't given a penny to any politician or party since the $50 tax credit was repealed in 1986). In her job, she had no contact with American political parties or politicians.

We categorically deny any involvement, by my wife or myself, in political fundraising for any party in the 1996 campaign or any other campaign since 1986.

I would like for you to intervene on our behalf. I would like this committee to withdraw this subpoena and expunge it from its records.

Thank you for your help in this matter.

Sincerely,

TED HUDSON.

BELL ATLANTIC CORP.,
Cockeysville, MD, October 17, 1997.

LIPING CHEN,
Alexandria, VA.

DEAR CUSTOMER: It is this Company's policy to notify a subscriber when we receive a subpoena or summons for our toll billing records for a subscriber's account.

We received a subpoena from the House of Representatives of the Congress of the United States of America, requesting toll billing records for your telephone number 703–820–7768.

This subpoena demands billing records for the time period of January 1, 1994 through September 19, 1997. This Company, in response to this subpoena, will furnish the available toll billing records to the Committee on the Government Reform and Oversight on or before October 20, 1997.

Any questions, you may have about the subpoena, should be referred to the Committee on Government Reform and Oversight on 202–225–5074.

Sincerely,

DORIS COX.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF of New Mexico (at the request of Mr. ARMEY) through Friday, November 14, 1997, on account of medical reasons.

Mr. WELDON of Florida (at the request of Mr. ARMEY), for October 29 and October 30 on account of attending his father's funeral.

GRANTING MEMBERS OF HOUSE PRIVILEGE TO EXTEND REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. FAZIO of California. Mr. Speaker, I ask unanimous consent that for today, all Members be permitted to extend their remarks and to include extraneous material in that section of

the RECORD entitled ''Extensions of Remarks.''

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

There was no objection.

ADJOURNMENT

Mr. FAZIO of California. Mr. Speaker, it is with great regret that I move that the House do now adjourn in memory of the late Honorable WALTER H. CAPPS, our dear departed colleague.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 1997, at 10 a.m., in memory of the late Honorable WALTER H. CAPPS of California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5599. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Assessment Rate and Establishment of Late Payment and Interest Charges on Delinquent Assessments [Docket No. FV97–930–1 IFR] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5600. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—Prune Crop Insurance Regulations; and Common Crop Insurance Regulations, Prune Crop Insurance Provisions [7 CFR Parts 450 and 457] received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5601. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Crop Insurance Regulations, Canning and Processing Bean Endorsement; and Common Crop Insurance Regulations, Processing Bean Crop Insurance Provisions [7 CFR Parts 401 and 457] received October 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5602. A communication from the President of the United States, transmitting a letter recommending the designation of the $5 million to initiate construction of an emergency outlet for Devils Lake, North Dakota as an emergency funding requirement in accordance with section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–160); to the Committee on Appropriations and ordered to be printed.

5603. A letter from the Acting Under Secretary (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5604. A letter from the Acting Under Secretary (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Department of the Army, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5605. A letter from the Acting Assistant Secretary, Department of Defense, transmitting the report on evaluating DOD's certification regarding expansion of the CHAMPUS Reform Initiative for the states of Virginia (exclusive of the National Capital Area), North Carolina, Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Wisconsin, the Fort Campbell Catchment Area of Tennessee, and the Scott Air Force Base Catchment Area in Missouri, pursuant to Public Law 102–484, section 712(c) (106 Stat. 2435); to the Committee on National Security.

5606. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 97–36, reporting that it is in the national interest for the Export-Import Bank to make a loan of approximately $60 million to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(2)(D)(iv); to the Committee on Banking and Financial Services.

5607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the determination on export-import bank support for the sale to the Commonwealth of The Bahamas of defense articles or services to be used primarily for counter-narcotics purposes; to the Committee on Banking and Financial Services.

5608. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 871, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

5609. A letter from the Director, Office of Management and Budget, transmitting a report on appropriations legislation as required by the Balanced Budget and Emergency Deficit Control Act of 1985 (Section 251(a)(7)), as amended by the Budget Enforcement Act of 1997; to the Committee on the Budget.

5610. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Industries in American Samoa; Wage Order [29 CFR Part 697] received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5611. A letter from the Administrator, Environmental Protection Agency, transmitting the report on the Benefits and Costs of the Clean Air Act, 1970 to 1990, pursuant to Public Law 101–549, section 812(b) (104 Stat. 2693); to the Committee on Commerce.

5612. A letter from the Director, Office of Rulemaking Coordination, Department of Defense, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedure for Kitchen Ranges, Cooktops, Ovens, and Microwave Ovens [Docket No. EE-RM–94–230] (RIN: 1904–AA–52) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5613. A letter from the Chairman, Federal Communications Commission, transmitting a report on Spectrum Auctions, pursuant to section 309(j)(12) of the Communications Act; to the Committee on Commerce.

5614. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Administration of the North American Numbering Plan, Carrier Identification Codes (CICs) [CC Docket No. 92–237] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5615. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's ''Major'' final rule—Amendment of Part 25 of the Commission's Rules to Establish Rules and Policies Pertaining to the Second Processing Round of the Non-Voice, Non-Geostationary Mobile Satellite Service [IB Docket No. 96–220] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5616. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the privatization of EDGAR, pursuant to Public Law 104–290, section 107(b) (110 Stat. 3425); to the Committee on Commerce.

5617. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 98–04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5618. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–110–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5619. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Romania (Transmittal No. DTC–104–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5620. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Japan (Transmittal No. DTC–121–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5621. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Canada (Transmittal No. DTC–103–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5622. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–93–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5623. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Singapore (Transmittal No. DTC–107–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5624. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the Republic of Korea (Transmittal No. DTC–71–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5625. A communication from the President of the United States, transmitting notification that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect for one year beyond October 21, 1997—received in the U.S. House of Representatives October 17, 1997, pursuant to 50 U.S.C. 1622(d); to the Committee on International Relations.

5626. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective October 12, 1997, the danger pay rate for

Tajikistan was designated at the 15% level, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

5627. A letter from the Inspector General, Department of Commerce, transmitting a report entitled ''Export Application Screening Process Could Benefit From Further Changes,'' pursuant to Public Law 104–106, section 1324(a) (110 Stat. 480); to the Committee on International Relations.

5628. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–172, ''Public Assistance Fair Hearing Procedures Amendment Act of 1997'' received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5629. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–171, ''Paternity Acknowledgment Amendment Act of 1997'' received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5630. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–170, ''Supplemental Security Income Payment Amendment Act of 1997'' received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5631. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–169, ''Nuisance Repairs Amendment Act of 1997'' received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5632. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–168, ''Child Abuse and Neglect Prevention Children's Trust Fund Temporary Amendment Act of 1997'' received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5633. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–164, ''Small Purchase Authority Amendment Act of 1997'' received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5634. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–163, ''Fleet Traffic Adjudication Temporary Amendment Act of 1997'' received October 23, 1997, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform and Oversight.

5635. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in September 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

5636. A letter from the Acting Director, Office of Personnel Management, transmitting the annual report of the Civil Service Retirement and Disability Fund for Fiscal Year 1996, pursuant to 5 U.S.C. 1308(a); to the Committee on Government Reform and Oversight.

5637. A letter from the Executive Director, United States Arctic Research Commission, transmitting the strategic plan for the period from FY 1998 through 2003 and beyond, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

5638. A letter from the Chairman, United States Commission for the Preservation of America's Heritage Abroad, transmitting the consolidated report for FY 1997 covering both the annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5639. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York [Docket No. 961210346–7035–02; I.D. 102097C] received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5640. A letter from the National Commander, American Ex-Prisoners of War, transmitting a copy of the 1997 audit report as of August 31, 1997, pursuant to 36 U.S.C. 1101(57) and 1103; to the Committee on the Judiciary.

5641. A letter from the Chairman, United States Sentencing Commission, transmitting the 1996 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

5642. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–126–AD; Amdt. 39–10165; AD 97–21–12] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5643. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model Avro 146–RJ Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–05–AD; Amdt. 39–10168; AD 97–21–15] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5644. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–120–AD; Amdt. 39–10167; AD 97–21–14] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5645. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 382 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–08–AD; Amdt. 39–10166; AD 97–21–13] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5646. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CT58 Series Turboshaft Engines (Federal Aviation Administration) [Docket No. 97–ANE–18–AD; Amdt. 39–10161; AD 97–21–08] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5647. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Contrucciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–137–AD; Amdt. 39–10159; AD 97–21–06] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5648. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives, Raytheon Model DH.125–400A; BH.125–400A and –600A; HS.125–600A and –700A; BAe 125–800A Series Airplanes; and Hawker 800 and Hawker 800 XP Series Airplanes Including Military Variants (Federal Aviation Administration) [Docket No. 96–NM–274–AD; Amdt. 39–10158; AD 97–21–05] (RIN: 2120–AA64) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5649. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28968; Amdt. No. 1808] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5650. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29006; Amdt. No. 1818] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5651. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29005; Amdt. No. 1817] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5652. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29037; Amdt. No. 1828] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5653. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29007; Amdt. No. 1819] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28969; Amdt. No. 1809] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29035; Amdt. No. 1826] (RIN: 2120–AA65) received October 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals (Research and Special Programs Administration) [Docket No. PS–117;

Amdt. 195–57A] (RIN: 2137–AC87) received October 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Air Tour Operators in the State of Hawaii (Federal Aviation Administration) [Docket No. 27919; Special Federal Aviation Regulation (SFAR) No. 71] (RIN: 2120–AG44) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Alamosa, CO (Federal Aviation Administration) [Airspace Docket No. 97–ANM–02] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Flagstaff, AZ (Federal Aviation Administration) [Airspace Docket No. 97–AWP–23] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ketchikan, AK (Federal Aviation Administration) [Airspace Docket No. 97–AAL–8] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5661. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Lee's Summit, MO (Federal Aviation Administration) [Docket No. 97–ACE–11] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5662. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Huslia, AK (Federal Aviation Administration) [Airspace Docket No. 97–AAL–7] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5663. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. Models BN–2, BN–2A, BN–2B, BN–2T, and BN–2A MK. 111 Series Airplanes (Federal Aviation Administration) [Docket No. 84–CE–18–AD; Amdt. 39–10172; AD 84–23–06 R1] (RIN: 2120–AA64) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5664. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29036; Amdt. No. 1827] (RIN: 2120–AA65) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5665. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Topeka, Philip Billard Municipal Airport, KS (Federal Aviation Administration) [Docket No. 97–ACE–12] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5666. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace; Anchorage, Bryant AHP, AK, and Adak, AK; Revision of Class E Airspace; Adak, AK (Federal Aviation Administration) [Airspace Docket No. 97–AAL–9] (RIN: 2120–AA66) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5667. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area Regulations; Mississippi River, LA (Coast Guard) [CCGD08–97–020] (RIN: 2115–AE84) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5668. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Delaware River Safety Zone and Anchorage Regulations (Coast Guard) [CGD 05–97–076] (RIN: 2115–AA98) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5669. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900–AI90) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5670. A letter from the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, transmitting the Department's final rule—Technical Amendments to Regulations of the Foreign-Trade Zones Board [Docket No. 97092934–7234–7234–01] (RIN: 0625–AA49) received October 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5671. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 97–56] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5672. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Capital Gains Rates [Notice 97–59] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5673. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Education Tax Incentives [Notice 97–60] received October 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5674. A letter from the Mayor, District of Columbia, transmitting the comprehensive annual financial report of the District of Columbia, including a report of the revenues of the District of Columbia for the fiscal year ended September 30, 1996, pursuant to Public Law 102–102, section 2(b) (105 Stat. 495); jointly to the Committees on Government Reform and Oversight 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. GOODLING: Committee on Education and the Workforce. House Resolution 139. Resolution expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms; with an amendment (Rept. 105–349). Referred to the House Calendar.

Mr. GOSS: Committee of Conference. Conference report on S. 858. An act to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 105–350). Order to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 948. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes (Rept. 105–351). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1604. A bill to provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indians Claims Commission: with an amendment (Rept. 105–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2402. A bill to make technical and clarifying amendments to improve management of water-related facilities in the Western United States; with an amendment (Rept. 105–353). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 283. Resolution providing for consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982 (Rept. 105–354). Referred to the House Calendar.

Mr. MCINNIS: Committee on Rules. House Resolution 284. Resolution providing for consideration of the bill (H.R. 2493) to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands (Rept. 105–355). Referred to the House Calendar.

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 Mr. RIGGS (for himself, Mr. WATTS of Oklahoma, Mr. FLAKE, Mr. TALENT, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Ms. DUNN of Washington, Ms. PRYCE of Ohio, Mr. SOLOMON, and Mr. HOEKSTRA):

H.R. 2746. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children; to the Committee on Education and the Workforce.

By Mr. CANADY of Florida:

H.R. 2747. A bill to provide for limited circumstances under which compliance with a subpoena issued in connection with certain civil actions in a court of the United States shall not be required; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. BLUNT, Mr. FOX of Pennsylvania, Mr. EWING, Mr. COOK, Mr. WALSH, Mr. QUINN, and Mr. MCGOVERN):

H.R. 2748. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved markets, and for

other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KENNEDY of Massachusetts (for himself and Mr. MEEHAN):

H.R. 2749. A bill to establish doctoral fellowships designed to increase the pool of scientists and engineers trained specifically to address the global energy and environmental challenges of the 21st century; to the Committee on Science.

By Mr. BARCIA of Michigan (for himself and Mr. DOOLEY of California):

H.R. 2750. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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. KIM (for himself and Mr. TRAFICANT):

H.R. 2751. A bill to amend the Public Buildings Act of 1959 to improve the management and operations of the General Services Administration; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of California:

H.R. 2752. A bill to present a gold medal to Len ''Roy Rogers'' Slye and Octavia ''Dale Evans'' SMITH; to the Committee on Banking and Financial Services.

By Ms. NORTON:

H.R. 2753. A bill to amend the charter of Southeastern University of the District of Columbia; to the Committee on Government Reform and Oversight.

By Mr. STARK (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. LEWIS of Georgia, Mr. MATSUI, Mr. MCDERMOTT, Mr. MANTON, Mr. DELLUMS, Mr. FROST, Mr. MARTINEZ, Mr. LANTOS, Mr. NADLER, Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON, Ms. WOOLSEY, Mr. GUTIERREZ, Mr. FATTAH, Mr. KENNEDY of Rhode Island, Mrs. MCCARTHY of New York, Mr. SANDLIN, Ms. KILPATRICK, and Mr. LOBIONDO):

H.R. 2754. A bill to amend title XVIII of the Social Security Act and title 38, United States Code, to require hospitals to use only hollow-bore needle devices that minimize the risk of needlestick injury to health care workers; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and Commerce, 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. STUPAK (for himself and Mr. RAMSTAD):

H.R. 2755. A bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2756. A bill to authorize an exchange of property between the Kake Tribal Corporation and the Sealaska Corporation and the United States; to the Committee on Resources.

By Mr. KING of New York (for himself, Mr. MANTON, Mr. GILMAN, Mr. NEAL of Massachusetts, and Mr. WALSH):

H.J. Res. 98. A joint resolution to recognize Commodore John Barry as the first flag officer of the United States Navy; to the Committee on National Security.

By Mr. DEUTSCH:

H. Con. Res. 178. Concurrent resolution expressing the sense of the Congress that the transfer of Hong Kong to the People's Republic of China not alter the current or future status of the Republic of China on Taiwan; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. MARKEY, Mr. CARDIN, and Mr. SALMON):

H. Con. Res. 179. Concurrent resolution expressing the sense of Congress with respect to the human rights situation in the Republic of Turkey in light of that country's desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe (OSCE); to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. BEREUTER, Mr. HAMILTON, Mr. FALEOMAVAEGA, and Mr. BERMAN):

H. Res. 282. A resolution congratulating the Association of South East Asian Nations (ASEAN) on the occasion of its 30th Anniversary; to the Committee on International Relations.

By Mr. MANTON (for himself and Mr. TRAFICANT):

H. Res. 285. A resolution requiring the Chief Administrative Officer of the House of Representatives to meet the requirements applicable to the head of a department or independent establishment under the Buy American Act in acquiring articles, materials, and supplies for the House of Representatives; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

215. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 10–161 requesting that a public hearing be held in the Commonwealth on any bill affecting CNMI local self-government as granted by the Covenant; to the Committee on Resources.

216. Also,a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 162 endorsing the passage of H.R. 2200, the Guam War Restitution Act, introduced by Congressman Robert A. Underwood in the 105th Congress, granting restitution for the people of Guam who endured the atrocities of the Japanese occupation of Guam in World War II; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. SNOWBARGER and Mr. LIVINGSTON.

H.R. 74: Mr. STARK, Mr. CLAY, Mr. MANTON, Mr. LANTOS, Mr. OLVER, Ms. WOOLSEY, Ms. RIVERS, Ms. KILPATRICK, and Ms. ROYBAL-ALLARD

H.R. 76: Mr. HORN, Mr. RODRIGUEZ, Mr. FAZIO of California, Mr. BOEHLERT, Mr. JONES, Mr. PETERSON of Minnesota, Ms. STABENOW, and Mr. JOHN.

H.R. 164: Mr. GILMAN, Mr. MCHUGH, Mr. MCDERMOTT, and Mr. THOMPSON.

H.R. 165: Mr. TURNER.

H.R. 169: Mr. BILIRAKIS.

H.R. 192: Mr. MCGOVERN.

H.R. 251: Mr. SANDERS, Mr. FOLEY, and Mr. HUTCHINSON.

H.R. 286: Mr. FRANK of Massachusetts.

H.R. 287: Mr. CAMPBELL and Mr. FRANK of Massachusetts.

H.R. 306: Mr. FORD, Mr. KIND of Wisconsin, and Mr. ORTIZ.

H.R. 349: Mr. PAUL.

H.R. 367: Mr. BARR of Georgia.

H.R. 387: Mr. CAMPBELL.

H.R. 502: Mr. CAMPBELL.

H.R. 536: Mr. JACKSON, Mr. CAMPBELL, and Mr. PAPPAS.

H.R. 594: Mr. GUTIERREZ, Mr. SAXTON, and Mr. MCGOVERN.

H.R. 619: Ms. DELAURO, Mr. MALONEY of Connecticut, Ms. ESHOO, Mr. ANDREWS, and Mr. DICKS.

H.R. 692: Mr. MURTHA.

H.R. 715: Mr. ETHERIDGE and Mr. BARRETT of Wisconsin.

H.R. 718: Ms. ROS-LEHTINEN.

H.R. 738: Mr. KING of New York.

H.R. 777: Mr. DAVIS of Florida.

H.R. 816: Mr. BILIRAKIS.

H.R. 832: Ms. RIVERS.

H.R. 853: Mr. CHAMBLISS.

H.R. 979: Mr. SISISKY, Mr. GOODE, Mr. BOUCHER, and Mr. LEVIN.

H.R. 981: Mr. WEYGAND, Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. HASTINGS of Florida, and Mr. ALLEN.

H.R. 983: Mr. SCOTT, Mr. KUCINICH, and Mrs. MCCARTHY of New York.

H.R. 1018: Mr. MCGOVERN.

H.R. 1059: Mr. DAN SCHAEFER of Colorado, Mr. PETRI, Mr. GOODLING, Mr. BLILEY, and Mr. SPENCE.

H.R. 1061: Mr. OLVER, Mr. HAYWORTH, and Ms. WOOLSEY.

H.R. 1070: Ms. ESHOO, Mr. NADLER, Mr. EVANS, Mr. SAXTON, Mr. STUPAK, and Ms. WOOLSEY.

H.R. 1104: Mr. EVANS.

H.R. 1114: Mr. BURR of North Carolina.

H.R. 1126: Mr. MATSUI and Mr. MANTON.

H.R. 1134: Mr. CHAMBLISS.

H.R. 1147: Mr. SOUDER.

H.R. 1234: Ms. KILPATRICK.

H.R. 1373: Mr. OLVER.

H.R. 1376: Mr. VENTO and Mr. WEXLER.

H.R. 1428: Mr. EHRLICH.

H.R. 1492: Mr. BILIRAKIS.

H.R. 1555: Ms. FURSE.

H.R. 1591: Mr. HEFLEY and Mr. SMITH of Michigan.

H.R. 1705: Mr. EHRLICH.

H.R. 1737: Mr. BECERRA and Mr. BAKER.

H.R. 1749: Mr. PALLONE.

H.R. 1766: Mr. SCARBOROUGH, Mr. EHRLICH, Mr. STUPAK, Mr. ENSIGN, Ms. DANNER, Mr. MATSUI, Mr. JOHN, Mr. SHAW, and Mr. TANNER.

H.R. 1776: Mr. RAMSTAD.

H.R. 1782: Mr. NADLER.

H.R. 1797: Mr. GIBBONS and Mr. SHADEGG.

H.R. 1870: Mr. MCGOVERN.

H.R. 1873: Ms. SANCHEZ and Mr. OLVER.

H.R. 1874: Mr. BERMAN.

H.R. 1904: Mr. THOMPSON.

H.R. 1909: Mr. JENKINS.

H.R. 1987: Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. DEFAZIO, Mr. TOWNS, and Mr. CLEMENT.

H.R. 2009: Ms. DEGETTE, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRAHAM, Mr. EHLERS, Mr. GALLEGLY, Mr. RILEY, and Mr. FILNER.

H.R. 2023: Mrs. LOWEY, Ms. CARSON, and Ms. MCKINNEY.

H.R. 2029: Mr. CALVERT.

H.R. 2038: Mr. GRAHAM, Mr. HOEKSTRA, and Mr. GOODLATTE.

H.R. 2050: Mr. PICKETT.

H.R. 2053: Mr. THOMPSON and Mr. VENTO.

H.R. 2081: Mr. NETHERCUTT.

H.R. 2163: Mr. ROYCE.

H.R. 2191: Mr. GREENWOOD.

H.R. 2199: Mrs. MALONEY of New York, Ms. LOFGREN, Mr. DELLUMS, Ms. SLAUGHTER, Ms. WOOLSEY, Mr. DAVIS of Illinois, and Mr. WAXMAN.

H.R. 2221: Mr. BAKER, Mr. COOKSEY, Mr. LOBIONDO, and Mr. MCINTYRE.

H.R. 2275: Mr. NADLER, Mrs. MORELLA, and Ms. WOOLSEY.

H.R. 2292: Mr. TALENT and Mr. SHAYS.

H.R. 2327: Mr. BARTON of Texas and Mrs. CUBIN.

H.R. 2349: Mr. STARK, Mr. ROYCE, Mr. PACKARD, and Mr. DREIER.

H.R. 2404: Mr. VENTO.

H.R. 2421: Ms. FURSE, Mr. CONYERS, Ms. WOOLSEY, and Mr. PAUL.

H.R. 2422: Ms. WOOLSEY and Mr. RUSH.

H.R. 2451: Mr. SHERMAN.

H.R. 2454: Mr. FRANK of Massachusetts and Ms. JACKSON-LEE.

H.R. 2457: Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE, and Mr. CLEMENT.

H.R. 2468: Ms. BROWN of Florida, Mr. MARTINEZ, and Mr. HINCHEY.

H.R. 2503: Mr. MANTON, Mr. THOMPSON and Mr. CLEMENT.

H.R. 2543: Mr. THOMPSON.

H.R. 2549: Mr. YATES.

H.R. 2568: Mr. WYNN, Mrs. MINK of Hawaii, Mrs. CHENOWETH, Mr. LIPINSKI, Mr. FATTAH, Mr. BARLETT of Maryland, Mr. SNOWBARGER, and Mr. BLAGOJEVICH.

H.R. 2591: Mr. GUTIERREZ, Mr. JACKSON, Mr. YATES, Mr. FOX of Pennsylvania, Mr. MCNULTY, Mr. SAXTON, Mr. LAFALCE, Mrs. KELLY, Mr. BENTSEN, Mr. FROST, Mrs. MORELLA, and Mr. MCGOVERN.

H.R. 2599: Ms. JACKSON-LEE.

H.R. 2600: Mr. SAM JOHNSON, Mr. HILL, and Mr. MCINTYRE.

H.R. 2604: Mr. KIM, Mr. NEAL of Massachusetts, Mr. KLINK, Mr. MURTHA, Mr. HOLDEN, Ms. KAPTUR, Mr. KANJORSKI, Mr. SHAW, and Ms. JACKSON-LEE.

H.R. 2609: Mr. CALVERT, Mr. DOOLITTLE, Mr. BONILLA, Mr. MCINTOSH, Mr. GOODE, Mr. GILLMOR, and Mr. HALL of Texas.

H.R. 2625: Mr. SHADEGG, Mr. CALVERT, Mr. RYUN, Mr. TALENT, Mr. GIBBONS, Mr. THUNE, Mr. WICKER, Mr. MCKEON, and Mr. WELDON of Pennsylvania.

H.R. 2626: Mr. DEFAZIO and Mr. HILL.

H.R. 2627: Mr. MCHALE, Mr. HUTCHINSON, and Mr. COMBEST.

H.R. 2635: Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. BLAGOJEVICH, Mr. OLVER, Mr. YATES, Ms. SANCHEZ, Ms. WOOLSEY, Mr. DELLUMS, Mr. RANGEL, Mr. BONIOR, Mr. TORRES, Mr. DEFAZIO, and Mr. TALENT.

H.R. 2639: Mr. WELDON of Florida and Mr. SANDLIN.

H.R. 2652: Mr. HALL of Ohio.

H.R. 2657: Mr. COLLINS and Mr. SESSIONS.

H.R. 2709: Mr. MCINTYRE, Mr. ENGEL, Mr. LOBIONDO, Mr. WOLF, Mr. GEPHARDT, Mr. NEUMANN, Mr. BLUNT, Mr. HAYWORTH, Mr. LIVINGSTON, Mr. BROWN of Ohio, Mr. FOLEY, Mr. HILL, Mr. EHRLICH, Mr. BACHUS, Mr. BAKER, Mr. ROEMER, Mr. MCNULTY, Mr. ROTHMAN, Mr. MENENDEZ, Mr. VISCLOSKY, Mr. FROST, Mr. LATHAM, and Mr. KENNEDY of Rhode Island.

H.R. 2713: Ms. KILPATRICK, Mr. RUSH, and Mr. KENNEDY of Rhode Island.

H.R. 2717: Mr. BARRETT of Wisconsin, Mr. MCINTYRE, Ms. FURSE, Mr. STUPAK, and Mr. WEYGAND.

H. Con. Res. 13: Ms. MILLENDER-MCDONALD and Mr. LIPINSKI.

H. Con. Res. 55: Mr. STUPAK.

H. Con. Res. 121: Ms. JACKSON-LEE, Mr. EWING, Mr. GREEN, Mr. NEUMANN, Mr. RODRIGUEZ, Mr. PALLONE, Mr. STUPAK, Mr. COOKSEY, Mr. BAKER, Mr. COBLE, Mr. HORN, Mr. HASTINGS of Florida, Mr. PETERSON of Pennsylvania, Mr. MCCRERY, Mr. BLILEY, Mr. MCDADE, and Mr. LIVINGSTON.

H. Con. Res. 150: Mr. PICKERING, Mr. OBERSTAR, and Mr. Crapo.

H. Con. Res. 156: Mr. SAXTON, Mr. HINCHEY, Mr. STARK, and Mr. Manton.

H. Con. Res. 160: Mr. TORRES, Mr. FATTAH, Mr. SANDERS, Ms. ESHOO, Mr. MILLER of California, Mr. ABERCROMBIE, and Mr. HINCHEY.

H. Con. Res. 162: Mr. BURTON of Indiana, Mr. MORAN of Virginia, and Mr. WELDON of Pennsylvania.

H. Con. Res. 170: Mr. BAKER and Mr. HASTINGS of Washington.

H. Res. 26: Mr. FAWELL, Ms. STABENOW, Ms. KILPATRICK, and Mr. MCGOVERN.

H. Res. 139: Mr. WELLER and Mr. PAPPAS.

H. Res. 279: Mr. STARK, Mr. WAXMAN, Mr. WEYGAND, and Mr. ACKERMAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

25. The SPEAKER presented a petition of the Butler Township Board of Commissioners of Lyndora, Pennsylvania, relative to Resolution No. 97–16 expressing concerns regarding personal wireless communication service facilities; to the Committee on Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2616

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: Page 10, after line 19, insert the following:

SEC. 6. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 7. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the appropriate Chairman shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 8. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 1: Page 23, line 21, insert before the period the following: '', as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)''.

Page 27, strike lines 3 through 7, and insert the following:

(1) ALLOTMENT.—The term ''allotment'' means the area where livestock are grazed under an appurtenant adjudicated or apportioned grazing preference.

Page 27, strike lines 14 through 19 relating to the definition of base property.

Page 27, beginning on line 20, strike paragraph (4) and insert the following:

(4) CONSULTATION, COOPERATION, AND COORDINATION.—The term ''consultation, cooperation, and coordination'' means to engage in careful and considered good faith efforts with lessees, permittees and land owners involved, district grazing advisory boards, and the State or States having lands within the affected area to—

(A) discuss and exchange views;

(B) act together toward a common end or purpose; and

(C) document a mutual agreement.

Page 35, beginning on line 5, strike ''an allotment management plan'' and insert ''a cooperative allotment management plan pursuant to subsection (a) and''

Page 35, beginning on line 24, strike section 107 and insert the following new section:

SEC. 107. FEES AND CHARGES.

(a) GRAZING FEES CALCULATION.—The administrative fee rate for each animal unit month in a grazing fee year shall be equal to the previous year private grazing land lease rate for the sixteen contiguous western states as reported by the Economic Research Service of the Department of Agriculture on February 15 of the grazing fee year, divided by the 1997 base private grazing land lease rate (from the Economic Research Service report for 1996), times the 1996 base fee rate.

(b) BASE FEE RATE.—The base fee rate shall be equal to the 12-year average of the total gross value of production for beef cattle for the years 1986 through 1997, multiplied by the 10-year average of the United States Treasury Securities six-month bill ''new issue'' rate for the years 1988 through 1997, divided by 12.

(c) ROLE OF ECONOMIC RESEARCH SERVICE.—The Economic Research Service shall continue to compile and report the annual private grazing land lease rate as currently published in February of each year. Should the Economic Research Service develop new methods for estimating the private grazing land lease rate which yield different results, the base value used in this section shall be adjusted to reflect the difference obtained by the new method.

(d) CROSSING PERMITS, TRANSFERS, AND BILLING NOTICES.—A reasonable service charge shall be assessed for each crossing permit, transfer of grazing preference, and replacement of supplemental billing notice, except in a case in which the action is initiated by the authorized officer.

Page 39, beginning on line 9, strike section 108 relating to Resource Advisory Councils.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 2: Page 23, line 21, insert before the period the following: '', as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)''.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 3: Page 27, strike lines 3 through 7, and insert the following:

(1) ALLOTMENT.—The term ''allotment'' means the area where livestock are grazed under an appurtenant adjudicated or apportioned grazing preference.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 4: Page 27, strike lines 14 through 19 relating to the definition of base property.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 5: Page 27, beginning on line 20, strike paragraph (4) and insert the following:

(4) CONSULTATION, COOPERATION, AND COORDINATION.—The term ''consultation, cooperation, and coordination'' means to engage in careful and considered good faith efforts with lessees, permittees, and land owners involved, district grazing advisory boards, and the State or States having lands within the affected area to—

(A) discuss and exchange views;

(B) act together toward a common end or purpose; and

(C) document a mutual agreement.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 6: Page 35, beginning on line 5, strike ''an allotment management plan'' and insert ''a cooperative allotment management plan pursuant to subsection (a) and''

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 7: Page 35, beginning on line 24, strike section 107 and insert the following new section:

SEC. 107. FEES AND CHARGES.

(a) GRAZING FEES CALCULATION.—The administrative fee rate for each animal unit month in a grazing fee year shall be equal to the previous year private grazing land lease rate for the sixteen contiguous western states as reported by the Economic Research Service of the Department of Agriculture on February 15 of the grazing fee year, divided by the 1997 base private grazing land lease rate (from the Economic Research Service report for 1996), times the 1996 base fee rate.

(b) BASE FEE RATE.—The base fee rate shall be equal to the 12-year average of the total gross value of production for beef cattle for the years 1986 through 1997, multiplied by the 10-year average of the United States Treasury Securities six-month bill ''new issue'' rate for the years 1988 through 1997, divided by 12.

(c) ROLE OF ECONOMIC RESEARCH SERVICE.—The Economic Research Service shall continue to compile and report the annual private grazing land lease rate as currently published in February of each year. Should the Economic Research Service develop new methods for estimating the private grazing land lease rate which yield different results, the base value used in this section shall be adjusted to reflect the difference obtained by the new method.

(d) CROSSING PERMITS, TRANSFERS AND BILLING NOTICES.—A reasonable service charge shall be assessed for each crossing permit, transfer of grazing preference, and replacement of supplemental billing notice, except in a case in which the action is initiated by the authorized officer.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 8: Page 39, beginning on line 9, strike section 108 relating to Resource Advisory Councils.

H.R. 2493

OFFERED BY: MRS. CHENOWETH

AMENDMENT NO. 9: Page 36, strike line 16 and all that follows through line 21 on page 37.

Page 38, beginning on line 19, strike subsection (e).

H.R. 2493

OFFERED BY: MR. VENTO

AMENDMENT NO. 10: In section 107(a), strike paragraph (2) (page 36, lines 16 through 20) and insert the following new paragraph:

(2) DETERMINATION OF FEE.—

(A) SMALL PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising less than 2,000 animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1).

(B) LARGE PRODUCERS.—The holder of a grazing permit or lease, including any related person, who owns or controls livestock comprising 2,000 or more animal unit months on Federal lands pursuant to one or more grazing permits or leases shall pay the fee as calculated under paragraph (1) for the first 2,000 animal units months. For animal unit months in excess of 2,000, the fee shall be the higher of the following:

(i) The average grazing fee (weighted by animal unit months) charged by the State during the previous grazing year for grazing on State lands in the State in which the lands covered by the grazing permit or lease are located.

(ii) The Federal grazing fee as calculated under paragraph (1), plus 25 percent of such fee.

H.R. 2493

OFFERED BY: MR. VENTO

AMENDMENT NO. 11: Page 37, line 2, strike ''seven'' both places it appears and insert ''five''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

Vol. 143 WASHINGTON, TUESDAY, OCTOBER 28, 1997 No. 147

Senate

The Senate met at 9 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:

Gracious Father, our hearts are filled with gratitude. We are thankful that You have chosen to be our God and have chosen us to know You. Your love embraces us and gives us security; Your joy uplifts us and gives us resiliency; Your peace floods our hearts and gives us serenity; Your Spirit fills us and gives us strength.

We truly believe that Your loving hand is upon our lives; help us to be sensitive to every guiding nudge of direction. Keep us from making up our minds and then asking for Your approval. Keep us from acting as if we have Your answers to all questions. Keep us humble in our search for our applications of Your truth to the matters that face us. Free us from condemnatory judgments, and save us from the exhaustion and frustration of rushing up self-chosen paths without Your guidance.

Give us insight to see Your path for our lives, and the patience and endurance to walk in it with our hands firmly in Yours. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator WARNER of Virginia, is recognized.

Mr. WARNER. I thank the distinguished Presiding Officer, the President pro tempore of the Senate. I join with many others in recognizing how our distinguished senior Senator from South Carolina is always there present to open the U.S. Senate. That, in and of itself, is a record that merits the attention of all.

SCHEDULE

Mr. WARNER. Mr. President, this morning the Senate will be in a period of morning business until 10 o'clock. At 10 a.m., under rule XXII, a live quorum will begin. Once a quorum is established, the Senate will proceed to a cloture vote on the modified committee amendment to S. 1173, the highway legislation. Following that vote, the Senate will begin approximately 90 minutes of debate on the Interior appropriations conference report. If all of that time is used, Members can anticipate a second vote at approximately 12:15.

Under the previous order, at 12:30, the Senate will recess for the weekly policy luncheons to meet. Hopefully, when the Senate reconvenes at 2:15, the Senate will begin consideration of either the Amtrak legislation dealing with the pending strike, or Amtrak reform which would address the strike.

In addition, the Senate may begin debate on Senator COVERDELL's education IRA legislation, H.R. 2646. Therefore, Members can anticipate rollcall votes throughout today's session of the Senate.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Virginia is recognized to speak for up to 5 minutes.

Mr. WARNER. I thank the Chair.

THE NEED TO ADDRESS THE HIGHWAY BILL

Mr. WARNER. Mr. President, my remarks this morning go to the need for this body to begin to address the substantive provisions of the highway bill, S. 1173. As the Senate full knows, I am privileged to be the chairman of the subcommittee which, over the course of a period of the year, developed this piece of legislation. Many Senators have traveled great distances. We had hearings in several places throughout the United States and a number of hearings here, of course, in our committee room. But a lot of hard work went into this bill.

Now, the question on cloture involves the Senate consideration of the campaign finance bill. I leave to the respective leaders who, as nearly as I can determine, are trying to work diligently to resolve the procedural conflict involving that piece of legislation, campaign finance reform, as it relates to this bill. But as I read through the order that was prepared by the leader's office this morning reciting other pieces of legislation to which this body will turn, the question, of course, rises, why can't we go ahead with the ISTEA bill?

Again, I leave that to the leaders. They have worked on this diligently and indeed there are developments every hour on the hour. So it is difficult for any of us not involved in the negotiations to explain the exact reasons.

But the reason I asked to take the floor this morning is that we are witnessing here in this country, in the past week, and particularly yesterday, a very precipitous decline in our stock market, commodity markets, and the like. It clearly manifests an instability.

As I look at this piece of legislation, this is an absolute building block of stability for America's economy. This bill has literally millions and millions of jobs related to it. Now, highways, bridges, and other infrastructure requirements take months to plan—engineering, financial, consideration by the respective legislative bodies and highway commissions of the several States. It is a process which was carefully crafted in the 1991 bill over a period of

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

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6 years. The reason we put in a 6-year bill was to provide the type of stability that enables those from the Governor and State legislatures to the various highway boards and commissions to do that type of planning.

All across this country today, in the wake of the instability of the marketplace and other economic indicators, millions and millions of men and women are dependent for their livelihood on this program going forward in an orderly way. Highways can't be built overnight. Weather has a very definite impact on the ability of the hands of these laboring people to build these highway systems. In some States, that envelope of weather is a matter of several months, primarily because of the weather conditions. But indeed during the course of the intense heat of summer, again, there are restrictive periods in which roads and highways can be built. It is for that reason that I ask this morning that we cannot be oblivious to what is taking place in the marketplace of our country and all over the world, this instability, at a time when this bill will be a very steady building block to add stability.

This vote will be the fourth to invoke cloture so that the Senate can proceed to the consideration of this legislation to reauthorize our Nation's surface transportation programs. This is needed because of the intent regarding campaign financing.

Mr. President, the funding level is $145 billion. Stop and think about that—$145 billion. That would benefit every single State. We have tried in this bill to equitably and fairly distribute these funds that would go from the State in the form of gasoline taxes, petroleum taxes associated with trucks, and diesel, and so forth—up to the highway trust fund and revolve and come back. We have tried to equitably distribute these funds, more so than in the 1991 ISTEA. The funding level in ISTEA II, which is the present bill, is $145 billion. It is a 20-percent increase in funding over the 1991 ISTEA I.

This funding level, if I may say, is significantly higher than recommended by the administration in their proposal that came to the Congress. The United States has the largest transportation system in the world, with 170,000 miles of National Highway System routes, 900,000 miles of other Federal aid roads, and 3.7 million miles of other public roads. Our national network of highways carries 136 million cars, 58 million light trucks, 6.9 million freight trucks, and 686,000 buses. In 1995, cars and light trucks, mostly personal vehicles, were driven 2.2 trillion miles.

What is alarming to learn, however, is that nearly half of our major road system is in mediocre or fair condition. I will repeat that. Half of this vast communications system is in mediocre or fair condition. This lack of investment clearly jeopardizes safety, the individual personal safety of those on the highways, and the mobility of the traveling public, as well as our economic competitiveness.

Now, I don't presume to give the causes for this problem in the market today, but anybody who wishes to be informed can certainly listen carefully, as I have done in the last 24 hours, to others who presumably have a better knowledge. But this problem is precipitated less by the U.S. economy, if at all—because that economy is relatively healthy—but more by the world marketplace, and primarily in Asia. It is a one-world competitive market, and the ability of this Nation to compete in that market is very, very significantly dependent on the efficiencies, the safety of this infrastructure of highways and roads and bridges. Mr. President, again, it is the competition in the world financial markets, primarily the deterioration of the situation in Asia that is causing the precipitous decline in our markets. I subscribe that that same competition exists in every other walk of life relative to the ability of the American working men and women to compete with their hands and their minds with others throughout the world. It is a one-world market.

I remember so well visiting, in Luray, VA, a plant that manufactures blue jeans. Now, blue jeans are almost a language in the world over today in many respects. I saw Virginians down over their machines sewing the particular garments being made that day.

I turned to the plant manager, who was escorting me through and I said, ''How can we compete with the blue jeans manufacturers elsewhere in the world?'' It was very interesting. I said, ''We are complying with all the environmental requirements, with the wage laws, the workers are well paid, well cared for, with health programs; how can we compete with those plants that are operating while we are sleeping in the Asian market?''

He said, ''Come with me.''

We walked down and I saw a bank of computers that take the orders in, relay the orders to the workbench, products are manufactured, put on a conveyor belt, and then he beckoned me and we went outside. There were a half-dozen semi-trailers being loaded, box after box. He said to me very simply, ''That order came in this morning, that garment was manufactured to the specifications of the merchant that placed that order, and the finished product is put in that truck and that truck travels overnight and that pair of jeans is on the store shelf the following morning.''

Asia cannot compete because of the infrastructure of transportation, the ability of this plant and other plants all over America to, within 24 hours, turn around an order and have that product on the shelf.

That is what is at stake, the ability to turn around these products in the face of a deteriorating infrastructure all across this country.

Mediocre and fair condition. That is half of the Nation's road system. That extrapolates into jobs, millions and millions of men and women of the United States ready to go to work provided in this bill and provide the needed stability that we are lacking today in view of these tragic declines in the world markets.

Transportation provides the link between business, industries, and consumers. Transportation and related industries employ 9.9 million people in the United States, slightly more than 7 percent of the total work force in this Nation. According to the Department of Transportation, for every $1 billion invested in highway and bridge projects, over 42,000 new jobs are created. As one of the largest sectors of our economy, transportation represents nearly 11 percent of the gross domestic product. It is just behind the basic services of housing, health care, and food.

Another compelling statistic confirms that transportation remains a sound investment for the American taxpayers. For every dollar spent, there is an economic return of $2.60.

Mr. President, I therefore urge my colleagues to consider these facts and let us not bring upon this institution that old adage that while Rome burned, Nero fiddled. We have to come to grips with this procedural question on campaign finance reform, but this type of legislation must go forward to provide the economic stability that is necessary at this very hour in America.

So I close, Mr. President, by urging all Senators who will be coming to the floor very shortly to express their views to perhaps take a look at what is happening in the international financial markets. It is impacting this country. Take a look at what is happening because while campaign finance is an important issue, it could really be perceived in the workplace by those who carry the lunch buckets, those who bend and sweat and toil to build America's roads and bridges, as the ant that toppled the mountain of jobs that are involved in this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized to speak for up to 10 minutes.

VOLUNTARY NATIONAL TESTING

Mr. BINGAMAN. Mr. President, I want to take a few minutes this morning to debunk a few myths that are being spread about how the Senate voluntary national testing plan would

work and explain why a so-called compromise that has been discussed here in the Capitol in the last few days misses the mark almost entirely.

As many of my colleagues here in the Senate already know, the opponents of a voluntary national test are blocking what in my view is a reasonable and carefully crafted proposal to improve our schools. Over a month ago here in the Senate, we voted 87 to 13 in support of this proposal. Since then, the opponents of it have refused to even sit down at the table and talk about the issue. In fact, they have threatened to shut down the Federal Government again rather than to allow States and school districts and parents to decide for themselves whether or not they want to use these new tests.

In recent weeks, the opponents of voluntary national testing have tried to spread a series of myths about the proposal that was passed by the Senate. Many of these are described on the chart here. Let me just go through a few of them.

First of all, one of the myths is that this is ''just another test.'' In reality, these national tests would provide essential information to parents that none of the commercial tests presently available provide, by allowing a comparison. The tests that are being considered by us in this legislation would allow a comparison between students across the Nation as to their level of performance on reading in the fourth grade and mathematics at the eighth grade.

Another myth is that the tests are not voluntary. The claim is that they are not voluntary. In fact, we have written into the language of the bill a specific requirement that they be voluntary; a prohibition against any impediment or any force being put on a State or district or community that chooses not to use the tests.

Another of the myths is that they would not do anything, when in reality we have various States and communities and school districts around the Nation that are showing that high standards and uniform measures of achievement can engage and empower area communities to put more emphasis on their schools and increase the learning that occurs there.

But, despite the mischaracterizations of the voluntary testing proposal, I am glad to report that educators and business leaders and the American public support this proposal overwhelmingly, the proposal that the President sent forward. I know this from having heard it from people on the front lines.

This last Friday we had a meeting with various people. An elementary school parent and PTA member, Laura Scott, told about how important independent tests were for parents who are handing their children over to schools and need all the leverage they can get to make sure the education their children are getting in those schools is adequate. Gov. Roy Romer of Colorado spoke about the efforts that are being made in Colorado to develop their tests in these various subjects and how he would appreciate a chance to know how his State is doing relative to other States. He could not see any justification for each of the 50 States having to reinvent the wheel. Obviously, the President's proposal would eliminate the need for that. The Governor of North Carolina, Jim Hunt, also spoke eloquently about the importance of having benchmarks so that he can determine the appropriateness of the education that is being provided to his own grandchildren in the public schools of North Carolina.

From a business perspective, Alan Wurtzel, of the National Alliance of Business, and Chris Larson, of the Technology Network, described how important uniform measures of achievement are to preparing a qualified work force for the 21st century and how the business community insists upon objective measurements of achievement in the training that they do. And they believe that same concept makes a lot of sense in our schools as well.

Representing large, urban school districts, Philadelphia School Superintendent David Hornbeck said that the tests, as he saw it, would be, and the phrase he used was a ''sword of equality'' for poor and minority students in Philadelphia and elsewhere who today are receiving an inferior education, unfortunately, in many of these school systems but, by virtue of this kind of objective performance testing, would be able to improve the situation.

Most recently, opponents of the voluntary national tests came up with the so-called compromise proposal that in my view reveals a basic misunderstanding about what the voluntary national testing proposal is supposed to do. The proposed compromise preserves the status quo. It relies on a type of test —the type which many of our school districts are now using—which creates the impression that students are doing better than they really are. We could refer to this proposal as the Lake Woebegone proposal. It is clearly a situation, which we have today, where ''all the children are above average.''

First off, the compromise they are proposing is not much different from an outright prohibition on the development of any new tests. Further development of a voluntary national test would be immediately and completely prohibited under this compromise, so-called compromise, that has been discussed. That is nothing else but protecting the status quo, in denying States, denying school districts the choice to participate in a national measure of student achievement. Seven States have already indicated they want to participate and 15 major school districts have opted to do so.

Second, this proposed compromise wouldn't really accomplish anything useful in terms of focusing more attention on world-class standards for all children. That is because instead of developing new national tests on fourth grade reading and eighth grade math, this antitesting proposal would fund a $3 million study of the feasibility of linking various commercial tests that are already there with each other. These commercial tests that would be linked under this study do not conform to the rigorous academic standards of the National Assessment of Educational Progress. The whole idea behind this development of a fourth grade reading test and eighth grade math test is we want these kinds of rigorous national academic standards that are reflected in the National Assessment of Educational Progress available for all schools to look at.

In addition, the tests that would be studied are all ''norm-referenced'' tests, which means their scores are all reported by percentiles. They show how you scored compared to others, but they do not show how you score relative to any kind of objective criteria, as to whether or not you can read at a reasonable level or do math at a reasonable level.

In many ways, this proposal misses the point. It suggests that the current hodgepodge of commercial tests can adequately solve the problem. It proposes to preserve the status quo rather than allowing States and districts to make their own choices. It undercuts the National Assessment for Educational Progress which is the most rigorous national measure of student achievement. And this so-called compromise is completely unsatisfactory in that it would block the proposal we agreed to here in the Senate, to allow this test to be developed by the National Assessment Governing Board.

Here in the Senate, the compromise that was negotiated, it was clear, was supported overwhelmingly by a bipartisan group of Senators. Leading scholars in this field such as Checker Finn and Bill Bennett supported that compromise. Since then, 43 Senators have pledged to block the appropriations bill or to uphold a veto, if the President is required to veto the bill, if that original compromise is not maintained.

So, if testing opponents want the National Academy of Sciences to study whether commercial or even State-developed tests are as rigorous as the National Assessment of Educational Progress, I have no problem with that. I think studies can sometimes be useful. But until it is clear that State and commercial tests are up to the task, I believe we should be able to go ahead with the voluntary national test development and that funding should be kept in the bill and not be prohibited as the House is considering doing.

Mr. President, I know there are others waiting to speak. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, I also ask unanimous consent I be able to speak as in morning business.

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

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. GRAMS. Mr. President, I am here this morning on the floor to talk about the very important ISTEA legislation that is being held up in the Senate here for many, many different reasons. But the introduction of the Senate's Intermodal Surface Transportation Efficiency Act of 1997 represents the results of intense negotiations between Chairman CHAFEE, Senator WARNER, and Senator BAUCUS, each of whom have represented three different legislative approaches to the reauthorization of ISTEA.

I thank each of these Senators for the work they have done to bring this bill to the floor because the citizens of my home State of Minnesota strongly support a 6-year reauthorization bill, funded at the highest levels. This should be one of our top priorities before we adjourn this session. Unfortunately, however, this very important piece of legislation is being held up by other Senators seeking to impose a political agenda on a very vital transportation spending issue. Again, it is being held up by Senators who want to impose a political agenda on vital transportation spending.

Their effort to halt this crucial transportation spending bill are far more egregious than other attempts in the past to influence legislation by holding it hostage. It is inconceivable to me that we would not consider this bill on its own merits. The question of why not is being asked by every State concerned about the availability of transportation funds for continuing projects. It is ironic that Senators claiming to support labor issues would now thumb their noses at the same hard-working Americans who feed and clothe their families through the salaries they earn working on transportation projects, not to mention how important those projects are for improved safety and for meeting our growing transportation needs.

ISTEA must be considered before we adjourn for the year. There has been a real effort to reach a compromise that achieves balance among the 50 States. This balance is required to address unique transportation needs in the different regions of our country: The congestion needs of the growing South, the aging infrastructure needs of the Northeast, as well as the national transportation needs of the rural West and the Midwest. Almost every State shares in the growth in dollars contained in the bill compared with the funding levels that they received under ISTEA back in 1991.

I was proud to join Senator WARNER as a cosponsor of STEP 21 earlier this year, as Minnesota was a member of the STEP 21 coalition, and I am pleased that much of the bill has been incorporated now into this piece of legislation.

Mr. President, this bill attempts to preserve the principles of ISTEA that have proven to be successful. We need to ensure that our transportation growth contributes to the preservation of our environment.

We need to continue to build upon the shared decisionmaking among the Federal, State, and local governments in the transportation planning process. We also need a transportation bill that is based on a formula that is fair. This bill will either succeed on the doctrine of fairness or it will fall victim to politics as it has in the past.

I am pleased the ISTEA reauthorization attempts to ensure a fair allocation of funds. The new formula was determined with objective factors, such as the number of miles of the National Highway System and each State's contributions to the highway trust fund.

Under this legislation, every State will receive a minimum return of 90 percent of their contributions to the highway trust fund. That is a very different guarantee from the so-called 90-percent minimum allocation in ISTEA. This is a real guarantee.

Finally, we must have a transportation bill that makes an improvement in streamlining as well as flexibility. This bill streamlines ISTEA's five major programs down into three, and they are the National Highway System, the Surface Transportation Program, and the Congestion Mitigation and Air Quality Program.

The Federal focus on our most important network of roads, the National Highway System, which includes our interstate system, is maintained. The streamlining and the flexibility provided by the ISTEA reauthorization will give Minnesota the ability to make its own transportation decisions, and that is a great step forward. Other States also would have the same freedom.

This bill attempts to get a reasonable rate of return for Minnesota. In this bill, my State will receive 1.50 percent of Federal apportionment dollars, which represents an increase from the 1.43 percent of actual dollars under the 1991 ISTEA.

The bill would also increase my State's share by over $82 million per average year above the 1991 authorization level.

I am also pleased to be a cosponsor of the Byrd-Gramm amendment which allows the Federal gas tax of 4.3 cents now dedicated to the highway trust fund to actually be spent on highways. This will provide Minnesota the necessary additional revenue that is so critical to meeting our infrastructure needs.

Mr. President, the political games must end. The reauthorization of ISTEA has expired. We need to go forward and we need to approve a new highway reauthorization bill.

It has been proven again and again that transportation spending is one of the most important, it is one of the most cost-effective investments in our Nation's future. For every $1 billion spent on transportation, we create 60,000 jobs, jobs that are now at risk again while some Senators attempt to hold this legislation prisoner in exchange for the advancement of their particular political agendas. I ask my colleagues this morning to help liberate this political hostage to allow the ISTEA legislation to proceed.

Thank you very much, Mr. President. I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Thank you, Mr. President.

REVENUE SHARING OF OUTER CONTINENTAL SHELF FEDERAL RECEIPTS FROM OIL AND GAS PRODUCTION

Ms. LANDRIEU. Mr. President, I rise today to bring to the attention of the Senate and, hopefully, to the Nation, a concern that is very important to my constituents in the State of Louisiana and to other coastal States. I rise to address this issue in order to begin what I hope will be an educational process for all of us.

As you know, the Federal Government, through the Minerals Management Service and the Bureau of Land Management at the Department of the Interior shares with the States 50 percent of the mineral revenues from Federal lands inside the boundary of States, to offset the impacts of onshore mineral development. Unlike the States that support onshore development of Federal mineral resources, Louisiana, particularly, and Texas, Alaska, California, Mississippi, Alabama, and Florida receive comparatively little of the revenues received by the Federal Government for offshore oil and gas development on the Outer Continental Shelf.

I intend very shortly to introduce legislation to realign the OCS revenues to reflect a more fair and more just allocation. This legislation will also address historical and anticipated impacts on infrastructure and environmental needs that have been identified over the course of time. I raise this issue as the Senate today, Mr. President, will be voting on the Interior and related agencies appropriations conference report this afternoon. That bill

contains funding for land and water conservation and the National Historic Preservation Fund. All of those moneys, almost up to $1 billion authorized, comes from OCS revenues. So the Federal Treasury has been a great beneficiary, and many States, of course, have shared in these revenues.

This year also marks the 50th anniversary of oil and gas exploration and production in the United States off the gulf coast. We have come a long way from the early days when a few intrepid souls dared to combine their resources to take a risk on a black pitch-like substance that was seeping out of the hills of Pennsylvania. They discovered that this substance would burn. From that substance kerosene was derived and then came gasoline and numerous other petroleum products that support the American economy and the American lifestyle today.

Oil and gas development has long been the lifeblood of my State—through good times and bad, through the early years of this century and the bust years of the 1980's. In Louisiana, as in other oil-patch States, there was an abundance of oil and gas. Many people dug wells, plugged them, and made and lost fortunes.

In the 1970's, there was an oil boom that no one thought would end, but it did. During that time, businesses sprang up in Oklahoma and Texas and throughout the oil patch with businesses building headquarters in cities like Tulsa, Houston, and Dallas. In the Gulf of Mexico, oil and gas platforms appeared. People discovered a wealth of reserves in coastal waters and, later, in Federal waters, particularly off the coast of Louisiana.

Mr. President, I want to share with you today, and many Members of the Senate, that all of the production in the gulf identified is by these squares that are blocked off. You can see that almost 90 percent, from approximately this line to all the way over is off Louisiana's coast. About 90 percent of the production is supported off Louisiana's coast, and that is the point I want to make today. It is not all the coastal States supporting it equally. Louisiana is contributing a huge amount to this development, which is contributing a huge amount of money to the Federal Treasury.

The history of OCS development and State versus Federal ownership was defined in the time of President Truman. There was a great deal of discussion on this issue between interested parties, with no real solution as to how these proceeds should be fairly divided. The controversy continued briefly through the forties and fifties. Finally, legislation came in 1953. This act established a 3-mile State water boundary for Louisiana, Mississippi, and Alabama and, for historical reasons, a 10-mile border for Texas and the gulf coast of Florida.

The understanding was that States would own the resources up to 3 miles out from their coastal boundaries, and the Federal Government would own the resources beyond the 3-mile mark, and that lasted for years. In addition, in 1985, a new zone was created through an amendment to the Outer Continental Shelf Lands Act, the 8g zone. So between 3 and 6 miles, the States on the coast can now benefit in some additional ways, but rather minor, from the oil and gas derived from that 3- to 6-mile zone.

The most recent Federal law to apply to the Outer Continental Shelf was passed in the last Congress, through the leadership of my predecessor, former Senator Bennett Johnston. This measure, the Outer Continental Shelf Deepwater Royalty Relief Act, provided a royalty incentive for companies that wished to explore in deep waters off the continental shelf but were constrained by the cost of deepwater drilling.

Today, as a result of this act, you can see from the previous chart that there have been record sales and bids off the gulf coast, particularly in Louisiana. In March of this year, lease sale No. 166 was held in the central gulf, and 103 companies bid on over 5,000 blocks comprising 27 million acres offshore Alabama, Louisiana, and Mississippi. The companies made record bids. Fifty-one percent of these blocks were in 800 meters of water. The deepest block was in 9,000 feet of water.

The mind-boggling total value of these bids was in excess of $800 million. Mr. President, five additional sales are planned beginning in March. All of this is due to the Deep Water Royalty Relief Act which has created thousands of good paying jobs in the energy industry, both onshore and offshore. The Federal Treasury has benefited substantially. The Federal Treasury received an amount of $2.8 billion from these leases in 1995. Louisiana contributed $2.1 billion. These figures do not include corporate taxes and taxes that were also collected for the Federal Treasury.

I need to clarify the funding situation for those who are listening today. When there is onshore oil and gas production, States are entitled to 50 percent of the royalties. Alaska gets 90 percent onshore. For coastal States with offshore production in 8g, States receive only 27 percent, and beyond the 6-mile mark for Louisiana, Mississippi, and Alabama, States are not entitled to any percentage. That is the point of this discussion.

In conclusion, let me say that we need to make this distribution more fair and more equitable. With the amounts of money that are being distributed based on 50 percent for onshore, based on 90 percent for Alaska, but now under the current law, outside of this 6 miles, the coastal States receive almost nothing. The amount of money being generated is greater and greater every year. Just last year, as I mentioned, it was up to $2.8 billion received by the Federal Treasury. And of that amount, Louisiana received less than $16 million from contributing over 90 percent of the production totaling almost $3 billion. We received only $15.9 million.

For 50 years, Louisiana has borne the brunt of the impacts associated with oil and gas production in the Gulf of Mexico. While we acknowledge that hosting offshore production has provided some economic rewards in the State, Louisiana cannot tax the production on the OCS, nor do we receive a share of the governmental payments on the OCS. There has been damage to onshore staging areas, damage from activities by the Corps of Engineers, and deterioration of infrastructure such as roads and highways that are used to get equipment and workers to the offshore fields. The State of Louisiana has not received appropriate compensation for the use of its land and the environmental impacts of this production.

Moreover, Mr. President, we have a very fragile environment in south Louisiana. I have visited Port Fouchon, in La Fourche Parish many times. La Fourche Parish is a rural, relatively isolated parish at the bottom of the ''L'' in Louisiana, if you picture the State in the form of the letter ''L.'' The people there are of modest means, and do their best to make a good living. Port Fouchon is Louisiana's only port on the Gulf of Mexico. Its proximity to the deepwater oil and gas discoveries makes it the port of choice for an increasing number of businesses. Over 6,000 people depend on the port as an avenue to and from offshore facilities. In just 3 years, Port Fouchon has tripled the amount of cargo it handles—from 10 million to over 30 million tons in 1996.

Near Port Fouchon is the Louisiana Offshore Oil Port [LOOP]. LOOP is a state of the art offshore facility located 20 miles south of Port Fouchon. LOOP is connected through five pipelines to over 30 percent of the Nation's refining capacity. Recently, the deepwater platform Mars, by Shell Oil, was connected by pipeline to LOOP. Consequently, LOOP will be handling a significant portion of the Gulf of Mexico's domestic deepwater oil production. Couple this with the recently announced goal that the MMS would like to increase oil production in the gulf from 1.7 to 2 million barrels of oil a day. This is an extremely ambitious schedule. Such an increase would amount to an additional $600 million in royalties by the year 2000. Yet, there has been little attention to infrastructure in La Fourche Parish, and little attention to the environment. According to Bob Thompson, president of LOOP, ''Nearly all of LOOP's logistical support for offshore operations comes directly through Port Fouchon, and hence across substandard roadways. We must improve our highway infrastructure to accommodate this new business.'' Currently, over 80 deepwater prospects are identified off coastal Louisiana. An astounding 75 percent of these are in the Port Fouchon service area. Terrebonne and St. Mary Parishes, St. Bernard, and Jefferson which

are adjacent to La Fourche, will also support industry activity. Many of the parishes need additional help as well as other coastal States. These new demands will put a great deal of stress on an already besieged environment. Mr. President, these areas and their fragile environments in Louisiana were sacrificed long ago for the benefit of industry investment and development. I intend to ensure that these areas will be ignored no longer.

Since the early 1990's, the Minerals Management Service at the Department of the Interior and various heads of environment and natural resource departments from a number of States have been holding talks and negotiations over revenue sharing from the funds collected from activity in the gulf. This month, in fact, tomorrow, the OCS Policy Committee will be meeting in Galveston, TX, to vote on a revenue sharing initiative. I commend this method of consensus building that the Department, industry, and the States have undertaken to address revenue sharing and its implementation. But I want to go further than just recognizing their actions, Mr. President.

In the next few weeks, I will be filing the bill to bring this issue to the attention of the U.S. Senate to ask for a greater distribution and a more fair distribution to those States impacted so that we can continue to support this industry, but in return this industry can and the Federal Treasury can invest back into Louisiana and other coastal States so we can continue this drilling in an environmentally sensitive way.

Through advances in technology and favorable laws, we have come upon a great resource for this Nation, to reduce our dependence on foreign oil. At the same time, we must take advantage of this economic boon to reinvest in our environment, to repair damage to our wetlands, and to take stock of our natural resources and their value as we benefit in the coming years from activity in the gulf.

Thank you, Mr. President. I thank you for the time.

WALTER GREY HEMPHILL, JR., WORLD WAR II HERO

Mr. COCHRAN. Mr. President, funeral services will be held today in my State for Walter Grey Hemphill, Jr., a World War II hero, who was also a very close personal friend.

He was best known in our community as a former star athlete at Byram High School, who was recruited to play football at the University of Mississippi in 1941, as a successful coach and teacher at his alma mater, a respected vice president and general manager of Deviney Construction Co., an active member and chairman of the deacons at the First Baptist Church of Byram, and as a past worthy patron of the Order of the Eastern Star.

While most of his friends knew that Walter Grey Hemphill, Jr., had been a veteran of World War II, few were aware of the details of his combat experiences. The fact that he was one of the true heros of the Battle of the Bulge was not something he talked about very easily.

The citation he received awarding him the Silver Star for valor in battle described his bravery under fire and his willingness to risk his life to save the lives of his fellow paratroopers of the 101st Airborne Division in the fighting near Bastogne, Belgium, in December 1944. He destroyed a German gun emplacement with an explosive charge at close range while under heavy enemy fire. His courageous action saved the lives of the members of his unit, but he was seriously wounded in the process. He received two Purple Hearts and spent over a year in hospitals recovering from his injuries.

After the war, he returned to the University of Mississippi and, although unable to play football, he earned his bachelor and master's degrees and became my high school world history teacher, as well as my football, basketball, and baseball coach. He was also our close neighbor whose friendship I enjoyed and appreciated. I'm confident that the lessons I learned from him on the athletic fields, in the classrooms, and in our neighborhood provided me with a firm foundation of values, attitudes, and work habits that made future academic and professional success possible.

I will always remember and be grateful for his generous acts of kindness, his fair but firm discipline, and his thoughtful leadership.

He is survived by a dear and loving wife, Elsie, and a devoted daughter, Patricia Windham, to whom I extend my sincerest condolences.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Efficiency Act:

Trent Lott, John H. Chafee, John Ashcroft, Larry Craig, Don Nickles, Mike DeWine, Frank Murkowski, Richard Shelby, Gordon Smith, Robert Bennett, Craig Thomas, Pat Roberts, Mitch McConnell, Conrad Burns, Spence Abraham, and Jesse Helms.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 6]

Abraham	Gorton	McConnell
Ashcroft	Grams	Moynihan
Bennett	Grassley	Murkoswski
Biden	Gregg	Murray
Bingaman	Hagel	Nickles
Breaux	Hatch	Roberts
Bumpers	Hollings	Santorum
Cleland	Hutchinson	Sarbanes
Coats	Hutchison	Sessions
Collins	Jeffords	Smith (NH)
Coverdell	Kennedy	Smith (OR)
Craig	Landrieu	Specter
Daschle	Leahy	Thomas
DeWine	Lieberman	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Wellstone
Feingold	Mack	
Ford	McCain	

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the modified committee amendment to S. 1173, the Intermodal Surface Transportation Act, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—52

Abraham	Faircloth	Mack
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Chafee	Hatch	Shelby
Coats	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Jeffords	Thompson
D'Amato	Kempthorne	Thurmond
DeWine	Kyl	Warner
Domenici	Lott	
Enzi	Lugar	

NAYS—48

Akaka	Feinstein	Lieberman
Baucus	Ford	McCain
Biden	Glenn	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Bryan	Inouye	Reed
Bumpers	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Snowe
Dodd	Landrieu	Specter
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Feingold	Levin	Wyden

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. CHAFEE addressed the Chair.

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

Mr. CHAFEE. 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. BAUCUS. 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. BAUCUS. Mr. President, I ask to speak for 2 minutes out of order.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

Mr. BAUCUS. Mr. President, I would just like to say a few words about where we are on the highway bill. It is due to internal political discussion and confrontation that we have not been able to move on the highway bill. There has been a bipartisan effort to try to get an agreement on campaign finance reform. We are still at loggerheads.

Mr. President, it is imperative that we in the Senate find some way to get a highway bill passed. It has been a month now since the authorization expired. It expired on September 30. We in the Senate are derelict by not passing highway legislation.

I say that because there are many States that are going to run out of money very soon. My State of Montana will run out the first part of February. It takes a long time to let contracts, to bid on contracts, to get the pipeline lined up so dollars are out to the States for jobs. I have been in favor of the 6-year bill. It only makes sense that we have some continuity in our highway program.

This is not some abstract theory, Mr. President. This is jobs. This is local people, cities and counties and States, that very much depend upon this multibillion-dollar program. So I urge us to find some pragmatic, practical way to get some form of a highway bill passed. I hope it is 6 months. It may not be 6 months. I hope it is 6 years. It may not be 6 years. But we have to pass something so when we go home over the holidays we will at least have built a bridge so next year we take up a full 6-year bill and find a way to get that passed.

I urge my colleagues to find some way to solve this impasse now so we as a practical matter do our duty to get highway legislation passed.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to comment on the remarks just made by the senior Senator from Montana. I share his view.

Obviously, this is a very significant concern for all of our States and for a lot of Governors and those who are making decisions in their departments of transportation.

There are really two approaches. The first approach is for us to reach an agreement to allow campaign finance reform to be set for a certain date early next year. I think there are good-faith negotiations continuing, and I am hopeful they will produce the desired result.

But that is the first option. Then we can take up the 6-year bill and complete our work, as I know many of our colleagues, including this Senator, would like to do.

The second option is the one that the Senator from Montana alluded to. We can do what the House has already done. We can take up a 6-month bill. We can improve upon the 6-month bill that the House has proposed. I think we could use our allocation, our numbers and be in a much better position to go to conference. But certainly no one should object to moving a 6-month bill if we can't get agreement on a longer bill.

So either way, Mr. President, we have an option. We can take up the 6-year bill—hopefully, that is still possible—only if we can get campaign finance reform. Who knows what will happen in conference even with a 6-year bill. But at least the Senate will have acted. Short of that, there is absolutely no reason why we cannot take up a 6-month bill. We could do it on a unanimous-consent basis if we wished, and I hope we could do that as a second option should we not resolve the first.

However, I do believe we must act. We must resolve this matter prior to the end of this session. I am confident that, working together, we can find a way to do that.

I yield the floor.

Mr. CHAFEE addressed the Chair.

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

Mr. CHAFEE. Mr. President, I would ask that I might proceed for 4 minutes as in morning business.

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

Mr. CHAFEE. Mr. President, I point out we have been on this highway bill, the surface transportation legislation, for nearly 3 weeks. This was, I believe, the fourth cloture vote so that we could move on and deal with the bill.

We could not get cloture. The other side didn't want us to have cloture. So that's why we are in this jam. This legislation before us is a 6-year bill. It came out of the committee unanimously. There may be variations and amendments. That is fine. We ought to have a chance to bring them up and vote on them.

But we could not do that, Mr. President. I think that is very regrettable. Now people are backing off and saying let's possibly have a 6-month bill. I think that is a disaster; nobody can do any long-range planning with a 6-month piece of legislation.

So I think it is very unfortunate the way this has worked out. I am not sure what the next order of business is or what the next step in connection with this highway legislation will be, but I feel very badly that we did not get cloture so we could go ahead and deal with a good bill, bring up the amendments and vote on them one way or another. But we were unable to do that, and I regret it.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business.

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

Mr. KERRY. Mr. President, I would like to respond briefly to the Senator from Rhode Island and make it as clear as I think it can be made clear that this is about one issue. It is not about ISTEA. It is not about the transportation needs of the country. It is about campaign finance reform.

That is all this is about. We have been pressing for months to be able to get the ability to debate and have a full-fledged legislative effort on campaign finance reform. We have been denied the right to have one vote on the substance of real campaign finance reform, not one vote.

The reason we are in this predicament is exclusively the resistance on the part of the Republicans to permit us to have a date certain and the ability to be able to legislate on campaign finance reform.

That is all this is about. There are as many Members on the Democratic side of the aisle who want to vote for ISTEA as there are on the Republican side. ISTEA will ultimately pass the Senate, and it will pass overwhelmingly. This is about whether or not we are going to face one of the most important issues the people in this country want to face, that a group of people are resisting and will not allow the democratic process to work. It is that simple. I hope no one will confuse it in the days ahead. This could be resolved in a matter of hours by reasonably permitting those of us who seek campaign finance reform to know that we can return after the recess and be able to vote in February or March and have the Senate properly discuss the issue of campaign finance reform.

This is an issue that, on the Republican side, Senator MCCAIN has said and on our side the leadership has said and a number of us have said, is not going to go away.

If there is any lesson we have learned in the Senate, it is that when there is the kind of issue that has a sufficient number of votes for the underlying bill, they do not go away. We have seen that on the minimum wage. We have seen it on a host of other issues through history here. I am confident that we can come together around some reasonable approach to campaign finance reform.

We have acknowledged to Senator MCCONNELL and others that this is an issue which will take 60 votes. We know that. We are not suggesting that this can be resolved other than by coming together with some kind of consensus that will resolve the capacity of either side to filibuster. We know that.

But until we get to the business of legislating, of actually proposing amendments and working with that kind of energy, we are never going to know if we can reach that kind of consensus, and that is what this fight is about.

So I hope no one confuses it as somehow surrogate or secret opposition to ISTEA. It is not. It is about the unwillingness of the Republicans at this point in time to set a date certain for campaign finance reform and to permit us to come back and do the business of the Senate. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Might I ask colleagues whether or not there would be an opportunity to speak 5 minutes in morning business? Is that all right with my colleagues?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Chair recognizes the Senator from Minnesota for 5 minutes.

UNITED STATES-CHINA SUPPORT

Mr. WELLSTONE. Mr. President, I rise to address the direction of our country's relationship with China. Right now, the Clinton administration is busy with the state visit of Chinese President Jiang Zemin. A state visit is the highest, most formal diplomatic event hosted by the United States. The champagne will flow, and flattering toasts will be made.

I disagree with this red carpet treatment, Mr. President. There is no question that United States-Chinese relations are crucial and important for both countries. It is wrong, however, for the United States to host a state visit for President Jiang Zemin until we see significant progress made on human rights in China. Instead of a ceremonial visit, we should be holding a working visit with the Chinese leadership, focusing on the critical issues that exist between our two nation, like human rights, weapons proliferation, and trade.

China continues to wage a war against individual freedoms and human rights. Hundreds, and perhaps thousands, of dissidents and advocates of political reform were detained just last year. They included human rights and pro-democracy activists, and members of religious groups. Many have been sentenced to long prison terms where they have been beaten, tortured, and denied medical care.

Scores of Roman Catholics and Protestants were arrested. A crackdown in Tibet was carried out during the ''Strike Hard'' campaign. Authorities ordered the closure of monasteries in Tibet and banned the Dalai Lama's image. At one monastery which was closed, over 90 monks and novices were detained or disappeared.

Harry Wu, a man of extraordinary courage and character, has documented China's extensive forced labor system. His research has identified more than 1,100 labor camps across China, many of which produce products for export to dozens of countries around the world, including the United States.

Because he criticized his government, Harry Wu was also imprisoned in these camps. For 19 years in 12 different forced labor camps across China, Harry was forced to mine coal, manufacture chemicals, and build roads. He survived beatings, torture, and starvation. He witnessed the death of many of his fellow prisoners from brutality, disease, starvation, and suicide.

According to Amnesty International, throughout China, mass summary executions continue to be carried out. At least 6,000 death sentences and 3,500 executions were officially recorded last year. The real figures are believed to be much higher.

Our own State Department reported that in 1996: ''All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administration detention, or house arrest. No dissidents were known to be active at year's end.''

Mr. President, that is a chilling, deeply disturbing statement. It cuts to the core values of our Nation. And it was made by our own Government, and this administration. Yet, this week, the administration will welcome President Jiang with pomp and circumstance. These actions indicate that, where China is concerned, what we have is not a policy of constructive engagement, but one of unconditional engagement.

Let us put some names and human faces to the statistics and generalities we have all heard with regards to China.

In May 1996, Wang Hui was detained. She was the wife of a jailed labor activist. While detained, she was denied water and other liquids. She tried to kill herself by hanging. According to Human Rights Watch, after being cut down by police, she was punished with severe beating.

Ngawang Choephel is a Fulbright Scholar from Middlebury College. He studied music, and returned to his homeland to document the ancient music and culture of Tibet. It is disappearing under the heel of the Chinese Government. As a result of his work, he was convicted in February, and sentenced to 18 years imprisonment for espionage. His crime—sending videotapes of ethnic Tibetan music and dancing out of China.

Last year, Wang Dan was sentenced to 11 years in prison on charges of conspiring to subvert the Chinese Government. Prior to sentencing, Wang had already been held 17 months in incommunicado detention. His crime: He was a leader of the Tiananmen movement.

Two years ago, Beijing sentenced Wei Jingsheng to 14 more years of incarceration for the crime of peacefully advocating democracy and political reform. Wei had been arrested and sentenced after he wrote wall posters on the Democracy Wall outside Beijing. They argued for true democracy and denounced Deng Xiaoping.

I have read Mr. Wei's work and his letter from prison. I can't tell you how impressed and moved I was by them. As a political scientist, I seldom, if ever, have read such an eloquent and intelligent espousal of democracy and human rights. Making the letters all the more remarkable is the fact that they were written while Wei was in prison or labor camps, mostly in solitary confinement. He has been jailed for all but 6 months of the last 18 years.

Wei Jingshen is not only China's most prominent dissident and prisoner of conscience, but ranks with the greatest fighters for democracy and human rights of this century. He brings to mind Martin Luther King, Nelson Mandela, and, of course, Alexander Solzhenitsyn. I was honored to join many of my colleagues in nominating Wei for the Nobel Peace Prize.

Last week, Mr. Wei's sister came to the United States to tell the administration that he is dying in jail, and that this summit may be his last chance of emerging from detention alive. It is urgent that the Chinese Government release Wei and that he be given the medical care that he desperately needs, but has been denied.

By agreeing to this state visit without any significant concessions on human rights, like the release of Wei Jingsheng, the Clinton administration squandered its strongest source of leverage with Beijing.

This is not to say that all dialog between the United States and China or that working level visits are wrong. Instead, I believe that the symbolism of a state level visit is inappropriate given our strong disagreement with China over its human rights record. That is why I cosponsored a resolution with Senators FEINGOLD and HELMS to urge the President to downgrade this event from a state visit to working visit.

The Chinese have said they do not welcome American advice on what they view as a ''purely internal affair.'' Welcome or not, President Clinton must insist that China's leaders take specific actions on human rights.

Indeed, I believe strongly that the administration has a moral duty to press a range of issues with the Chinese Government that it may not welcome, but that are of enormous important to the Chinese people, and the United States.

Specifically, I call on President Clinton to demand:

The immediate and unconditional release of Wei Jingsheng, Wang Dan, and other prisoners of conscience held in jails in China and Tibet.

Improvement in the conditions under which political, religious, and labor dissidents are detained in China and Tibet. This includes providing prisoners with adequate medical care and

allowing international humanitarian agencies access to detention facilities.

Significant progress in improving the overall human rights conditions in China and Tibet. The Chinese Government must take concrete steps to increase freedom of speech, freedom of religion, and freedom of association, in order to comply with the Universal Declaration of Human Rights, which it signed in 1948.

Some say that we cannot influence what goes on in China, that the country is too proud, too large, and that changes take too long. I disagree. For years we have pressured the Chinese on human rights, and to let up now is tantamount to defeat for the cause of human justice. Dissidents who have been freed and come to the United States have thanked advocates for keeping them alive, by keeping the pressure on, and focusing attention on their plight.

As Americans, it is our duty and in our interest to make the extra effort required to promote freedom and democracy in China, and to bring it into compliance with international standards on human rights.

Mr. President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 2107, which the clerk will now report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 22, 1997.)

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The time under the conference report is controlled.

Who yields time?

Mr. GORTON. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am pleased to bring before the Senate the conference report on H.R. 2107, the fiscal year 1998 Interior and Related Agencies Appropriations Act. The conference report provides $13.8 billion for programs under the jurisdiction of the Interior subcommittee, and incorporates a number of changes to House and Senate funding levels and legislative provisions in an effort to reconcile the differences between the two bodies, and to reconcile the differences between the Congress and the administration. I firmly believe the resulting conference agreement is worthy of my colleagues' support.

While at this time I will not go into great detail about the conference report, I want to stress the fact that the conferees on this bill have gone to extraordinary lengths to try to accommodate the concerns of the administration. I ask unanimous consent that a more detailed discussion of the modifications that have been made in response to administration concerns appear at the end of my statement.

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

(See exhibit 1.)

Mr. GORTON. There are, however, a handful of issues in the conference agreement that I know are of great interest to all Senators. I will spend a little time discussing two of these issues: Land acquisition and the National Endowment for the Arts.

The budget agreement provided the Appropriations Committees with the option to appropriate $700 million for ''priority land acquisitions and land exchanges,'' with the appropriation being in addition to the subcommittee's 602(b) allocation. This reserve fund was requested by the administration in budget talks, in large part because of the administration's desire to finance two major land purchases that it negotiated shortly before the Presidential election: The Headwaters Forest in California and the New World Mine in Montana.

The administration originally had proposed to conduct these acquisitions administratively, exchanging oil and gas properties and revenue streams in ways that stretched existing exchange authorities to the limit, if not beyond. I and many others strongly objected to the proposed acquisitions at the time, in part because it was clear that the administration was trying to evade the requirements of the Budget Act and bypass Congress altogether on two major expenditures. In that sense, I am glad that the budget agreement provided an opportunity for these acquisitions to come before Congress, albeit not under ideal conditions.

The House Appropriations Committee chose not to provide the $700 million. Chairman REGULA not only doubted the value of the Headwaters and New World Mine acquisitions to the U.S. taxpayer, but also felt strongly that if $700 million were available in the context of the budget agreement, that money would be better spent reducing the multi-billion-dollar maintenance backlog that exists in our parks, refuges, and public lands. I cannot honestly say that I disagree with him on either point.

I did, however, include the $700 million in the Senate bill, largely because I feel a personal commitment to the budget agreement and the broader benefits that it provides for the American taxpayer. $315 million of the funds provided in the Senate bill were for the Headwaters Forest and New World Mine acquisitions. But because of the complexity of the acquisitions, the many questions that had been raised about them, and their sheer magnitude, I agreed with Senator MURKOWSKI that the funds should be provided subject to enactment of subsequent authorizing legislation. Some have intimated that this was an attempt to kill the two deals, but I can assure you that on my part it was not. I also have no doubt that Senator MURKOWSKI was doing anything other than his job, part of which is to authorize land purchases of this nature. The notion that Congress should simply accept the administration's word as to the worth of these expensive and highly complex projects is not only an abandonment of congressional prerogatives, but of our duty.

Mr. President, the conference on the Interior bill was closed 3 weeks ago but for the very difficult question of land acquisition. The administration has continually insisted that the money for Headwaters and New World Mine must be included in any Interior bill that the President would sign, and that such money could not be subject to an authorizing requirement. Senator MURKOWSKI has continued to insist on an appropriate role for the authorizing committee. Congressman YOUNG, Congressman HILL, Congressman RIGGS, and Senator BURNS desired to make certain that the communities impacted by the two acquisitions were adequately compensated. Congressman REGULA has insisted that a portion of the $700 million be made available to reduce maintenance backlogs on our public lands, rather than require all the money to be used to increase the public land base, and I should not fail to mention that Congressman OBEY, among others, was greatly displeased that the budget resolution dictated to the penny the amount that the Appropriations Committee could provide for priority land acquisitions.

The negotiations among all of these parties over the past several weeks have been exceedingly difficult. The compromise included in the conference report provides $699 million for priority land acquisitions and land exchanges, and critical maintenance needs. Of this amount, up to $250 million is for Headwaters Forest and up to $65 million is for the New World Mine. Authorizations for both projects are included in the conference report, but the acquisitions cannot be made until 180 days after enactment, providing the authorizing committees time to review the acquisitions and possibly recommend changes to the authorizing language. The authorizing language itself is the product of lengthy discussions between House and Senate authorizing committees, the Appropriations Committees and the administration. I should note

that Senator MURKOWSKI was a reluctant participant in these discussions, and feels strongly that the authorizing legislation should have gone through the normal committee process. I will also say that the administration is not in complete agreement with the provisions of the authorization.

The major sticking point in these discussions over the last week has been the question of whether or not a formal appraisal would be required for the Headwaters and New World Mine acquisitions. The administration has insisted that appraisals are not necessary, and that Congress should be satisfied with an opinion of value—a term with no formal meaning. On the other hand, Senator MURKOWSKI, Congressman REGULA, and I all agree that a formal appraisal is the only way to safeguard the American taxpayer. While the conferees have reluctantly agreed not to cap the purchase price at the appraised value, the conference report does require an appraisal for each acquisition.

In spite of the great strides that have been taken to address the concerns of the administration elsewhere in the bill, I have no doubt that if this bill is vetoed by the President, it will primarily be because of the appraisal requirement for these two acquisitions. I also have little doubt that if the bill is vetoed, the $700 million stands a better chance of being removed from a future bill than does the appraisal requirement. I cannot entirely account for the administration's strong resistance to the notion of a formal appraisal. If either appraisal places the value of these properties below the price to which the administration agreed, the administration will have ample opportunity to dispute the appraisal. Congress does, from time to time, approve acquisition above the appraised value. If either appraisal values one of these properties above the price to which the administration has agreed, such appraisals will only support the administration's case that these acquisitions represent good buys for the taxpayer. In short, I think Congress has been extraordinarily fair in its dealings with the administration with regard to Headwaters and New World Mine.

Turning to the National Endowment for the Arts, my colleagues will recall that the House bill included zero funding for the NEA. The Senate bill included just over $100 million, a small increase over the current year level. The Senate also considered a number of NEA amendments during floor consideration, ranging from complete termination of the Endowment to greatly increasing the percentage of NEA funds that are provided as block grants to the States. Though the debate on these amendments made clear that there is significant concern about NEA's current structure and practices, the votes on the amendments also made clear that the Senate does not share what were apparently the views of the House.

The conference report $98 million for NEA—a remarkable outcome given the House position. In exchange for providing nearly all the funding included in the Senate bill, the House requested that the conference report include a number of reforms to the NEA's structure and procedures. As a result, the conference report increases the percentage of block grants to States, makes arts education a priority, and alters the structure and membership of the National Council for the Arts to reflect congressional interest in the NEA's conduct and direction.

With regard to the conference agreement on the NEA, it is safe to say that the House leadership is not pleased with the result. I think it is also safe to say that if this bill is vetoed and returned to conference, it is almost certain that the House will demand additional reductions in funding for the NEA. This is not a threat from an opponent of the Endowment. To the contrary, I have been a strong supporter of the NEA, even though I have been critical of some of the decisions made by the agency over the years. My comments are rather a simple recognition of current sentiment in Congress.

In a similar vein, I cannot say what would happen to the $700 million for land acquisition should this bill be vetoed. This comes not from someone who strictly opposes providing the $700 million, but rather from someone who included the money in this bill in the first place. I am simply stating the fact that this conference agreement is very delicately balanced, and that a decision by the administration to come back for one more bite at the apple—despite the great lengths we have gone to accommodate its concerns—will not be without peril.

On a less ominous note, I do want to take a brief moment to mention a few other items. First, I want to note the work that Senator JEFFORDS and Senator TORRICELLI have done in the interests of the preservation of Civil War battlefields—a subject near and dear to my heart. The Senators offered an amendment to this bill expressing the sense of the Senate that Civil War battlefield preservation should be a high priority for Congress. I know they would like to have done more, particularly with regard to earmarking a portion of the $700 million, but I do want them to know that I will continue to work with them in the allocation of the $700 million should this conference report be enacted. I also want to note some of the Civil War projects that are funded elsewhere in this bill, such as the $1.7 million provided for rehabilitation at Vicksburg National Military Park, the $2 million provided for stabilization work at Shiloh National Military Park, the $1 million provided for an interpretive center at Corinth battlefield, and the $3.5 million provided for land acquisition at Fredricksburg/Spotsylvania National Military Park. I am also very pleased that the conference report provides a more than $1 million operating increase for Gettysburg National Military Park, a subject on which Senator SANTORUM has worked very diligently.

I also want to clarify that the funding provided to the Fish and Wildlife Service for habitat conservation planning for the Preble's Meadow jumping mouse applies to four counties in Colorado. These mice range over four counties in Colorado and two counties in Wyoming. However, the mice occur on private lands in Colorado and on Federal land in Wyoming. The habitat conservation plan only applies to the private lands in Colorado.

Finally, I want to make special note that this bill includes funding for the National Park Service to study alternatives for the commemoration and interpretation of events associated with the integration of the Charleston School District in Arkansas and Central High School in Little Rock. While other Senators are familiar with the events surrounding the integration of Central High School in 1957, they may not be aware that the Charleston public schools were actually the first to integrate in Arkansas—by some accounts the first in the South—shortly after the Brown versus Board of Education decision in 1954. My colleagues may also not be aware that Senator BUMPERS is a former member of the Charleston School Board, and that he was counsel to the school board during the period in which the decision was made to integrate the Charleston schools. Perhaps the relatively smooth integration of the Charleston schools, as compared to the bitter struggle that took place at Central High School, is a most telling testament to Senator BUMPERS' wisdom and power of persuasion—qualities that we will sorely miss after his departure from the Senate.

With that I will once again express my thanks to Senator BYRD for all his help and guidance over the course of the year, and express my sincere hope that the President will sign this bill. I cannot stress too greatly the length to which we have gone to address the administration's concerns, nor can I overstate the delicacy of the balance that has been achieved in this conference report. Nothing good can come of the President vetoing this bill.

[EXHIBIT 1]

EFFORTS TO ACCOMMODATE ADMINISTRATION CONCERNS

FOREST SERVICE

Forest land management planning

The Senate bill included a provision prohibiting the expenditure of funds for revisions of individual forest plans until new forest planning regulations have been issued. Those regulations have been under review for eight years through two administrations, and have been withdrawn at the last minute prior to each of the last two presidential elections. Such delay is intolerable. The Appropriations Committee is greatly concerned that millions of dollars are being spent for forest plan revisions that will be invalid or obsolete upon issuance of the new regulations. The Committee is also concerned that the Forest Service may be revising plans

pursuant to a set of regulations that have been drafted, but not aired in the public rulemaking process.

The conference language has been significantly revised to accommodate Administration concerns, while making clear that the current forest planning process is broken and needs prompt revision. The conference language allows funds to be expended for forest plan revisions under current regulations where a Notice of Intent to Revise was published in the Federal Register prior to October 1, 1997, or where a court order directs that a revision must occur. The statement of managers further clarifies that the new regulations need only be released in an interim form to comply fully with this provision.

Office of the Western Director

The House bill eliminated all funding for operations of the western director and special assistant to the Office of the Secretary of Agriculture. The Senate bill prohibited funding for this purpose absent approval through the reprogramming process. Despite House and Senate concerns about the use of funds for this purpose, the conference agreement allows Interior bill funds to be used for the western director up to the level provided in the Interior bill for fiscal year 1997.

Log exports

This important legislation bans the export of raw logs from national forest lands and from Washington State lands. It further alters rules governing substitution of private logs in the export market for federal timber. This legislation has bipartisan support and is the result of lengthy discussion among affected industries and parties in the affected states. This language encourages domestic processing of timber, creates more American jobs, and entirely bans the export of raw logs from State of Washington timber lands.

Forest roads

The Administration has objected to the fact that the conference agreement does not provide for the termination of the ''purchaser credit'' program for the construction of timber roads. The issue was hotly debated in both the House and Senate, but neither body voted to terminate the program. As such, the conference agreement is appropriate.

While I firmly believe that the real issue in this debate is the continued effort by fringe environmentalists to eliminate the harvest of timber from National Forests, I believe it would be wise for Congress and the Administration to resolve this issue somewhere other than on the floors of the Senate and House. I encourage the Administration to negotiate with the timber industry, environmentalists, and timber workers to develop reforms that will build confidence in the purchaser credit program, and provide assurances to taxpayers that the program is an efficient alternative to Forest Service road construction, and is not an industry subsidy.

Western red cedar

The conference report contains language that protects the economic stability of timber processors in the Pacific Northwest by requiring the Forest Service to make Alaskan Western Red Cedar available to processors in the contiguous United States before it can be exported. Although the bill language does not fully satisfy the Administration, it does have strong bipartisan support in the Pacific Northwest where timber producers have been severely harmed by reduced availability of public timber, and fully complies with Alaska's Tongass National Forest Land Management Plan.

Interior Columbia Basin ecosystem management project

The conference agreement includes language on the Columbia Basin ecosystem planning project in response to Congressional concerns about the time, cost, and lack of results associated with this and previous ecosystem planning efforts. The language instructs the Forest Service and the Bureau of Land Management to include in the Environmental Impact Statement (EIS) information on economic and social impacts at the sub-basin level. The conferees are aware that this may result in additional time and cost, but are willing to make this investment so that the people most affected by these decisions will have a better understanding of the impacts when the final EIS is implemented.

The conference agreement also requires a report to Congress on potential implementation costs and potential impacts on resource and commodity production in the Interior Columbia Basin. To date this project has cost taxpayers $90 million. The Administration has estimated that implementation of the plan could cost an additional $135 million per year. It is certainly legitimate for Congress to seek more information about such costs and impacts prior to finalization of the plan. The language gives the Administration flexibility to perform its analysis in an efficient manner.

President's northwest forest plan

The Administration has complained about language included in the Statement of Managers requiring that 757 million board feet be offered for sale under the Pacific Northwest Forest Plan, of which ten percent must meet the Administration's definition of ''other wood.'' This language uses the Administration's own figures, and is simply included to provide some level of accountability to ensure that the Forest Service lives up to its commitments.

NATURAL RESOURCES

Lake Clark national park and preserve

The Senate bill included a provision extending the statute of limitations of certain Alaska Native Village Corporations and the area Regional Corporation to bring suit against the Department of the Interior with regard to certain land claims under the Alaska Native Claims Settlement Act. This provision was acceptable to the Administration. A second provision added in conference would have required future litigation on this issue to be considered in trial de novo, and would have required that certain elements of such litigation be construed to the benefit of the Native Corporations. Sen. Stevens strongly believed this amendment to be appropriate from the standpoint of fairness to the Native Corporations, but the Administration also felt strongly that the additional provisions were contrary to the agreements that the Department of the Interior had reached with the Native Corporations regarding land selections.

The conference report includes the Senate provision extending the statute of limitations, as well as language allowing additional evidence to be introduced in any litigation that may ensue. The language included in the conference report has been agreed to by the Administration.

Rulemaking on hardrock mining

The Administration objected to the Senate Appropriations Committee's provisions in section 339 which would have prohibited Department of the Interior's use of funds for a rulemaking to update rules on surface management of hardrock mines until the Secretary of the Interior established a Federal-State advisory committee that would have prepared a consensus report for Congress on the relationship of State and Federal surface management policies. In response, section 339 has been amended to permit the Interior Department to develop a rulemaking on hardrock mining upon the certification by the Secretary of the Committees of jurisdiction in the House and Senate that the Department has consulted with the governor of each state that contains public lands open to location under the General Mining Laws. The publication of proposed regulations shall not occur before November 15, 1998 and regulations shall not be finalized prior to 90 days after publication of the proposed regulations.

Grizzly bears

The conference agreement does include a limitation on funds for the reintroduction of grizzly bears in the Selway-Bitteroot area of Idaho and Montana. This provision was adopted by unanimous voice vote during Senate committee markup and was not contested on the Senate floor. At the request of the Administration, however, the language has been changed to make clear that the Environmental Impact Statement on reintroduction can proceed to a Record of Decision. Since the Administration has stated that actual reintroduction is unlikely to take place in fiscal year 1998, it is unclear what substantive objection remains.

Alaska subsistence

The Administration strongly objected to a provision in the House bill that would have extended a moratorium on the assumption of Federal control over fisheries management in Alaska pursuant to the Alaska National Interest Lands Conservation Act. The conference agreement incorporates a compromise between Members of the Alaska delegation, the Administration, the State of Alaska and other elected officials in Alaska that will facilitate resolution of the subsistence issue. This provision is directly relevant to the appropriations process, as the cost to the Federal government of assuming management responsibilities would be substantial.

World heritage and man in the biosphere programs

The House voted to prohibit the use of funds for the World Heritage and Man in the Biosphere programs, a provision to which the Administration has strongly objected. The conference agreement does not prohibit the use of funds for the World Heritage program, which has grounding in prior statute and treaty, but does prohibit the use of funds to nominate sites under the Man in the Biosphere program until that program is specifically authorized by Congress. Authorizing legislation addressing these issues is under active consideration by Congress, and it is reasonable for the Appropriations Committee to prohibit the use of funds for the Man in the Biosphere program until U.S. participation in the program is authorized.

Pennsylvania avenue redesign

The conference agreement prohibits the Administration from expending Interior bill funds for redesign of Pennsylvania Avenue between 15th and 17th Streets, N.W., without the approval of the Appropriations Committees through the reprogramming process. The Administration objected to the original version of this provision on the grounds that it might have prevented the implementation of security measures to protect the White House. While such was not the intent or effect of the amendment as originally proposed, the amendment has been modified at the request of the White House.

The Treasury Department has received over $51 million in direct appropriations since 1996 specifically for security around the White House. The provision in the Interior bill is directed at funds that would be spent by the Park Service, primarily for beautification of the area. The Administration has chosen an option for the redesign that would cost over $50 million. The details of this plan

were only recently released, and have received very little scrutiny. The Appropriations Committee simply wants the opportunity to discuss with the Administration its proposal before a significant amount of Park Service funds is committed to a particular plan of action.

ARTS PROGRAMS

Smithsonian Institution

The Administration objection to the fact that the House bill provided no funds for construction of the National Museum of the American Indian Mall Museum. The conference agreement provides $29 million for the first half of construction costs as proposed in the Senate-passed bill and in the Administration's budget request.

Woodrow Wilson International Center for Scholars

The conferees agreed to fund the Woodrow Wilson International Center for Scholars (WWIC) at the budget request level of $5.8 million, as proposed in the Senate bill. Due to concern about administration of the Center's programs, the House recommended a $1 million appropriation for FY 1998—an amount that would have terminated the Center's operations.

National Endowment for the Arts

The House bill included no funding for the National Endowment for the Arts. The Senate bill included $100 million, a decrease below the request but a slight increase over FY 1997. There was considerable debate about the NEA during conference, but the final result was a compromise that substantially protects the Endowment's current funding level. Certain reforms to the NEA's structure and grant-making processes were adopted, but provisions to expand radically the black grant program or impose an administrative budget cap—two items of particular concern to the Administration—were not among the reforms adopted. The conferees also rejected an effort to reduce the appropriation by $10 million below the Senate level.

PROGRAMS FOR NATIVE AMERICANS

Tribal priority allocations

The conference agreement provides funding for BIA Tribal Priority Allocations (TPA) at the Administration's requested level, the level included in the Budget Agreement. Within that amount, the conference agreement requires that all federally-recognized tribes be provided at least the minimum level of TPA recommended by the BIA, a goal supported by the BIA and Interior Department but missing from the President's request.

The TPA language included in section 118 of the conference report represents a serious attempt to respond to the Administration's concerns about the original Senate language, while still addressing the fact that discretionary appropriations are limited, and that the TPA pro rata allocation is inequitable and unresponsive to the disparate needs of the tribes. Currently, 309 of 526 Federally-recognized tribes do not receive the minimum recommended level of TPA. The Administration has not requested measures to rectify the inequitable distribution of TPA among the tribes. The Senate proposed a new distribution method based on a number of factors to measure the relative means of tribes. Despite universal agreement that the current distribution method of TPA is archaic and has resulted in great financial disparity among the tribes, the Administration opposed the Senate's proposal.

The Conference report provides full funding for TPA at the requested level to be distributed as follows: All pro rata TPA programs will be funded at the fiscal year 1997 level adjusted for all fixed costs and internal funding transfers; all formula-funded TPA programs will be funded at the requested level; all Federally-recognized tribes will receive at least at the minimum level of $160,000 in TPA funds as recommended by the BIA; and any remaining funds will be distributed based on recommendations of a task force, which shall include tribal leaders, to be established by the Secretary of the Interior.

Taxation of tribal revenues

Contrary to Administration complaints that the Congress would add such a provision to the bill, the conference report contains no provision that would prohibit the Secretary of the Interior from taking land into trust for any tribe that had not entered into a binding agreement with State and local governments regarding the tribe's collection and payment of State and local sales and excise taxes on retail purchases made on the land by non-tribal members.

Sovereign immunity

The Senate bill originally contained a provision that would waive the sovereign immunity of Indian tribes accepting certain Federal funds. The Administration strongly objected to this provision, which was removed during Senate floor consideration in response to commitments from the Chairman of the Senate Indian Affairs Committee to conduct hearings on the issue and to mark up a bill from the Committee during the next session of Congress.

Indian gaming

The Conference Report contains the Senate-passed provisions at section 129 concerning approval of Tribal-State compacts for Indian gaming. The Administration opposed this language in a September 30, 1997 letter to Congress. The Administration is reminded, however, that the amendment was modified by its sponsors in response to concerns that the original version would have resulted in Federal law preempting State law. The Conferees are concerned that the States affected by Indian gaming within their borders are kept out of the decision-making process with regard to Indian gaming. Section 129 prohibits the Secretary of the Interior from unilaterally approving any initial Tribal-State compacts for class III gaming entered into on or after the date of enactment of the Interior Appropriations Act. Section 129 does not affect Secretarial review or approval of a renewal or revision of, or amendment to, existing tribal-State compacts.

The Conferees modified section 131 as passed by the Senate, which the Administration opposed. As passed by the Senate, section 131 would have prevented the National Indian Gaming Commission (NIGC) from taking action to change its current regulations to define certain types of new electronic gambling. As modified, the provision prohibits the NIGC from issuing draft or final rules, but clarifies that the Commission may gather information during fiscal year 1998 relating to the Advanced Notice of Proposed Rulemaking on such regulations it recently published. Given the time required to proceed with information-gathering relative to the Advanced Notice, the year prohibition will not be an undue interference with the Commission in exercising its regulatory and oversight duties on tribal gaming activities.

The National Governors Association supports both section 129 and section 131.

DEPARTMENT OF ENERGY

Energy conservation

The conference agreement provides $612 million for Energy Conservation programs, an amount which is roughly a split between the comparable levels provided by the House and Senate. While the amount provided by the conference agreement is below the budget request, it is $42 million above the FY 1997 level—a substantial increase.

Mr. BYRD addressed the Chair.

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

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

Mr. President, I am pleased to join Senator GORTON today in bringing the conference report on the fiscal year 1998 Interior appropriations bill before the Senate. The Senate completed its action on this bill in September. The formal conference was completed on September 30, and discussion and negotiation regarding a limited number of outstanding items was finally completed just a few days ago. The conference report was filed on October 22, and was approved by the House last Friday by a vote of 233–171. Inasmuch as we are now several weeks into the fiscal year, I hope that the Senate will be able to complete its consideration of this appropriations measure expeditiously, so that the bill can be presented to the President and the agencies can begin implementation of the programs funded for fiscal year 1998 once this bill is enacted.

The agreements before the Senate today total $13.8 billion in budget authority, and $13.7 billion in outlays, as scored by the Congressional Budget Office. This conference agreement substantially fulfills the commitments for Interior bill programs included in the bipartisan budget agreement of which I had no part and which personally I don't recognize, and incorporated into the budget resolution earlier this year.

Mr. President, as with nearly every conference, reaching agreement on this conference report required difficult choices and a search for balance between competing priorities of the House, the Senate, and the administration. This bill provides important resources to address important needs for our public lands and natural resources, as well as for Indian programs, energy research and development, and our core cultural programs. The major legislative provisions of concern have been modified to address some of the concerns of the administration.

Mr. President, Senator GORTON has done an excellent job of summarizing the many factors at work in reaching the agreements contained in the conference report now before the Senate. The negotiations over the special $700 million land acquisition account were protracted, with each side giving some in order to reach a final agreement. We do not yet know whether the President will approve or veto this legislation. As Senator GORTON has suggested, many changes were made to this bill to reflect the concerns of the administration, while protecting Congress' role—while protecting Congress' role in determining the expenditure of funds and proper oversight responsibilities. Just as no Member of Congress got everything he or she might have wanted

from this appropriations measure, neither did the administration. But the overall product is a good one, and I hope it will be enacted. I do not believe that closure on further issues of concern will be easier if the bill is vetoed.

Among the highlights of this conference report are these:

Funding for the National Park Service remains a priority. The recommendation includes an operational increase of $79 million over the fiscal year 1997 level. Other significant park increases are provided for construction and land acquisition.

A significant initiative to focus attention on the operational requirements and habitat restoration and maintenance backlogs of our national wildlife refuges is supported, with increased funding of $40.8 million above fiscal year 1997.

As to our Nation's energy research and development programs, the investment in those programs is continued. Fossil energy research and development is funded at $362.4 million, which is $2.3 million below the fiscal year 1997 enacted level. Increases above the budget request are provided to sustain technology development programs intended to produce environmental benefits while improving energy efficiency.

On another matter, the conference agreement fully funds the President's request for tribal priority allocations at $757.4 million, an increase of $76.5 million over fiscal year 1997 levels.

As to the National Endowment for the Arts, the conference agreement includes $98 million to continue the National Endowment for the Arts. A package of reforms is included in the bill to address concerns over the use of Federal funds in support of the arts. These reforms include an increase on the amount of funds allocated directly to the States; a cap on the amount of funds that can be awarded to each State from the competitive grants pool; changes in the structure and composition of the National Council on the Arts; prohibitions regarding grants to individuals; and an emphasis on arts education.

With reference to land acquisition, this bill provides a special land acquisition account as recommended in the budget resolution. The account is funded at a level of $699 million, which includes $315 million for the Headwaters Forest, CA, and New World Mine, MT; $22 million in special payments for affected local areas in California and Montana; and the balance is available for priority land acquisitions, exchanges, and maintenance to be identified by the Department of the Interior and the Forest Service, and for which the committees on appropriations will have final approval. The conference agreement includes legislative language establishing initial parameters for the completion of the two large exchanges.

Mr. President, it is my privilege and great pleasure to serve as the ranking member at the side of our very able chairman, the senior Senator from Washington, Mr. GORTON. We have worked closely, as we always have, on the product that we present to the Senate today. In his stewardship of this bill as chairman of the committee, Senator GORTON has been very fair, he has been bipartisan in his handling of the many programs and issues which were negotiated in the conference. I commend this conference report to the Senate and urge Senators to support its approval.

Mr. President, I yield the floor and suggest the absence of a quorum. I ask unanimous consent that the time be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BYRD. Mr. President, for how long does the distinguished Senator wish to speak? I have no objection. I just think we should know how long he expects to speak.

Mr. FEINGOLD. Mr. President, I ask for 20 minutes to speak.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from West Virginia.

HUMAN RIGHTS SITUATION IN CHINA

Mr. FEINGOLD. Mr. President, I also rise today, as did the Senator from Minnesota, to discuss the visit of the President of the People's Republic of China, Mr. Jiang Zemin, who arrives in Washington tonight for a state visit.

That Mr. Jiang and President Clinton will meet is not in itself extraordinary. The promotion of dialog between the United States and China can be a constructive use of our own diplomatic energies. Indeed, President Clinton has already met Mr. Jiang several times at various international fora.

What strikes me is the kind of visit that is about to take place. It is a state visit that involves champagne toasts and 21-gun salutes—all the trappings of honor and prestige. While I do not oppose high-level contact, I feel strongly that the pomp and ceremony of a state visit is inappropriate at a time when the human rights situation in China and in Tibet remains such a serious obstacle to good relations.

Simply put, it is my view that an official state visit is premature, absent a stronger commitment from China to improve human rights. I fear that this state visit will actually boost the legitimacy of a regime that brutalizes its own people and jails anyone who dares to complain.

In other words, Mr. President, while dialog is important, you don't need champagne toasts and red carpets to have a dialog.

Is the memory of the Tiananmen Square massacre so distant that we are willing to clink glasses with China's leaders as though nothing happened in Tiananmen Square? For me, the answer is no. When Jiang is given a 21-gun salute tomorrow, the South Lawn will sound much like the streets of Beijing did on the night of June 4, 1989.

By agreeing to this state visit without receiving any kind of concession in the area of human rights, the administration may be squandering perhaps its strongest source of leverage with Beijing. Nevertheless, if the administration insists on hosting Jiang Zemin right now, the least that can be done is to accord discussion of human rights the same priority as the myriad other issues that confront our bilateral relations with China. Unfortunately, I don't think that is going to be the case.

As we all know, there are many areas of disagreement between the United States and China, aside from human rights. The United States' trade deficit with China will likely reach $50 billion this year. China has a long and well-known record of assisting the nuclear programs of Iran and Pakistan and, as always, the sensitive issue of Taiwan remains a trouble spot.

Arguably, there are some positive signs. China has agreed to make significant cuts in tariffs as a part of its bid to join the World Trade Organization, and Beijing has promised to tighten controls on nuclear exports. It is widely reported that an agreement to restart United States-China cooperation on nuclear power will be the centerpiece of the summit.

Mr. President, on human rights there are few, if any, positive signs. Despite China's announcement on Saturday that it will sign the United Nations' Covenant on Economic, Social and Cultural Rights, I see no evidence of real human rights improvement on the ground. The fact that human rights conditions in China are growing worse, not better, indicates that human rights needs to be given top priority.

Three years after the President's decision to delink most-favored-nation status from human rights, a decision that I have always said was a mistake, we have seen the reimprisonment of dissidents and increased repression in Tibet. The State Department human rights report makes this very clear. According to the report covering the calendar year 1996:

> The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest,

and the absence or inadequacy of laws protecting basic freedoms . . . Abuses included torture, and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention. Prison conditions remained harsh. The Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy and workers rights.

Just one year ago, we were witness to yet another example of these policies when Wang Dan, one of the leaders of the 1989 pro-democracy demonstrations in Tiananmen Square, was sentenced to 11 years in prison. Also last December, a Beijing court sentenced activist Li Hai for collecting infomation on those jailed after the 1989 Tiananmen massacre.

The situation is just as bad in Tibet.

Last year, China arrested Ngawang Choepel, a Tibetan musicologist and Fulbright scholar, and sentenced him to 18 years in prison on trumped-up spy charges. China has also intensified its campaign to smear the Dalai Lama, the spiritual leader of the Tibetan people and a Nobel laureate. Tibetans are not even free to display a photo of the Dalai Lama, much less show reverence for him. There have been numerous reports of Tibetan monks and nuns suffering torture at the hands of Chinese authorities. The State Department human rights report cites three recent cases of Tibetan monks who died while in jail.

Mr. President, despite signing two formal agreements with the United States on prison labor, Chinese prison-labor products continue to appear on our shores. Tong Yi, who worked as an assistant to Chinese dissident Wei Jingsheng, knows the prison labor system first hand. Released just last year after serving a 2½-year sentence of re-education through labor—a sentence she received, by the way, without the benefit of any kind of trial—Ms. Tong says she was forced to work endless hours making products for export.

In the rush to reach agreements with China on WTO and proliferation, the United States cannot shove human rights aside. While the United States can and does talk tough on issues such as trade and intellectual property protection, we must do the same when the conversation turns to Tiananmen and Tibet.

In the run-up to the summit, Mr. Jiang has given several interviews during which he made some disturbing comments on human rights.

When Time magazine asked Jiang Zemin about the plight of political dissidents Wang Dan and Wei Jingsheng, Jiang responded that Wang and Wei are criminals, not dissidents. Indeed, it is a crime in China to publicly and peacefully criticize the Government as Mr. Wang and Mr. Wei have done.

Mr. Jiang is willing to dismiss questions about human rights because he likely thinks U.S. concerns extend to only a few high-profile dissidents. But, in fact, Wei Jingsheng and Wang Dan are merely symbols of the hundreds, if not thousands, of people in the People's Republic of China who are thrown into prison cells for demanding democracy, organizing prayer meetings, or for simply displaying loyalty to the Dalai Lama. These people might not be as famous and Mr. Wang and Mr. Wei, but they show the same type of courage, and they are every bit as important.

Mr. President, there are three key messages on human rights that Jiang Zemin must hear loud and clear while he is in Washington.

First, Jiang Zemin must realize that people who care about conditions in China seek more than the release of a token dissident or two. China likes to play a game where people like Wei Jingsheng are used as bargaining chips in the PRC's effort to curry favor with the international community at key moments. We saw this in 1993, when China tried to win a bid to host the year 2000 Olympic Games. Just a week before the International Olympic Committee was to vote on the matter, China released Wei Jingsheng. As we all know, Beijing lost the bid and, a few months later, Wei Jingsheng was back in prison, on charges of subversion.

We saw this again in 1995 when China suddenly decided to release Chinese-American human rights activist Harry Wu shortly before the First Lady was to arrive to address the U.N. women's conference.

But, the United States should not get caught in this cynical game.

For there to be true friendship between the United States and China, China must implement across-the-board and institutional changes such as strengthening the rule of law and allowing citizens to question government policy without fear. Jiang Zemin and other Chinese leaders must realize that United States-China relations will never reach their full potential so long as hundreds, if not thousands, of dissidents languish behind bars; so long as Tibetan Buddhists are subject to arrest and torture; and so long as citizens are not free to select their rulers.

Second, the United States must make clear to Jiang Zemin that the United States will not allow China to redefine the concept of ''human rights'' in a way that makes the term meaningless.

China's leaders have stated numerous times that the Peoples Republic of China is committed to upholding the 1948 Universal Declaration of Human Rights. This document affirms the right of every human being to enjoy freedom of expression, freedom of religion, and freedom of peaceful assembly. There is no special exception for China or any other country, nor should there be.

Furthermore, article 35 of China's own Constitution states that ''Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration.''

China's late paramount leader Deng Xiaoping was found of saying ''seek truth from facts.'' Well, the fact is that China denies its citizens the very rights that the Government has vowed to protect.

I would like to ask Mr. Jiang if his government ever intends to grant its citizens the rights that, according to his country's own Constitution, Chinese citizens should already enjoy. Or will China's article 35 remain a meaningless provision, subject to endless caveats about the need for state security, social stability, and the rights of the collective? Will China continue to say it upholds the Universal Declaration of Human Rights, even though it systematically violates so many of the declaration's principles?

If the United States can demand that China fulfill its obligations under the international arms control regime, then the United States should be able to demand just as strongly that Beijing keep its obligations under international human rights agreements.

Third, Jiang Zemin should know that those of us—in the United States and around the world—who demand improvements in human rights are not trying to impose American or Western values on China, nor are we demanding that China be perfect according to some kind of American ideal. That would not be appropriate.

China does often point to many flaws in American society: The high crime rate and the lingering problems of poverty and drugs. China's official media often refers to the United States political system as a ''money bags democracy.'' Indeed, proponents of campaign finance reform, like myself, find some validity in that Chinese assessment.

But what Chinese leaders do not seem to understand is that being open about your problems is a sign of strength, not weakness. China lacks even the ability to acknowledge its severe human rights problem. Those of us that wish to promote human rights improvements want to encourage China to establish the tools—a free press, open debate, and respect for political and religious minorities—that will ultimately make China a stronger society and nation.

Mr. President, protecting human rights, respecting free speech, and tolerating dissent will bestow more legitimacy on China than any summit or White House photo-op could ever do.

This is what Jiang Zemin needs to hear.

Mr. President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. MURKOWSKI. Mr. President, may I inquire whether or not there is a time allocation under the standing orders of the Senate?

The PRESIDING OFFICER. The Senator has been allocated 15 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, as chairman of the committee with jurisdiction over many of the agencies funded by this appropriations bill, the Energy and Natural Resources Committee, I rise to express several concerns about the Interior appropriations conference report that is before us today.

Included in the conference report are numerous provisions that are important to my State of Alaska; none more critical than language extending a moratorium preventing a Federal takeover of the management of Alaska's fisheries until December 1, 1998.

Mr. President, last year, the Alaska congressional delegation was successful in temporarily preventing the Federal Government from taking over the management of our fisheries. That moratorium is about to expire.

If this conference report is not adopted, the Federal takeover is inevitable, forcing the citizens of my State of Alaska to live with fisheries management not seen since territorial days. This is what statehood was all about, Mr. President, giving the people of Alaska the authority to manage our fish and game. We have just about come full circle.

I cannot in good conscience turn the clock back on all of the advances that we have made in 38 years since statehood. It is for that reason primarily that I am inclined to vote for this conference report.

However, Mr. President, I want to express my objection to several areas, specifically in the process that has led to the inclusion of amendments to the Alaska National Interest Lands Conservation Act, ANILCA, as a part of the extension of the moratorium, as a consideration for the moratorium,

Mr. President, several months ago the Secretary of the Interior, Mr. Bruce Babbitt, informed the Alaska delegation that he would recommend a Presidential veto of another moratorium extending the prohibition of the Department of the Interior to take over the management of fish and game.

The Secretary has now withdrawn the veto threat, but only under the condition that a provision which effectively amends ANILCA title VIII be included in this conference report. The provision also requires that the Alaska Legislature act and the people of Alaska approve the changes in a referendum before the amendments to ANILCA are effective. These amendments were worked out by Alaska's Governor, the Secretary of the Interior, and the chairman of the Appropriations Committee. I was not a party to these negotiations, and I believe that there were other options that should have been explored.

Nevertheless, Mr. President, rather than a congressional moratorium, my hope specifically would have been for the Secretary of the Interior and the Governor to have worked together so that the Secretary could have applied to the court for an extension of time to avoid a Federal takeover, based specifically on progress that was being made. And, indeed, Mr. President, there was a good deal of progress.

A task force was established by the Governor. That task force met several times and made its final recommendations. The Alaska Federation of Natives held a number of meetings and came up with its seven-point proposals. The State house resources committee held statewide hearings. And the State senate held hearings in September. So there was a good deal of evidence that progress was being made.

Perhaps this would have led to a special session and a resolve by the legislature, along with the input from the AFN, to give all Alaskans an opportunity to vote on the issue next year.

Unfortunately, there was no input by the legislature, the elected representatives of the people. My fear is now that some in our State, some Alaskans, will have the unreasonable expectation that future moratoriums can simply be obtained by the delegation—we have done it before—and the State legislature would therefore have an excuse not to finally resolve the issue.

The legislature will have a chance to receive input and provide recommendations on the proposed amendments to title VIII of ANILCA.

I tell the people of Alaska that it will be highly unlikely that we are going to see another moratorium legislated by Congress. The extension of the moratorium will provide the State legislature with an additional 14 months to work toward a resolve on the subsistence issue. As I indicated, the legislature will have the chance to receive input and provide recommendations to the proposed amendments of title XIII of ANILCA.

Mr. President, as chairman of the Energy and Natural Resources Committee, my intention, after the State legislature acts, is to conduct hearings here in Washington to cover the context of the language in the Interior appropriations bill and to receive input from the legislature and the State of Alaska, native groups, sportsmen's groups, and other interested parties on any further amendments to ANILCA title VIII that might be appropriate.

Mr. President, avoiding a Federal takeover of fish and game management is simply critical in my State. When Alaska became a State, Alaskans were united in our desire to take over the management of our fish and game. Many Alaskans still have vivid memories of the disaster of Federal control. Alaska salmon runs plummeted to 25 million fish with Federal bureaucrats in control in Washington, DC. Under State management, our runs are increasing and have approached 200 million in the last few years.

Alaskans must act now by participating in a process and agreeing to a solution to prevent a Federal takeover of our fisheries and gaining back control of our game management. The State, not the elusive Federal bureaucrats with no accountability to Alaskans, should manage our fish and game. They are responsible to the people of Alaska. And they are certainly accountable in Alaska as to managing the fish and game.

A subsistence solution I think must follow four basic principles that must be laid down as objectives.

First must be the protection of our resource. It must return and keep management of fish and game to the State of Alaska.

It must provide all the subsistence needs of rural Alaskans, and it must be fair to all Alaskans.

This issue must be resolved while both Congressman DON YOUNG and I retain our respective chairmanships of the committees of jurisdiction on this issue. Some have suggested we simply repeal the Federal subsistence law. But the Clinton administration, of course, would oppose this and would undoubtedly veto the bill. Even if we did, the Secretary of the Interior, Secretary Babbitt, would still have the authority to enforce a Native-only subsistence priority based on his trust responsibilities to Alaska Natives established by Indian law.

As I indicated earlier, we have made more progress in the past year on resolving the subsistence issue than any time in the past. We have involved the Governor, the Natives, and the legislature in moving forward on this issue. These constructive actions are why I support the moratorium contained in the conference report but object to the process or lack thereof by which the ANILCA amendments were included without the input of the representatives of Alaska; namely, the State legislature.

In the meantime, Mr. President, let me commend and support the ongoing process in the State to come to a general consensus and put a solution on the ballot in November 1998 so that Alaskans have the ability to vote on a final solution. This is an Alaskan issue, Mr. President. It mandates an Alaskan solution. As chairman of the Senate Energy Committee, I stand ready to work on amendments to Federal subsistence in concert with Alaska.

KETCHIKAN HEALTH CARE

Another item of note, Mr. President. I want to express my disappointment that the conference report does not contain a provision that prevents the Indian Health Service, IHS, from entering into two contracts for Native health care clinics in the community of Ketchikan, AK. This was a provision that passed the Senate and would have prevented the Indian Health Service from entering into those two contracts. Mr. President, this is simply a waste of taxpayers' money.

Unfortunately, the Indian Health Service declined to exercise their administrative discretion. Although I personally made contacts with the administrator, they refused to exercise their administrative discretion to contract with only a single facility. Had

IHS done so, it would have avoided paying $500,000 a year in additional and unnecessary administrative costs that will be borne by the America taxpayer at the expense of health care, in my opinion, for Alaska Natives. As we increase our administrative funds that leaves less for care.

Instead, Mr. President, the Indian Health Service ducked the cost issue, hiding behind the policy of the Indian Self-Determination Act. They are choosing to satisfy two Native entities rather than looking at ways to deliver the most efficient and the best health care for the money. It seems incredible that at a time when we have been slowing spending and other Federal health programs, Indian Health Service would choose to waste money on administrative overhead instead of making the tough health care decisions as to who is best qualified.

The final conference report allows for the possibility of two Native health clinics to be operated within a couple of miles of each other in Ketchikan, AK. I still fail to see the logic of the decision by IHS to authorize both clinics in a small community, and I intend to pursue this matter again with IHS.

STRATEGIC PETROLEUM RESERVE

Further, Mr. President, another area I want to address, is my dismay at the recent practice of using the strategic petroleum reserve, or SPR, as a piggy bank. The trend continues in this year's Interior appropriations bill.

Last year we sold oil in the SPR that cost $33 a barrel for $18 to $20 a barrel. As a result, we lost the taxpayers almost half a billion dollars. But it doesn't look like we have learned our lesson.

The fiscal year 1998 Interior appropriations bill sells another 207.5 million dollars worth of SPR oil, a sale that will cost the taxpayers an additional $170 million.

Buying high and selling low never makes sense. I wonder if we are like the man in the old joke who is buying high and selling low, claiming ''he would make it up on volume.'' This is a complete waste of taxpayers' money, and it must be stopped.

PRIORITY LAND ACQUISITIONS AND EXCHANGES

Finally, Mr. President, as chairman of the Energy and Natural Resources Committee, I have taken an active interest in how the additional $700 million from the Land and Water Conservation Fund is appropriated for priority lands acquisitions and exchanges. I have strongly advocated appropriating moneys from the fund in a manner consistent with the terms and the spirit of the Land and Water Conservation Act.

I want to express my disappointment with how this money was ultimately appropriated. However, I do want to commend my good friend, Senator GORTON, and his extraordinary staff for a job well done and to thank him for the efforts that he took to accommodate my concerns with these provisions.

Title V of H.R. 2107, as it emerged from conference, differs dramatically from the bill which was passed by both the Senate Appropriations Committee and the full Senate last month.

First, the $100 million that the Senate appropriated for the stateside Land and Water Conservation Fund matching grant program has been eliminated. This is unfortunate. This program provides vitally needed matching funds for State and local parks and recreation projects. Unfortunately, for the fourth year in a row, no moneys are provided for this program, which is universally supported by mayors, Governors, environmental groups, and many others who care about park and recreation issues.

Second, title V appropriates Land and Water Conservation moneys to the Federal land management agencies for uses not otherwise authorized by the Land and Water Conservation Act: namely, critical maintenance activities and mitigation payments associated with the Headwaters Forest and New World Mine acquisitions. While I do not disagree that the money needs to be appropriated for these purposes, I believe this sets a very dangerous precedent for use of the Land and Water Conservation moneys.

Finally, and most significantly, I object to the decision to authorize the Headwaters Forest of New World Mine acquisitions on the appropriations bill. It doesn't belong there. It belongs in the authorizing committee. This decision is clearly within the purview of the Energy and Natural Resources Committee and not the Appropriations Committee. If appropriators are allowed to circumvent the authorizers as blatantly as they have tried, then what role are authorizers, all authorizing committees, to play in future Congresses?

Nonetheless, I again commend Senator GORTON and Senator STEVENS, along with the majority leader, for ensuring that the members in my committee are provided a meaningful opportunity to review the authorizations contained within the bill. I intend to hold them to their commitment to provide the supplemental appropriations bill as a vehicle for any amendments to this authorization reported by the committee.

I also appreciate the fact that the authorization requires the administration to perform appraisals on these acquisitions and provides time for Congress to review the appraisals before the funds appropriated for the acquisitions are released. The American taxpayers are entitled to know whether or not the Headwaters Forest and the New World Mine purchases are the great deals that the Clinton administration claims.

Mr. President, this is a flawed conference report. But I cannot turn my back on the people of Alaska and vote against it because there are many provisions that benefit the people of my State. Most importantly, this conference report prevents a Federal takeover of fish and game management and I will therefore vote for the conference report.

ALASKA-SPECIFIC APPROPRIATIONS

Mr. President, although the extension of the moratorium contained in this conference agreement is critical to every Alaskan, there are several other provisions that should not go unnoticed.

NPR–A: The conference agreement contains language amending the lease terms in the National Petroleum Reserve which allows leases to be offered for an initial period of not less than 10 years. In addition, this provision allows for an extension of the lease for as long as the oil and gas is produced in paying quantities.

Additionally, the change will allow lease holders to unitize, providing for more efficient development of the NPR–A area if, in fact lease sales are offered next years.

PILT: The funding level for the payment in lieu of tax [PILT] program has been raised from $113.5 to $120 million. This is especially important for Alaska communities especially since Congress last year provided that communities within unorganized boroughs are eligible for PILT payments.

RS2477: The conference report also makes clear that previous appropriations language preventing final rules or regulations from taking effect regarding the validity or recognition of RS2477 claims is, in fact permanent law.

Glacier Bay: The conference report also ensures safer access to Glacier Bay National Park for those people who use the ferry from Juneau, including the handicapped and elderly.

Stampede Mine: Mr. President, I must commend the appropriators for also including a provision that allows, after 10 years, that the University of Alaska will finally get just compensation for mining properties that the Park Service destroyed.

Spruce bark beetle: Also included in this conference agreement is an appropriation of $500,000 to the U.S. Forest Service to work with the stakeholders in Alaska to develop an action plan to manage the spruce bark beetle infestation in south-central Alaska, and to rehabilitate the infested areas.

Appendix C: The conferees have also provided a 1-year extension for five small villages in the Lake Clark area of Alaska to file a lawsuit regarding lands these villages were promised more than 20 years ago under ANSCA.

Kantishna: Language is also included in the conference report that provides both claim owners in the park and the National Park Service with an expedited mechanism to resolve these claims. Consenting owners will be allowed to obtain compensation 90 days after enactment of this act. However, taking matters will be left to the parties or the court system to resolve.

Red cedar: I am also pleased that in working with Senator PATTY MURRAY, we were able to foster greater utilization of Alaska red cedar and achieve

greater efficiency in Tongass timbers sales in general.

Forest Service: This conference report also provides direction to the U.S. Forest Service that it not waste any money on expensive forest planning revisions until new regulations concerning forest planning are issued.

TITLE V—PRIORITY LAND ACQUISITIONS AND EXCHANGES

As chairman of the Energy and Natural Resources Committee, I rise today to speak about title V of H.R. 2107. Throughout the appropriations process, I have taken an active interest in the additional $700 appropriation from the Land and Water Conservation Fund [LWCF] for priority land acquisitions and exchanges. While I am disappointed with how this money was ultimately appropriated, I want to commend Senator GORTON and his staff for a job well done and thank him for the efforts he took to accommodate my concerns with these provisions.

Since last spring, I have strongly advocated appropriating moneys from the LWCF in a manner consistent with the terms, and spirit, of the LWCF Act. The LWCF provides funds for two purposes: the purchase of Federal land by the land management agencies—the Federal-side LWCF Program—and creates a unique partnership among Federal, State, and local governments for the acquisition of public outdoor recreation areas and facilities—the stateside LWCF matching grant program.

Title V of H.R. 2107, as passed by both the Senate Appropriations Committee and the full Senate, appropriated LWCF moneys for both of these programs. In that bill, $100 million was appropriated to the stateside LWCF matching grant program, with the remainder appropriated for Federal land acquisitions and land exchanges, including $250 million for the purchase of the Headwaters Forest in northern California and $65 million for the purchase of the New World Mine property outside of Yellowstone National Park. Both of these acquisitions, which were requested by the Clinton administration, were made contingent on the enactment of separate authorizing legislation. They are not land acquisitions otherwise authorized by the LWCF Act and raise substantial land policy questions which reach well beyond the property being acquired.

Unfortunately, in conference, the Senate's efforts to reinvigorate the LWCF were undermined. While the total commitment from the LWCF included in this bill is by the far the largest in nearly two decades, no money is provided for the stateside LWCF matching grant program. At the same time, the LWCF moneys appropriated to the Federal land management agencies are authorized for uses inconsistent with the LWCF Act.

Moreover, the conferees chose to authorize the acquisition of the Headwaters Forest and New World Mine property in this appropriations bill. As anyone involved with the conference can attest, I objected to this decision and was, at best, an unwilling participant in the process to authorize these acquisitions on H.R. 2107. I am left to wonder what role the authorizing committees, and the Senate for that matter, are to play in the writing of the laws which authorize the spending of the taxpayers money and the management of the public's lands. The conferees did include requirements which will provide the authorizing committees with an opportunity to conduct meaningful review of the acquisitions and provide protections to the American taxpayers.

STATESIDE LWCF MATCHING GRANT PROGRAM

The stateside LWCF matching grant program is one of two purposes for which LWCF moneys can be appropriated. The LWCF Act recognizes that a significant portion of the annual LWCF appropriation will be spent on the stateside matching grant program and, before the 1976 amendments to the LWCF Act, mandated that 60 percent of the annual LWCF appropriation go to the stateside LWCF matching grant program. The LWCF Act now implies such an appropriation by specifying that ''not less than 40 percent of [the annual LWCF] appropriations shall be available for Federal purposes.'' 16 U.S.C. 460*l*–7.

Stateside LWCF matching grants have played a vital role in providing recreational and educational opportunities to millions of Americans. Stateside LWCF matching grants have helped finance well over 37,500 park and recreation projects in all 50 States, including campgrounds, trails, and open space. While trips to our national parks create experiences and memories which last a lifetime, day-in and day-out, people recreate close to home. In fiscal year 1995, the last year for which the stateside LWCF matching grant program was funded, there were nearly 3,800 applications for stateside grants. Unfortunately, there was only enough money to fund 500 projects. In the intervening 3 years, the local and State demand for those resources only has increased.

That is why stateside LWCF matching grants are so important. Stateside LWCF matching grants help address the highest priority needs of Americans for outdoor recreation. At the same time, because of the matching requirement for stateside LWCF grants, they provide vital seed-money which local communities use to forge partnerships with private entities.

Unlike the Clinton administration, and its House counterparts, the Senate Interior Appropriations Subcommittee, and the Senate, recognized the value of the stateside LWCF matching grant program and appropriated $100 million to the program over the next 4 years. The Senate Interior Appropriations Subcommittee noted, in its report, that ''resource protection is not solely the responsibility nor the domain of the Federal Government, and that States can in may cases extract greater value from moneys'' appropriated from the LWCF.

While this $100 million appropriation would only have met a fraction of the demand for stateside LWCF matching grants, it would have helped to restore the historic balance between the State and Federal sides of the LWCF. With the action of the Clinton administration and the Congress to shut down the stateside LWCF matching grant program in fiscal year 1996, the LWCF has become a Federal-only land acquisition program. The balance created by the LWCF Act—between the State and local communities and the Federal Government; between urban and rural communities; between the Western and Eastern States—for the acquisition of outdoor recreation resources has been lost. As I have expressed before, I believe the loss of this balance is a tragic mistake and only serves to increase the already significant pressure on the Federal Government to meet the recreation demands of the American public. Unfortunately, H.R. 2107 compounds this imbalance.

As chairman of the Energy and Natural Resources Committee, I plan to continue in the 2d session of the 105th Congress, my efforts to reinvigorate the stateside LWCF matching grant program. I intend to work with the members of the Interior Appropriations Subcommittee to fund the stateside LWCF matching grant program in fiscal year 1999. I also will search to find a permanent source of funding for the stateside LWCF matching grant program so that this annual appropriations battle can be avoided. The stateside LWCF matching grant program is too important to the America people for Congress to do anything less.

FEDERAL USE OF THE LWCF

The LWCF Act also authorizes LWCF moneys to be used by the Federal land management agencies to acquire property, otherwise authorized by Congress. Congress envisioned that a substantial part of the LWCF moneys allocated for Federal land acquisition should go toward the purchase of privately owned inholdings within the authorized boundaries of national parks, forests, and refuges.

Moreover, because the LWCF Act was enacted to establish a funding mechanism for the acquisition and development of outdoor recreation resources, LWCF moneys generally must be spent to purchase such lands. The Bureau of Land Management only can use LWCF moneys to purchase lands which are primarily of value for outdoor recreation purposes. 43 U.S.C. 1748(d). Similarly, in the absence of a specific authorization, the National Park Service only can use LWCF moneys to acquire inholdings within national parks for outdoor recreation purposes. 16 U.S.C. 460*l*–9(a)(1). Limitations also exist with respect to Forest Service and Fish and Wildlife Service use of LWCF moneys.

However, even with these limitations, the demand for LWCF moneys is significant. The four Federal land management agencies have identified more

than 45 million acres of privately owned lands lying within the boundaries of Federal land management units, including national parks, national forests, and national wildlife refuges.

These inholdings increase the operating and management costs of the land management units. Much of this acreage is small isolated parcels which complicate overall resource planning. These inholdings increase the time and cost of management as Federal land management agencies must maintain the boundaries, monitor illegal uses, enforce use restrictions, process requests for special uses, address trespass issues, in addition to many other management responsibilities. At the same time, many of these inholders have been waiting decades to receive promised compensation from the Federal Government for their property.

The National Park Service alone, in its fiscal year 1998 budget request, estimates that the cost to acquire all the private land identified for acquisition within the authorized boundaries of the units of the National Park System, excluding the Alaska parks, is $1.5 billion. Obviously, the costs to purchase these private lands will only increase,

Nonetheless, despite this significant demand for Federal land acquisition dollars and the costs associated with inholdings, the conferees have chosen to allow LWCF moneys to be spent on uses not otherwise authorized by the LWCF Act—critical maintenance by the four Federal land management agencies. The LWCF Act does not authorize any agency—Federal, State, local to use LWCF moneys for operations and maintenance activities. The conferees also authorized $22 million in mitigation payments to Humboldt County, CA, and the State of Montana—again, a use not otherwise authorized by the LWCF Act.

I am troubled by these decisions which set a dangerous precedent by expanding the purposes for which LWCF moneys can be spent. LWCF moneys not spent on the Headwaters Forest and New World Mine acquisitions should be limited to the purchase of private land now owned by willing sellers within the authorized boundaries of existing land management units, consistent with the terms of the LWCF Act.

HEADWATERS FOREST/NEW WORLD MINE AUTHORIZATIONS

The conferees also decided to authorize the Headwaters Forest and the New World Mine acquisitions in H.R. 2107. While the Clinton administration has conceded that these acquisitions need specific authorizations, I strongly believe that such authorizations should not be included in an appropriations bill. Rather, such authorizations should be the subject of separate legislation which has gone through the regular authorization process.

I want to reiterate that my unwillingness to embrace authorizing these two acquisitions on H.R. 2107 comes not from any personal opposition to these purchases. I have repeatedly stated over the past 6 months that I have not formed an opinion on whether or not these properties warrant inclusion in the Federal estate because I, and the members of my committee, do not know enough about the acquisitions to even form an opinion on their merits. Bills authorizing these acquisitions have never been introduced in the Senate and my requests for information from the administration over the past year have been largely ignored. On several occasions I have come to the Senate floor to voice my concerns about these acquisitions, but even these efforts have failed to get the attention of the administration. It is this very lack of information and cooperation, and the resulting unanswered questions about the acquisitions, which I believe counseled against authorizing these purchases absent a thorough, and open, review by the authorizing committees.

Nonetheless, the appropriators chose to proceed differently. And, while I disagreed with this decision, I again would like to thank Senator GORTON for his efforts to ensure that the authorizations contained in H.R. 2107 protect the role of the authorizing committee and the interests of the American taxpayer.

The conferees provided this protection by prohibiting expenditure of the appropriated funds for 180 days. During this time, if no separate authorizing legislation is reported, the acquisitions will proceed according to the authorizations contained in H.R. 2107. The Appropriations Committee has committed to allow any authorizing language reported by my committee or the House Resources Committee to be attached to the fiscal year 1998 supplemental appropriations bill.

During the 180 day review period, the Secretary of Agriculture and the Secretary of the Interior are to provide Congress with fair market value appraisals for both properties. This requirement is critical to protect the American taxpayers. The most significant unanswered questions about both properties concern their fair market value. Because the purchase prices for both the Headwaters Forest and the New World Mine property were the result of negotiation and dependent, in part, on other terms, the actual fair market value of the properties is unknown. The appraisals must comply with the Department of Justice ''Uniform Appraisal Standards for Federal Land Acquisitions,'' along with other applicable laws and regulations. The Comptroller General of the General Accounting Office also must evaluate both appraisals. In that review, the Comptroller General should examine the methodology and data used in the appraisals.

With respect to the New World Mine, an appraisal is already required pursuant to the August 1996 agreement. A 1995 National Park Service report estimates the fair market value of the property is less than $50 million but the Federal Government has agreed to a $65 million purchase price.

As to the Headwaters Forest, there is enormous discrepancy as to the property's value. The owner contends the property now has a value of close to $1 billion. A 1993 Forest Service appraisal values the property at $500 million. However, a 1996 analysis of the property conducted for the Department of Justice concludes that the property has a value between $20 million, applying current environmental restrictions, and $250 million, without any environmental restrictions. The Federal Government and the State of California have agreed to purchase the Headwaters Forest for $380 million.

To further exacerbate this situation, the Federal tax consequences of the Headwaters Forest acquisition have not been considered. The sale of the Headwaters Forest is conditioned upon the current landowner receiving a ruling from the Internal Revenue Service that it can take as a business loss the difference between the appraised value of the property and the Federal purchase price. The Headwaters Forest acquisition will cost the American taxpayers hundreds of millions of dollars in lost tax revenues, in addition to the $250 million cash purchase price.

In the absence of the appraisal requirements, Congress would have found itself in the uncomfortable position of appropriating sums for Federal land purchases without any idea whether or not the purchases were good deals for the American taxpayers. This is what the Clinton administration sought. The Clinton administration wanted Congress to ratify the purchase prices for the New World Mine property and Headwaters Forest in order to avoid complying with the Uniform Relocation Assistance and Real Property Acquisition Act—the act which requires a fair market value appraisal of any private property to be acquired by the Federal Government. By requiring the completion of appraisals before the expenditure of the appropriated funds, Congress can determine for itself, and the American taxpayer, the fair market value of these properties.

The authorizations contained in H.R. 2107 also require Secretary of the Interior, with respect to the Headwaters Forest acquisition, and the Secretary of Agriculture, with respect to the New World Mine acquisition, to submit reports to Congress 120 days after enactment of H.R. 2107. These reports must detail the status of the conditions imposed in H.R. 2107 on the acquisitions. The reports also will provide information which Congress can use in reviewing the acquisitions.

One of these conditions, imposed on the Headwaters Forest acquisition, is the issuance of a incidental take permit under the Endangered Species Act based on an acceptable habitat conservation plan [HCP]. There currently are a number of questions about the status of the Headwaters Forest HCP.

The Agreement to purchase the Headwaters Forest requires that the Federal Government and the property seller agree to an HCP for timber harvesting activities which will occur on the remaining 200,000 acres owned by the company. In fact, because of difficulties in negotiating an acceptable HCP for this property, the timber company sued the Federal Government. Because of the significance of the HCP, within 60 days of enactment of H.R. 2107, the Secretary of the Interior and the Secretary of Commerce must report to the authorizing committees on scientific and legal standards and criteria for species used to develop the HCP. All of these issues will be examined during the 180-day review period.

There are questions, with respect to the New World Mine acquisition, about the amount of land or interests in land the Federal Government will be acquiring. The mining company, which agreed to sell, owns, or has under lease, interests in nearly 6,000 acres outside of Yellowstone National Park. However, the mining company only has fee title to 1,700 acres. The remainder is unpatented mining claims. The ownership situation is further complicated by the fact that most of the interests in the 6,000 acres are owned by a third party not a signatory to the agreement with the Federal Government. In conversations, the mining company has stated that this third party has agreed to forego her rights to develop the mineral reserves of the property for some undisclosed price but that she will retain her surface rights. There has been no written verification of this arrangement and it remains unclear exactly what interests and interests in land the Federal Government will acquire for the $65 million purchase price. Again, this information needs to be provided to Congress so that it can be examined during the 180-day review period.

My committee also will evaluate the long-term management plans for the properties. Who will manage the properties? For what purposes? At what costs? With respect to the Headwaters Forest acquisition, how will management responsibilities be divided between the Federal Government and the State of California? With respect to the New World Mine property, how will other mineral containing private property outside Yellowstone National Park be treated? Should the Federal Government be acquiring those properties in order to prevent other mineral development in this area? While an effort has been made to address, at least partially, some of these questions in the context of an authorization on H.R. 2107, a number of them remain unanswered and need to be analyzed in greater depth.

Again, I would have preferred examining the acquisition of the Headwaters Forest and the New World Mine property through the usual authorization process; thereby, respecting the roles of the appropriation and authorizing committees. Nonetheless, the Energy and Natural Resources Committee will undertake, in good faith, a thorough review of the purchases and, if necessary, report out changes to the authorizations contained in H.R. 2107 at the beginning of next year for inclusion in the fiscal year 1998 supplemental appropriations bill. My goal is to ensure that, despite the uncommon circumstances which have led us to this point, Congress and the American people can have confidence in the decisions to acquire Headwaters Forest and New World Mine properties.

DENALI MINING ACQUISITIONS

Today, the Senate will agree to passage of the conference report for H.R. 2107, the Interior appropriations bill for fiscal year 1997. Contained within this bill is a provision dealing with mining claims in Denali National Park. As chairman of the authorizing committee for Department of Interior activities, I regret that the Department has delayed resolution of this issue until this year. I would prefer to see stand-alone legislation to enact this provision in order to allow those affected by repeated Park Service delays to be able to testify on the record about them.

Those Denali inholders who wished to sell their inholdings to the Park Service have waited for just compensation for some time in some cases. Many inholders have been forced to abandon their claims in order to avoid paying the annual maintenance fee. Others have lost their claims due to payment of this fee only days late. This is not the way to treat Alaskans and it is my personal belief that a taking occurred long ago. As such, the date of taking has not been fixed by this provision.

As required by section 202(3)(b) of the Alaska National Interest Lands Conservation Act, a study of the mineral values of this area was completed in 1983. This study, known as the DOWL report, clearly identifies the high mineral values of the claims in question. With the passage of this legislation, it is my hope that the courts will use this congressionally authorized report as a guide to determining the proper valuations.

It is my intent to continue to oversee the Park Service's activities in regards to this provision to ensure that a resolution to this problem is finally reached. I hope that a nearly 15-year-old problem will finally be resolved.

Mr. President, for the record I wish to clarify an important point regarding the appropriations bill for the Department of the Interior. That point concerns the Minerals Management Service's rulemaking proceedings on the valuation of crude oil from Federal oil and gas leases, proceedings which have been underway since January of this year. Those proceedings began with a proposed rule to replace the longstanding practice of valuing crude oil royalties at the lease where the oil is produced with a new system—a system under which valuation for oil from any Federal lease anywhere in the country would begin with prices bid for future contracts on the New York Mercantile Exchange, or NYMEX.

Concerned about the fairness of the proposal and the fiscal impacts of an ill-considered rule, the managers of the appropriations bill have charged the MMS to continue to meet with representatives of affected states and of Federal leesees. Those meetings should be conducted in a manner to permit a full, careful airing of MMS's proposal and the several alternatives that have been recommended by States and producers. More importantly, those meetings should be conducted in a manner designed to move the stakeholders in this issue toward consensus.

MMS has begun the process of continued consultation by holding a series of workshops in October. I am aware that Secretary Babbitt has received sharp criticism from some who portray these meetings between MMS, States, and producers as backroom sessions, even though notice of those meetings was published in the Federal Register inviting the public to attend. Those critics, however, have already predetermined that MMS's NYMEX-price proposal is the only correct way to value royalty and that MMS must adopt it immediately.

The workshops MMS has begun are in fact the beginning of the detailed consultation the managers have directed the agency to undertake. From statements made by representatives of the MMS and of producers, I gather that there is disagreement over whether the current regulations need amending to address recent concerns, and significant disagreement over how to amend them if amendment is needed. According to statements made by MMS representatives, its rulemaking proceedings arose because of the agency's concern that the current regulations allowed large, integrated oil companies to value royalties by using their own posted prices, the prices they publicly state they will pay to purchase oil from third parties.

The workshops MMS has begun are the first real effort directly to address and fix the problems MMS and State representatives have identified from their audits. I was disappointed to learn, however, of MMS's announcement that the workshops would be limited to 30 days. While the managers expect the agency to continue to work with dispatch, the haste of the workshops evidently has resulted from political pressure MMS is receiving from certain quarters. A few workshops in 30 days cannot adequately explore how to restore confidence in all quarters that the royalty valuation program is fairly collecting the full value of production at the lease.

For my part, I intend to ensure that the agency carries out the charge the managers have given it. If necessary, I will hold oversight hearings next year to assure that the agency explains why the current regulations are not working, that it explains how whatever alternative it then is pursuing assures

that the public is receiving royalties based on the fair market value of the oil at the lease, and that it reports on its efforts to resolve the issues by consensus.

Mr. BUMPERS. Mr. President, I have authority from Senator BYRD to yield myself time on this.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I will engage the distinguished manager of the bill in a short colloquy, but let me start off by saying that there are parts of this bill that are confusing because any bill of this magnitude obviously has some things that are hard to understand without knowing precisely what was intended. These are fairly arcane questions, usually not very entertaining to anybody except those of us who deal with issues affecting the Forest Service and the Department of the Interior.

Question No. 1. As I understand it, the U.S. Government will pay $250 million for the Headwaters Forest as provided in the bill; correct?

Mr. GORTON. Correct.

Mr. BUMPERS. There is a provision in the bill that says before the President can spend that money, the $315 million, which includes both the New World Mine and the Headwaters Forest, before the President can spend that money to acquire those two properties, the authorizing committees of the House and the Senate have 180 days from the date of enactment of this bill in which to take action. If they take no action, presumably the President would be authorized to go ahead and make the purchase?

Mr. GORTON. The Senator is correct.

Mr. BUMPERS. The second question: Do the authorizing committees have the authority under this bill to determine additional conditions under which the money can be spent?

Mr. GORTON. Only by reporting a bill and having that bill passed and signed by the President.

Mr. BUMPERS. Now, if the President were to veto the bill, because it contained some fairly stringent conditions that he found odious and the Congress did not override it, would the President still have authority to go ahead and make the purchase?

Mr. GORTON. He would.

Mr. BUMPERS. Another question: We appropriate $700 million in this bill from the Land and Water Conservation Fund; is that correct?

Mr. GORTON. $699 million.

Mr. BUMPERS. That is close enough.

So, the $699 million we are appropriating, under current law, the appropriate agencies, the Forest Service or the Department of the Interior, would have the right to spend other funds unrelated to Headwaters Forest and the New World Mine to make the normal kinds of purchases that they have always made; is that correct?

Mr. GORTON. Subject to approval of the Appropriations Committees of both Houses.

Mr. BUMPERS. The committees?

Mr. GORTON. Yes.

Mr. BUMPERS. Right.

Now, there is a provision in here that says Headwaters Forest must be appraised, through a normal appraisal, the appraisal submitted to the GAO within 30 days, et cetera.

My question is, if the appraisal came out that the Headwaters Forest was worth more than $250 million, would the President have the authority to spend more money out of the Land and Water Conservation Fund to pay the appraised price?

Mr. GORTON. I do not believe so. I believe that the President, the administration, believes it has a binding contract under which it would not have to pay more even though the appraisal came out higher, more than the $250 million.

Mr. BUMPERS. So we are only authorizing under this bill, and subject to the 180 days within which the committees have to act, we are only authorizing the expenditure of $250 million for Headwaters Forest?

Mr. GORTON. Correct.

Mr. BUMPERS. If the appraisal came out more than that and Mr. Hurwitz decided he wanted the appraised value, we could not pay him the appraised value; is that correct?

Mr. GORTON. The administration could not without coming back to the Congress.

Mr. BUMPERS. On another subject, Mr. President. With regard to the payment to the State of Montana, there is a provision in this bill—and I will not read the whole provision—but it says essentially that not later than January 1, the year 2001, but not prior to 180 days from enactment—the Secretary and the Governor of Montana will negotiate with the understanding that the Federal Government owes them $10 million in mineral resources for the loss of the New World Mine; is that essentially correct?

Mr. GORTON. Owes them a minimum of $10 million.

Mr. BUMPERS. A minimum?

Mr. GORTON. They could negotiate a higher figure than that.

Mr. BUMPERS. That brings me to the point. If the Secretary and the Governor of Montana cannot agree prior to this date on something similar to $10 million, then the Governor of Montana is within his right to demand the so-called Otter Creek tracts, which are tracts of land with a considerable amount of coal underneath them; is that correct?

Mr. GORTON. The Senator is correct.

Mr. BUMPERS. Now, I wonder if the Senator has seen some figures provided by the Greater Yellowstone Coalition as to what the Otter Creek tracts are worth. Let me preface that statement by saying I think the people who are following this bill are under the assumption that we are going to pay Montana $10 million to offset any economic loss they sustained as a result of our purchase of the New World Mine. There are going to be some jobs lost, and so on, that they would have otherwise gotten. Now, if the Governor of Montana is smart—and I assume he is—he is not going to negotiate very seriously on this for $10 million because he knows if there is no agreement, he gets the Otter Creek tracts. The Otter Creek tracts are estimated to have a value of $4.26 billion.

Now, if the U.S. Government were to lease those lands to somebody under the Mineral Leasing Act, we would charge them a 12.5-percent royalty. Half of the royalty from that coal would go to the State of Montana and the other half would go to the Federal Treasury. If the Governor of Montana is very shrewd, and he can bottle up negotiations and not take the $10 million, which most people assume he is going to be getting, and the State of Montana will wind up with the Otter Creek tracts and own all the coal outright * * * not just get the 12.5-percent royalty. Does the Senator from Washington know what the Federal share of the royalty from this coal would be?

Mr. GORTON. No.

Mr. BUMPERS. It is $266 million. Does that disturb the Senator? Assuming my figures are correct, would that disturb the Senator from Washington?

Mr. GORTON. Well, one has to assume—if you take an assumption that the gross revenues are going to be *x* dollars and that a royalty agreement would be 12.5 percent of *x* dollars, then you simply have an arithmetic calculation. There are wide differences of opinion as to the value of those tracts. For example, the demand from the State of Montana, through its junior Senator and its Congressman, were for twice this amount of money. It seems to me that there were losses to the State of Montana and that this was an appropriate transfer. I think I would have had a very different view, personally at least, toward the transfer had this transfer been from the people—that is to say, the United States of America—to some private entity. As it is, it is a transfer not to the Governor of the State of Montana, as we tend to personalize this, but to the State. It remains a limited public asset, but a public asset nevertheless. Now, this was a matter which consumed a considerable amount of time.

Mr. BUMPERS. I know it was.

Mr. GORTON. In negotiations over this, it was set up, very bluntly—and I can put this on the record because it is obviously the case—so that if the President feels that is somehow or another totally unwise and doesn't mind making the government of the State of Montana unhappy, this provision is subject to a line-item veto. It was set up in that fashion. The President doesn't have to veto the whole bill or the whole $700 million in the land and water conservation fund. So if he feels it is disproportionate in some respect, we never have to go through these negotiations at all.

Mr. BUMPERS. Senator, if I may, here are the figures furnished me on

the point I am trying to make. This is a real bonanza for the State of Montana—and I have nothing against them and their two Senators; they are two of the dearest friends I have in this body. So it always causes me grief when somebody is getting something, just as I am under this bill, to say these things. Here is the figure given to me. The Otter Creek tracts contain 533 million tons of coal. The current price of such coal is $8 a ton. It would come to $4.26 billion, and if you take 12.5 percent of that, you come out with about $266 million in royalties that the State could get. Mr. President, that is a lot more than the $10 million that I think most Senators in this body think we are giving the State of Montana.

So I wanted to raise that point because, as you know, the administration is pretty concerned about this bill. I don't know that the President would veto it. If he were to veto that particular provision under the line-item authority that he now has and the Supreme Court later determined that the line-item veto is unconstitutional, then this is still a viable provision and his line-item veto of it would not stand.

Mr. GORTON. Of course, the same thing is true with respect to all the other line-item vetoes, which I think would certainly be representative of millions of dollars. The President is exercising that power that was given to him by the Congress, and we will find out later whether or not they were valid. That would do no more or less than to set this out as a separate item. There is, however, a difference between the sale price of a mineral once it has been taken out and processed and worked on and the value of that same mineral while sitting in the ground. Those two are by no means equivalent.

Mr. BUMPERS. Senator, you and I have talked about this in private. I think it is well to get this on the record also. You may have alluded to this in your opening remarks. But another item that I think the administration is terribly concerned about is the provision in the bill that says ''no funds can be spent to revise forest plans until new final interim or final rules for forest land management planning are published in the Federal Register.'' You know, of course, under the national forest management plan, they are required to update the plans on the forests periodically. It is my understanding that some 42 plans would be blocked until the Forest Service publishes new final interim or final rules for forest land management planning. I can tell you that is costing the administration considerable pain. Would the Senator like to elaborate on that?

Mr. GORTON. I will comment on that. Obviously, the regulations in these forest plans have a tremendous impact not just on the Federal Government and management of the Forest Service, but very obviously on the communities and the areas in which these forests are located. The regulations and the rules that we are talking about have been under review for 8 years; that means through two administrations. Evidently, they must be rather controversial because they seem to have been about ready to promulgate and just before the elections, both in 1992 and 1996, they were withdrawn. Now we have gone just about a year after the last election. And we have been deeply concerned that so many millions of dollars have been spent on plan revisions that may just be thrown into the wastebasket when these regulations do come out.

So the design of this provision in the bill is to see to it that an administration, after 8 years and these two delays, comes up with final or at least interim regulations—something that it ought to be able to do within a relatively short period of time. Even so, in spite of that—and that was really what we asked them to do here in the Senate—because the administration had reservations on it, we have two exceptions to it. One is, in any forest in which a notice of intent to revise was published in the Federal Register before October 1 of this year—that is to say, where they were ready to do so; and second, where a court order has directed that a revision must occur. So in those two instances—and they are pretty big exceptions—this mandate doesn't apply at all. In the other case, all we are saying is, at least give us interim rules and regulations so that the forest plan revisions will be consistent with them when they come out.

Mr. BUMPERS. One final question and a remark. I see the Senator from New Mexico on the floor. He and I have talked about this privately. There is a grazing provision in this bill that is of some concern to me. There is a court order in New Mexico regarding grazing rights, and there is a provision in here that says that none of the funds may be used by the Forest Service to carry out a court order. As I told him, I am not going to get into that, but I think that has a little bit of danger. Just for the record, I will let the Senator say what he said to me privately about that provision.

Mr. GORTON. I yield to the Senator from New Mexico for that purpose.

Mr. DOMENICI. I say to the Senator that I did not come to the floor to interfere with your work or even to answer this question, but since I am here——

Mr. BUMPERS. If you choose to answer, by all means, do.

Mr. DOMENICI. Actually, Senator, I think I have explained it to Senator GORTON when I asked him to do this. Essentially, it does nothing more than say, for the remainder of this year, which is almost gone, the court order that could have forced some of the small ranchers to take their cattle off ranch land and set them aside while they do a new evaluation, we said that cannot happen in that manner until after this year is past, which is like a month or two. That is all it does.

Mr. BUMPERS. I think March 1 was the date.

Mr. DOMENICI. If that's the date, that's the date.

Mr. BUMPERS. Let me say this to the distinguished Senator from Washington, whose friendship I treasure. First of all, he has worked tirelessly to craft this bill, and there have been many conflicting forces pulling him in one direction or another. I know it has not been easy. He has always been very accommodating to me and I want to thank him profusely for that. More importantly, I want to tell him I was moved a moment ago by the very nice things he said about the role I played in the integration of my little school in Charleston, AR, at that time, with a population of 1,200. It was the very first school in the Old Confederacy to integrate after the Supreme Court decision in Brown versus Board of Education. He very generously put a $50,000 appropriation in here to do a feasibility study about establishing a national historic site in that community to commemorate this historic event. I express my deep and profound gratitude to him for that. He also agreed to include $150,000 for a similar designation for Central High School, which was the scene of one of the most, if not the most, dangerous situations in the United States since the Civil War.

Mr. GORTON. I thank the Senator.

Mr. President, the Senator from Pennsylvania is on the floor. I will yield 7 minutes to him.

Mr. SANTORUM. Mr. President, I thank the chairman for his kind comments earlier, as well as for his tremendous support of the issue which I rise to talk about in the bill. He has been very cooperative, to the nth degree, in making sure this funding is in the bill. What I am talking about is actually an increase in the amount of funding for a national park that I think is one of the most significant and important national parks we have in this country, the Gettysburg National Battlefield, a battle which represents the high-water mark of the confederacy. It is in my State of Pennsylvania. I have had the privilege of being there on many occasions and, for the most part, they have been very sad occasions. They are times when I have to go up and look at the state of disrepair of the battlefield, the absolute horrendous conditions in which some of the most significant Civil War artifacts are kept. They are kept in basements that are damp. There is rot on most of the artifacts, uniforms, soldiers' diaries, archeological artifacts, and historical photographs. They are rotting away because we have absolutely no place to put them. We also have many farmhouses that were there used during the battle, which are crumbling and falling apart because we don't have any money to fix them.

Mr. President, there was an article in the Washington Post today on Gettysburg, and there was one in USA Today also on Gettysburg. One referred to the

''next battle of Gettysburg,'' which is the attempt by the Park Service—I think a very important attempt—to relocate the visitors' center, which sits on Cemetery Ridge right in the middle of the Union line. New facilities are desperately needed given the condition of the artifacts I mentioned, to restore the battlefield to its intended condition, which should be its condition at the time of the battle, and to move the visitor center to another location in or near the park. The proposal referred to in the news articles is to move the visitors' center to a location in the park where there was no fighting that occurred and where no one died.

The primary reason for the Park Service seeking a public-private partnership to build the new facilities is, No. 1, the current facilities are located in a place where they should not be and to provide better preservation and restoration of the artifacts and monuments. I visited the battlefield a month ago and reviewed some of the cannon carriages. There are some 400 cannons of which 380 are in absolute horrible condition. In fact, they are breaking apart, cracking, and the paint is chipping off. You have little kids running around on the battlefield climbing on top of the cannons with paint peeling away. If that happened in a city, or in a house, all the inspectors in the world would say that you have to do something to repair these cannon carriages.

But we don't have the money, at least not until today. As much as the funding today will help, Gettysburg also needs the new visitor center, and they need the private-public partnership because there just isn't enough money in the budget to build a new facility. We can't get the capital funds.

This new proposal, however, is meeting with some controversy from preservationists who feel we should leave things alone. If we leave things alone, though, Gettysburg won't be here very much longer—at least the historical documents and artifacts and monuments. I was at the Pennsylvania monument recently, one of the largest at the park. It is a grand thing. It is a dome-shaped monument. You can walk through it and under it—but not when it rains because it leaks, the water drips right down on you. You walk around and you see monuments that you can't even make out who it is a monument to anymore because they are just worn.

That is no condition for this hallowed ground to be in. I, again, thank the Senator from Washington because I came to him with this plea after being, frankly, shocked and emotionally moved, after having been to that battleground on several occasions, and pleaded with him to do something about this state of the battlefield. He said, ''Tell me what you need and we will make sure that we fight for it.'' And through the process he was there every step of the way and did fight valiantly, and we have succeeded in getting an additional million dollars.

But I will be very honest with you. That is a start. We also need to move forward with this new visitor center. I know it may be controversial. I know people are saying we have to wait and see. I am willing to listen to the preservationists and to those who have concerns about the new location being proposed by the Park Service. But we cannot delay long. We need to move forward to construct, No. 1, a suitable place for us to keep these artifacts. If we do not move forward and build a new facility that has the kinds of conditions, whether it is humidity, temperature, sunlight, and other things, to adequately display the park's treasures, they will be lost. One such treasure is the cyclorama painting that was painted back in 1880's. Today, the canvas is rippled. It is being destroyed, damaged by time, by humidity, by the misconstruction of the building when it was first put in. We need to act now to preserve and restore it.

Today is a first step. I commend the committee and the Senator from Washington. We have made a first step today. We need to be vigilant on this. We need to come back and work further for more aid for this park and others to make sure that we can keep these hallowed grounds in a condition that we can be proud of and that we can preserve for posterity.

So I rise to make my colleagues aware of the reasons for which this appropriation was targeted, and I encourage the President to be supportive of this additional appropriation. I also encourage him to do all he can to make sure on the Executive side that we move forward with the Park Service in some way quickly to get this new visitor center constructed, so we can begin to turn this park around to preserve our terrific assets, as well as to present a much better historical educational opportunity for people who come to visit the park.

I thank the Chair.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, I yield myself 3 minutes.

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

Mr. BRYAN. I thank the Chair.

There are a number of riders attached to this conference report which should be cause for concern by my colleagues. I am most troubled by the conferees' treatment of the Forest Service purchaser road credit program.

During this body's consideration of the Interior appropriations bill, I offered an amendment to eliminate this environmentally destructive subsidy. It failed by a single vote. A similar amendment in the House also failed by a single vote.

The purchaser road credit program allows the Forest Service to subsidize the road construction costs of timber companies by granting credits to them equal to the estimated cost of the roads they need to access their timber. Timber purchasers can then use the credit to pay for the timber being harvested. Last year these ''purchaser credits'' were valued at nearly $50 million.

In the House-passed version of the Interior appropriations bill, a limit of $25 million was placed on the value of purchaser credits that may be offered by the Forest Service in fiscal year 1998. The conference report before us today eliminates this cap entirely. The Senate report accompanying the bill ''directs the Forest Service to continue the timber purchaser credit program without change'' and makes it clear that ''the committee has not specified the ceiling for the amount of purchaser credits that can be offered'' to timber companies. The result of this language is an open-ended subsidy for the timber industry.

Mr. President, in spite of the conferees' decision to expand this subsidy, I intend to send a letter to the administration urging them to use their discretionary authority to abolish this wasteful and environmentally unsound program, and I urge my colleagues to join me in this effort.

Mr. President, I reserve the remainder of my time and yield the floor.

Mr. GORTON. I yield 4 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Washington for the manner in which he has handled this bill as the chairman of the subcommittee for Interior appropriations.

I presented to the conference at a very late moment an amendment, which is amendment No. 128, that modifies the regular amendment that was in the original House bill dealing with the problems associated with management of Alaska fish and game.

I want to tell the Senate, in July at our request the Secretary of the Interior came to Alaska and met at Senator MURKOWSKI's house with me and Congressman YOUNG, with the Governor, the attorney general, and members of what we know as the Governor's task force on subsistence. We agreed then to try to work together to assure that Alaska, along with all other States, would continue to manage fish and game on Federal lands within its borders.

It is a very difficult problem for us, but very clearly Secretary Babbitt has carried through with the commitments he made at that time, and we have worked toward finding a resolution to these problems.

This task force did come up with a report. It is a very interesting task force. It is made up of the Governor and Lieutenant Governor, Governor Knowles and Lieutenant Governor Ulmer, also the speaker of the house, Gail Phillips; the president of the senate, Mike Miller; a former Republican Governor, Jay Hammond; and the

former Republican attorney general, Charley Cole. Byron Mallot, Director of the Alaska Permanent Fund, who has held leadership roles in Alaska Native organizations, was also on that task force.

This task force worked hard over the summer and came up with some recommendations. We hoped those recommendations would be presented to a joint session of the Alaska Legislature this year. That was not possible. When it was really evident it could not be done, I asked the conference to adopt this amendment. It is covered on pages 94 and 95 of the conference report, and I will not comment at large about it.

But I do want the Senate to know and the RECORD to show that we have done our best to meet this. Senator MURKOWSKI has just said he is going to hold some hearings, and Congressman YOUNG may hold some hearings. I do hope they will hold them. I hope they will hold them in Alaska. There are a lot of Alaskans who want to be heard on the matter of what should be done. The Congress may be asked to adopt further amendments next year.

I yield the floor.

APPENDIX C STATUTE OF LIMITATIONS EXTENSION

Mr GORTON. Will the distinguished chairman of the Appropriations Committee yield for a question?

Mr. STEVENS. Yes, I will.

Mr. GORTON. The conference report contains an amendment dealing with land selection rights of five Alaska Native village corporations involved in the so-called appendix C conveyance issue. Would the chairman provide some background on this issue and explain Congress' intentions on how this provision should be interpreted by the courts.

Mr. STEVENS. The lands at issue were selected by five Alaska Native village corporations pursuant to the 1971 Alaska Native Claims Settlement Act. The lands were selected in 1974, pursuant to an agreement among the villages, a full 6 years before the creation of Lake Clark National Park. For years, the Department followed a course of processing village land selections outlined in both appendix A and appendix C of the agreement. This prior course is well documented including formal conveyance decisions and reservation of easements.

In the 1990's, the Department changed its course effectively denying the village corporations the land to which they are entitled. This provision is designed to allow the Native corporations to challenge the Department's refusal to convey them their land in a court of law. While the Alaska congressional delegation believes the Native people are entitled to the land, the Department of the Interior disagrees. We have agreed to allow an objective third party decide, based on the facts of the case and an interpretation of the 1974 agreement, whether the Native people are entitled to the lands in appendix C.

Because the Interior Department has taken so long to process the villagers land claims, the statute of limitations for challenging the Department has almost expired. To allow a suit to be filed, the conference report extends the statute of limitation through October 1, 1998, under which the five village corporations and Cook Inlet Region, Inc., the regional corporation, may bring litigation challenging the Department's refusal to convey the appendix C lands to the village corporations.

The amendment clarifies that if litigation is brought by the village corporations or Cook Inlet Region, Inc, it shall be filed in the U.S. district court. The court trial permitted in this amendment will result in a fresh hearing on the merits of the case.

The court record will not be limited to the current, incomplete administrative record, but shall consider new evidence introduced that is relevant to the interpretation of the agreements and conveyances in dispute. The language allowing introduction of new evidence was proposed by the Office of Management and Budget. This will provide for a neutral hearing on the total circumstances of the dispute.

A fresh look at the case prompted the Anchorage Daily News, the daily newspaper in Alaska's largest city with a strong record of environmental advocacy to endorse conveyance of the appendix C lands to the villages. I ask unanimous consent that the editorial be printed in the RECORD.

[From the Anchorage Daily News, Oct. 24, 1997]

FIRST PRINCIPLES INTERIOR, DO RIGHT IN LAND DISPUTE

A long-standing land dispute between the U.S. Department of the Interior and Cook Inlet-area Native village corporations should be settled in the corporations' favor, either through a deal brokered by Sen. Ted Stevens or, better yet, through direct action by Secretary of the Interior Bruce Babbitt.

Until Secretary Babbitt steps in, Interior lawyers and high-level bureaucrats will keep fighting with five village corporations and Cook Inlet Region Inc., the Native regional powerhouse that has intervened for its member village corporations. The dispute centers on roughly 29,000 acres of land on the west side of Cook Inlet. The Natives say they're entitled to the acreage, but the department wants to add the disputed parcels to Lake Clark National Park and Preserve.

On this matter, the Clinton administration unfortunately appears to be more intent on locking up another corner of the state than respecting the will of Congress as expressed by the Alaska Native Claims Settlement Act.

The 1971 act created Native-owned corporations—both regional and village—to manage settlement money and land. Plain and simple: It is wrong that, over 20 years later, a handful of village corporations in Southcentral Alaska are still awaiting title to selected acreage.

Both sides look to a 1976 agreement to bolster their respective arguments. The agreement was supposed to sort out competing government and Native interests through land trades. It summarized how trades would take place and in what order lands would be selected and conveyed. Aside from minor amendments, the document hasn't changed—but the feds and Natives have reached different conclusions about what it says.

Sen. Stevens has unsuccessfully tried several times in recent years to end the dispute in the corporations' favor. His latest attempt suffered a setback Thursday when it was cut out of a Department of the Interior budget bill. While it is commendable that Alaska's senior senator has gone to bat for a just cause, it is unfortunate that his latest effort was special-interest legislation attached to the coattails of a bigger bill.

The preferable alternative: Secretary Babbitt can and should direct his staff to convey the disputed acreage to the five Cook Inlet-area village corporations via Cook Inlet Region Inc. While he and park proponents may not like the results—after all, the land can be used for commercial purposes—the anticipation of what may happen later should not stop him from doing the right thing now.

If, after nearly three decades, a just portion of an aboriginal land settlement is circumvented by clever bureaucrats, then the integrity of Congress will have been compromised so that a national park can be expanded.

The right and only call for Secretary Babbitt to make is to lay this old chapter of the Alaska Native Claims Settlement Act to rest and turn over title of the disputed land to its rightful owners.

Mr. GORTON. It is my view that the amendment the conferees agreed to requires a full trial to be held if a lawsuit is filed and allows the parties to introduce all relevant evidence. Do you agreement with that interpretation?

Mr. STEVENS. Yes. It is the intent of the amendment that a trial on the merits be conducted in the U.S. District Court if the villages decide to file suit. Such a trial would be held in lieu of an administrative hearing conducted by the Department of the Interior and in lieu of a court appeal of any administrative decision that was limited to the current, incomplete administrative record.

The court must hear all relevant evidence related to the circumstances surrounding the land selections and conveyances and should not be limited to hearing only the views of the Interior Department or reviewing the limited administrative record that currently exists. Nor, in my opinion, should it defer to any prior decision that was not based on a hearing and a full review of the facts.

In order to ensure justice for the parties, it is necessary that the court have all relevant evidence available to it. Since this dispute has a complex fact pattern that stretches over 20 years, the case should not be resolved on a motion for summary judgment.

The lands sought by the village corporations were originally selected in 1974. The selections were accomplished with the assistance of officials at the Bureau of Land Management. The village corporations have never varied in their selection priorities, and the selection priorities must be honored by the Federal Government. Those of us who are familiar with the history of this dispute understand that the purpose of the Deficiency Agreement was to give effect to the land selections made by the village corporations.

The lands should be conveyed to the villages in the priority order in which they were selected, the same requirement that applies to all land conveyances made to Native corporations under the Alaska Native Land Claims Settlement Act. It is important to read all provisions of the agreements in question in the context in which they were negotiated and in light of the legislative purpose the agreements served to fulfill village land selection rights.

I regret that litigation may be necessary in this case. I am disturbed that the Department of the Interior decided to change its interpretation of the conveyance requirement and is using a very limited interpretation of the Deficiency Agreement to clear title to the appendix C lands. The Department is attempting to acquire more land for Lake Clark National Park. However, it is important to note that the boundaries of Lake Clark National Park were not expanded to potentially include appendix C lands until 6 years after the original land selections were made by the village corporations in 1974. As a result, the appendix C lands are not park lands by virtue of the prior valid Native land selections.

Since enactment of ANCSA, there has been a substantial amount of litigation regarding interpretation of the statute, but no case has been heard that is directly on point with respect to appendix C. Further no opinion—including Court of Claims cases—has been issued interpreting the Deficiency Agreement based on a full hearing of all the relevant evidence. It is one purpose of this amendment to ensure that the district court's resolution of the present matter will not be bound by any decision or opinion not based on a full review of the legal and factual record. The court must take a new look at the dispute after reviewing a full and complete record.

Mr. GORTON. The Interior Department has not responded to the authorizing committees' requests in either the House or the Senate for resolution of this matter. As chairman of the Senate Energy Committee, can Senator MURKOWSKI elaborate?

Mr. MURKOWSKI. During the past Congress, both the House Resources Committee and the Senate Energy and Natural Resources Committee held hearings on this dispute. We heard from members of the villages seeking their lands as well as from the Department of the Interior. At the end of the Senate hearing in September 1996, I asked if the Department of the Interior was willing to work with the villages to come to a resolution. While its initial indication was yes, more than 6 months later, no action had been taken.

On January 2 of this year, Chairman YOUNG and I wrote to Secretary Babbitt requesting again that appropriate department policy level officials meet with the affected villages and the regional corporation as soon as possible to negotiate a resolution acceptable to the administration and the Alaska Native corporations. Again, there was no serious effort to seek a resolution.

Having no indication that the Department was willing to even try to negotiate a settlement of this dispute, Chairman YOUNG and I wrote to Chairman STEVENS on April 25 asking him to include language in the Interior appropriations bill to ensure conveyance of the disputed land to the villages.

CHANGES TO THE APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 205 of House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, allows the chairman of the Senate Budget Committee to adjust the allocation for the Appropriations Committee to reflect new budget authority and outlays provided for priority Federal land acquisitions and exchanges.

I ask unanimous consent that revisions to the 1998 Senate Appropriations Committee budget authority and outlay allocations, pursuant to sec. 302 of the Congressional Budget Act, in the following amounts, be printed in the RECORD.

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

	Budget authority	Outlays
Current allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	255,550,000,000	283,243,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	807,362,000,000	832,262,000,000
Adjustments:		
Defense discretionary		
Nondefense discretionary	−700,000,000	−257,000,000
Violent crime reduction fund		
Mandatory		
Total allocation	−700,000,000	−257,000,000
Revised allocation:		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	254,850,000,000	282,986,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total allocation	806,662,000,000	832,126,000,000

Mr. DOMENICI. Mr. President, I rise to explain the need for a reallocation in funding authority for the Appropriations Committee that is being filed today.

I regret that this reallocation is necessary because it was avoidable.

Section 205 of the fiscal year 1998 budget resolution provided for the allocation of $700 million in budget authority for Federal land acquisitions and to finalize priority land exchanges upon the reporting of a bill that included such funding.

The Senate-reported Interior appropriations bill included this funding in title V. As chairman of the Budget Committee, I allocated these funds to the Appropriations Committee, which in turn provided them to the Interior Subcommittee.

If the conferees had adopted the Senate language, I would not be here withdrawing this funding allocation. However, the conferees modified the Senate language to provide only $699 million for land acquisitions, and to expand the use of these funds for the following purposes:

Critical maintenance activities are added as an allowable activity under this title V funding;

Ten million dollars is provided for a payment to Humboldt County, CA, as part of the Headwaters land acquisition; and

Twelve million dollars is provided for repair and maintenance of the Beartooth Highway as part of the Crown Butte/New World Mine land acquisition.

The Senate Budget Committee provided clarifying language to the conferees on the Interior appropriations bill during their meeting on September 30. This language simply restated that monies provided in title V, when combined with monies provided by other titles of the bill for Federal land acquisition, shall provide at least $700 million for Federal land acquisitions and to finalize priority land exchanges.

This language, which I urged be included throughout the past 2 weeks while final language was drafted, would have ensured that the section 205 allocation remained in place for this bill.

The chairmen decided to include, however, language which attempts to trigger the additional $700 million by amending the budget resolution. This language causes a violation under section 306 of the Budget Act because it affects matters within the jurisdiction of the Budget Committee.

Since this language will not become effective until the bill is signed into law, and the conferees did not clarify that $700 million is included in the bill for land acquisition and priority land exchanges, I have no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution.

I worked diligently as a member of the conference to complete this important bill, working with my good friend, the senior Senator from Washington, who chairs this subcommittee.

The inclusion of a simple proviso would have avoided this problem. I regret that the chairmen of the conference chose not to do so, and that this withdrawal of funding is now necessary.

Mr. President, I ask unanimous consent that a summary of the provisions included in the final version of the Interior appropriations bill be printed in the RECORD, along with a letter I sent to the chairman of the full Appropriations Committee about these issues at his request.

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

CHANGES TO THE FISCAL YEAR 1998 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL SINCE FORMAL CONFERENCE

$700 MILLION LAND ACQUISITION AND MAINTENANCE FUND

The conference agreement for the fiscal year 1998 Interior and Related Agencies Appropriations Act provides an additional $699 million for priority land acquisitions and exchanges, and for reducing the maintenance backlogs of the Federal land management agencies. This special appropriation was first

referenced by the balanced budget agreement this Spring between the Congress and the Administration, which provided an additional $700 million for priority land acquisitions and exchanges. The Senate version of the Interior Appropriations bill included the special appropriation for land acquisition; the House version did not.

A portion of these funds will be used to acquire two specific pieces of land—the Headwaters Forest in California and the Crown Butte/New World Mine property near Yellowstone National Park. Both of these acquisitions are high priorities of the Administration. Congress, in appropriating funds for these two acquisitions, has stipulated conditions that ensure the wise use of Federal taxpayer dollars, the development of State and local partnerships, and the appropriate use of proper procedures—including valuations, public appraisals and adherence to the National Environmental Policy Act.

These two Administration projects will require up to $315 million in Federal funds—up to $250 million for the Headwaters Forest and up to $65 million for Crown Butte/New World Mine. The State of California will provide $130 million for the Headwaters Forest acquisition. The Headwaters acquisition will be accompanied by a single payment of $10,000,000 for Humboldt County, California, to help offset lost tax revenues and cover anticipated increases in public health and safety costs incurred by the County. The Crown Butte/New World Mine acquisition will be accompanied by an additional Federal expenditure of $12,000,000 to improve and maintain the Beartooth Highway. The conference agreement also directs that a Federal/State study be undertaken to identify and encourage mineral resource development in the State of Montana. Bill language also directs a $10 million transfer of Federal mineral rights to the State of Montana.

Both the Headwaters Forest and the Crown Butte/New World Mine acquisitions are delayed for 180 days, during which time the conditions that govern these acquisitions will be reviewed by the Congressional authorizing committees and may be modified through additional legislation. To the extent that the appraisal process causes a delay, the 180 day period will be extended by an equivalent number of days.

The remainder of the $699 million will be used for other priority land acquisitions and for critical repair and restoration needs of the four land management agencies: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, and U.S. Forest Service. The Secretaries of Agriculture and the Interior will submit requests to the House and Senate Committees on Appropriations for approval for the use of the traditional land acquisition and maintenance funds. The Secretaries are encouraged to emphasize projects that reduce their critical maintenance backlogs and to select land acquisitions which complete a unit, consolidate lands for more efficient management, or address critical resource needs.

PENNSYLVANIA AVENUE MODIFICATIONS

Amendment #158 has been modified, as requested by the Administration, regarding the limitation of expenditures of funds in this bill to implement changes to Pennsylvania Avenue in front of the White House.

NATIONAL PARK SERVICE HOUSING

The report language has been slightly modified to require the Secretary of the Interior to appoint a review committee, a majority of whose members are not employees of the National Park Service, to review the construction practices of the National Park Service and to submit no later than April 15, 1998, a report of their findings and recommendations to the House and Senate Committees on Appropriations.

LAKE CLARK NATIONAL PARK AND PRESERVE, ALASKA

Amendment #68 has been modified, as requested by the Administration.

Summary	*In Millions*
Headwaters	up to $250
Crown Butte	up to 65
Humboldt Co.	10
Beartooth Hwy	12
Other land/maintenance	362
[Dept. of the Interior: $272 million]	
[U.S. Forest Service: $90 million]	
Total	$699 million

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, October 23, 1997.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TED: I regret that I have to bring to your attention two Budget Act violations that will lie against the conference report on the Interior and Related Agencies Appropriations bill.

The conference report fails to meet the terms of section 205 of the FY 1998 budget resolution (H. Con. Res. 84) regarding priority land acquisition funding. Therefore, I must withdraw the additional $700 million for priority land acquisition and exchanges to the Appropriations Committee for consideration of the conference report on the Interior bill. Assuming the Appropriations Committee reduces the section 302(b) allocation for the Interior bill by this amount, the conference report on the Interior bill would violate section 302(f) of the Budget Act.

The Interior bill also would amend the FY 1998 budget resolution to relax the requirements of section 205. Because this provision affects matter in the Budget Committee's jurisdiction, it would cause another violation under section 306 of the Budget Act. If a point of order is raised under either one of these sections, it takes 60 votes in the Senate to waive either of these points of order.

At the Administration's insistence, the Balanced Budget Agreement included $700 million in spending for priority land acquisition and exchanges. I worked for a more flexible mechanism to allocate funding for priority land acquisition, but the White House insisted on very restrictive language. As a result, section 205 of the FY 1998 budget resolution provides that the $700 million will only be made available to the Appropriations Committee if the Interior Appropriations bill provided $700 million for priority land acquisition and exchanges.

The Senate-passed Interior bill met the budget resolution's requirements by providing $700 million for land acquisition activities. During the conference on the Interior bill, the Senate language was modified and I provided some additional language to the conferees that would have ensured $700 million was spent on land acquisition, thereby meeting the budget resolution's requirements. Instead, the tentative conference agreement included language amending the budget resolution. My staff has been in touch with both Senator Gorton's staff and your staff to indicate that the tentative conference agreement on the Interior bill would violate the Budget Act. Even so, the conferees chose to ignore my suggestion.

The Interior conference report provides $699 million for land acquisition. Of this funding, it provides that the money can be used for purposes other than land acquisition, including maintenance activities, PILT payments, and highway improvements. While the Interior conference report attempts to trigger the additional $700 million by amending the budget resolution, I cannot take this language into account until the Interior bill becomes law.

If we took language amending the budget resolution into account for determining budgetary levels, the budget resolution and our efforts to enforce a balanced budget plan would become meaningless. Instead of making the hard choices to live within the budget resolution's levels, committees could simply rely on the precedent that would be established in the Interior bill and amend the budget resolution to assert they had complied with budgetary limits. Finally, the budget resolution is a congressional document that does not require the President's signature and I think it is inappropriate to amend the budget resolution through a law.

I recognize the extraordinary effort you and Senator Gorton have put into writing an Interior bill that can pass both Houses and be signed by the President. I also realize that the issue is not the total level of spending, but how this additional $700 million will be spent. My concern is with the precedent to amend a budget resolution that will be established by the Interior Appropriations bill, which is avoidable, and that is why I attempted to resolve this issue during the Interior conference to avoid any Budget Act violations.

I regret that I have to withdraw the additional allocation to the Appropriations Committee for land acquisition funding, but I have no choice.

Sincerely,

PETE V. DOMENICI,
Chairman.

Mr. DOMENICI. Mr. President, I also object to the inclusion of directed scorekeeping language in this bill. If the Senator took language amending the budget resolution into account for determining budgetary levels, the budget resolution levels and our efforts to enforce a balanced budget plan would become meaningless.

Instead of making the choices necessary to live within the budget resolution levels, committees could simply rely on a precedent to assert, or ''deem,'' that they had complied with the budgetary limits, even though they hadn't.

Such action would undermine the budget discipline of the Senate.

Since the directed scorekeeping language will not become effective until the bill is signed into law, and the conferees did not clarify that $700 million is included in the bill for land acquisition and priority land exchanges, I have no choice but to withdraw the additional allocation of funding provided in section 205 of the budget resolution for land acquisition and exchanges.

MICCOSUKEE SETTLEMENT AMENDMENT

Mr. MACK. I rise today to thank my colleague, Senator GORTON, for including language in the fiscal year 1998 Interior appropriations bill concerning a settlement between the Miccosukee Tribe of Indians of Florida and the State of Florida. The Mack-Graham amendment is a clear, noncontroversial piece of legislation that finalizes the settlement between the Miccosukee Tribe of Indians of Florida and the State of Florida with regards to land takings claims.

Mr. GRAHAM. I, too, thank Senator GORTON for his support to include this provision in the final bill. Do I correctly understand that title VII of the

Interior appropriations bill will ratify the settlement agreement signed by the State of Florida and the Miccosukee Tribe in 1996?

Mr. GORTON. The Senator is correct. I understand the Mack-Graham amendment is in accordance with congressional findings that the settlement agreement requires the consent of Congress in connection with land transfers. I concur with my colleagues from Florida that the Miccosukee Settlement Act of 1997 expresses the desire of Congress to resolve the dispute between the State of Florida and the Miccosukee Tribe.

BUREAU OF LAND MANAGEMENT'S WILD HORSE AND BURRO MANAGEMENT PROGRAM

Mr. CRAIG. Mr. President, I wish to engage in a colloquy with the chairman and ranking member of the Interior Appropriations Subcommittee regarding funding for the Wild Horse and Burro Management Program within the Bureau of Land Management.

Mr. GORTON. Certainly.

Mr. CRAIG. I understand that the conferees to the Interior bill agreed to provide $15,866,000 for the wild horse and burro program for fiscal year 1998. That amounts to the same funding level for the program as was provided for fiscal year 1997.

Mr. GORTON. That is correct.

Mr. CRAIG. I want to congratulate my colleagues, Senator GORTON and Senator BYRD, for balancing the competing interests that are presented by the programs of the Interior bill, all of which have very vocal constituencies. I would like to clarify that, if the Bureau of Land Management believes that the funding provided in this bill is insufficient to carry out the objectives of wild horse and burro management, procedures for reprogramming must be followed by the Agency. Is it the managers' intention that funding not be reallocated absent the involvement of the House and Senate Appropriations Committees?

Mr. GORTON. The Senator is correct. If the BLM believes that it needs more money at any time during fiscal year 1998 for the wild horse and burro program, or any other BLM program, there are reprogramming guidelines which must be followed.

Mr. BYRD. My colleague, Senator GORTON, is correct.

Mr. LEAHY. Mr. President, I would like to engage the chairman in a colloquy. As the chairman knows, the Senate provided $100 million from the Land and Water Conservation Fund for the stateside matching grant program. I want to thank the chairman for recognizing the interests of over 30 Senators to revitalize this program. When the Land and Water Conservation Fund was created, the State matching program was launched to assist States in the acquisition of parks and recreation facilities. This is as it should be. The Land and Water Conservation Fund was created on the premise that revenues generated by the depletion of our Nation's energy resource should be reinvested in the conservation of our resources through land acquisition for Federal, State and local priorities. The matching grants have helped finance over 37,500 park and recreation projects throughout the United States. These are projects each one of us can identify in our home States that are now used as ballparks, hiking trails, river access, and greenspace. Although the conference report does not set aside funds for the State matching program, the Interior Department may use part of the $700 million appropriation for this purpose. Is that correct?

Mr. GORTON. Yes, that is correct. The conference report states that the $700 million appropriation may be used for priority land acquisitions, land exchanges, and other activities consistent with the Land and Water conservation Fund Act of 1965. The original provisions of that act make it clear—that available resources can and should be redistributed to the American people through State and local decisionmaking.

Mr. LEAHY. Am I correct then that under existing authority, the Secretary of the Interior may use these funds for the State matching program with the approval of the House and Senate Appropriations Committee? As the chairman is aware, the National Conference of Mayors, the Western Governors Association, and the National Association of Governors urged Congress to appropriate funds for this program. You have already stated your commitment to the budget agreement that allocated the $700 million for land acquisition. Do you agree that revitalization of the State matching program could be a component of the Interior Department project list sent to the Appropriations Committees for use of this Land and Water Conservation Fund appropriation?

Mr. GORTON. The Senate bill made it clear that the State matching program should be a priority for use of these funds. Although the conference report does not set aside funds for this program, numerous Senators expressed their concern about the future of the State program. The need for this program is evident in requests from every State for Federal assistance to invest in State and local recreation resources.

Mr. LEAHY. I thank the chairman for clarifying this point. I also want to commend the chairman for his work on the entire Interior Appropriations bill for fiscal year 1998.

Mr. STEVENS. I also rise to explain section 120 of the Interior appropriations bill, which provides a right of action for owners of mining claims in the area in Denali National Park and Preserve known as the Kantishna Mining District. This provision is designed to bring an end to nearly 20 years of uncertainty surrounding the future of these claims, and it will ensure that the owners of the claims receive just compensation in return for their interests.

The plan envisioned by this provision addresses the unique needs of both sides of the debate over the future of mining at Denali National Park and Preserve. The American people, through the National Park Service, will receive the title to lands within the Denali National Park and Preserve and near its crown jewel—Mount McKinley. With this provision, we are assured that those lands will be held for the benefit of all Americans. In return, the owners of mining claims who participate in the program will be fairly compensated for the loss of their interest that has been uncompensated since mining was effectively terminated in the mining district many years ago.

At this time I wish to clarify my understanding of the provision. We have provided a way for the Secretary of the Interior to take title to mining claims inside Denali National Park, following procedures outlined in the Declaration of Taking Act. We have also identified the mechanism by which the owners of the mining claims who choose to participate and transfer title to their claims are to be compensated for the loss of their claims. The Congress has not, however, fixed the dates as of which the claims at issue were taken, as that is a factual question best left to the parties to determine or, if necessary, for resolution by the jury in proceedings under section 120. Moreover, it is our intention that any action that is brought either by the Secretary or affected claim owners be conducted in accordance with the substantive and procedural law of the Declaration of Taking Act, except where inconsistent with claim owners' rights under section 120, and the Federal Rules of Civil Procedure, including the claimaint's right to have a trial by jury.

Mr. GORTON. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield myself so much of the 10 minutes I use as I had allocated to me in the unanimous-consent agreement to make an explanation of why I intend to vote against the Interior appropriations bill.

Mr. President, the House voted on July 10 to cut off funding for the National Endowment for the Arts for fiscal year 1998. It was expected that if we would come to Washington to reduce the size of Government, we would at least stop funding the kind of offensive art that has been the subject of so many disputes that have attended the existence of the National Endowment for the Arts.

Senator HELMS and I offered an amendment to eliminate funding for the NEA, but it did not pass in the Senate. The Senate voted on September 17

to increase the NEA's current $99.5 million budget to $100 million. Then on September 30, the conferees to the Interior appropriations bill provided $98 million for the NEA for fiscal year 1998.

So the House voted zero; the Senate voted an increase to $100 million; and we have compromised on $98 million. That simply does not reflect the kind of discipline the American people expect at a time when we are taxed at the highest level in history. Americans spend more money in taxes now than ever before in the history of this country on a percentage basis. Congress should not be in the business of subsidizing speech, of saying to one artist, ''Your art is good,'' and to another artist, by implication, since it did not qualify for the Federal funding, ''Your art is bad.''

I do not believe Congress should be telling people what to like and what not to like. The genius of a democracy is not the values of the central Government imposed on the people. The genius of a democracy is the values of the people imposed on the central Government.

Congress has no constitutional authority to create or fund the NEA, and in my judgment it is wrong for us to continue to fund it. Although funding for the NEA is small in comparison to the overall budget, elimination of this agency sends the message that Congress is taking seriously its obligation to restrict the Federal Government's actions to the limited role envisioned by the Framers of the Constitution. Nowhere does the Constitution grant any authority that could reasonably be construed to include promotion of the arts.

This is a time when we have a high demand on our citizens for taxes, and for us to take money to promote the notion of art that someone in Washington thinks is great and to try to impose that on the people through the so-called ''governmental seal of approval'' is an inappropriate expenditure of public resources.

I am particularly disappointed because we have a situation where the Congress of the United States could have compromised at least far more substantially to protect the people and did not. The House at zero, the Senate at $100 million, the compromise at $98 million. That is simply an inappropriate way for us to conclude, and for that reason I intend to vote against the National Endowment for the Arts as part of this bill, and I will vote against this bill.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BAUCUS. Mr. President, I rise today in support of the Interior appropriations conference report. I do so with great respect for its managers, Senators BYRD and GORTON and in recognition of the difficult job which they have faced in bringing this bill together. They have done a fine job juggling this contentious bill and I applaud them for their efforts.

Mr. President, I'd like to talk a minute about worthwhile Federal investments contained in this bill. First, let me talk about the National Endowment for the Arts. This agency makes a real difference in Montana. It allows groups like Shakespeare in the Parks to go to over 50 Montana towns, including Birney, a town of only 17.

Every year, the cast and supporters of Shakespeare in the Parks clear a spot on Poker Jim Butte and put on a show. Citizens come from the nearby reservation, area ranches, and over the border from Wyoming to see classic Shakespeare works. It's a real community gathering and balloons the size of Birney for the day. And make no mistake, it probably wouldn't happen without NEA funding. This bill funds this valuable program.

I have been a longtime advocate of preserving the quality of life we in Montana and in America enjoy. This Interior bill also goes a long way toward preserving some of the last, best places for our children. First, it dedicates $1.5 million to help finish the Gallatin II land exchange near Bozeman, MT. Next, it earmarks $1 million for purchasing easements and land in the Blackfoot Valley.

This area isn't far from where I grew up. I've hunted, fished, and hiked in those hills and I can tell you of its beauty. We can be proud that because of this investment, our children will have the same access to this region that I did as a boy.

Mr. President, our rivers are under attack by a malady known as whirling disease. This parasitic condition causes the deterioration of fish muscles, eventually causing the fish to die. It has been found in many Blue Ribbon Montana rivers and is slowly spreading across the West. Our critical fisheries are at risk and Western States are faced with the potential loss of millions of dollars in tourism and fish agricultural revenues. Scientists at Montana State University's Fish Technology Center are hard at work today identifying the causes of this disease and potential cures.

It is cutting edge science and it is making a difference. This bill recognizes that and funds this research at an appropriate level.

The Interior Appropriations bill also contains $699 million in increased funding for the land and water conservation fund. This will help our Nation to acquire environmentally critical lands including a number of parcels that have been rated as a high priority in Montana. Specifically, the bill provides $65 million in land and water conservation funding to acquire the New World Mine property next to Yellowstone National Park.

If built, this mine would have harmed Yellowstone National Park. It would have polluted waters flowing into the park and would have harmed the park's wildlife herds. Montanans overwhelmingly opposed construction of this mine.

Last year, when the Clinton administration, local citizens, and the mining company reached an agreement that would keep the mine from being built, the entire region breathed a sigh of relief.

And now it is time to finish that agreement.

The New World agreement provides that the Federal Government will purchase the property from the mining company, thus protecting Yellowstone for our children. But its benefits don't stop there. The agreement also requires the mining company to spend $22.5 million to clean up historic mining pollution in the area. This not only improves the environment, it also creates jobs for Montana. That is truly a win-win solution.

As this bill moved through Congress, I worked hard to ensure that the money would be included to complete the New World agreement. And I am glad that has been done.

As part of the New World negotiations, we were able to further protect the local economy in Montana by appropriating $12 million to repair the area's main highway leading into Yellowstone National Park. Charles Kuralt called the Beartooth Highway the most beautiful road in America. With the money contained in this bill, we will be able to maintain that highway, enhance the local economy, and ensure that the American people continue to have access to the treasures of Yellowstone National Park.

The agreement reached between me, the administration, and House and Senate negotiators is truly in the best interests of Montana and of the Nation. It protects Yellowstone, cleans up the environment, creates jobs, and helps provide public access to our Nation's first national park.

However, the final version of the Interior appropriations bill also contains a provision that we did not agree to. It requires the transfer of $10 million or more worth of coal to the State of Montana. This provision was outside of the scope of the agreement that we negotiated with the White House and the other Members of Congress.

I support the development of coal in eastern Montana. But I also understand that the White House objects to the inclusion of this coal transfer. I expect that the White House will attempt to remove this coal either through a full veto of the bill or through a line-item veto of the coal transfer.

Coal was not included in our negotiated agreement on New World because the White House objected to its inclusion and because of fears that it could jeopardize the New World agreement. Now that Congress has included coal in the final bill, I hope that this issue does not stand in the way of our ability to complete the New World

agreement. It would be a crime to get this close to completing the agreement only to have it fall apart—jeopardizing Yellowstone, MT jobs and the Beartooth Highway as well.

So, Mr. President, we are nearing the conclusion of a long process. I hope that all parties will continue to work with me to complete the New World agreement as expeditiously as possible. And I urge my colleagues to join me in supporting this measure that will achieve the successful protection of this national treasure.

Mr. MCCAIN. Mr. President, as we approach the end of this session, the Congress will be asked to consider the remaining 6 appropriations bills in relatively short order. Clearly, it is important to pass these annual spending bills in a timely fashion to preclude the inconvenience and expense of delaying unnecessarily essential government programs. However, in our haste to adjourn, it would be a disservice to the American taxpayer to ignore the wasteful spending contained in these bills.

The Interior appropriations bill for fiscal year 1998 is filled with numerous earmarks and set-asides for low-priority, unnecessary, and wasteful spending projects.

For example, this bill contains three directed land transfers which, to the best of my knowledge, have not been screened through the normal process at the General Services Administration. Two of these provisions—dealing with the Bowden Fish Hatchery in West Virginia and certain BLM lands in Nevada—specifically state that Federal property will be given away without compensation. Certainly, one can legitimately question whether these are good deals for the American taxpayer, or just for those residing in the affected States.

Another provision of the bill, section 136, directs the Army to build a bridge across the Bull River in Alaska. This bridge is to provide access to the Golden Zone Mine for students at the School of Mineral Engineering at the University of Alaska Fairbanks. In addition, the Army is directed to donate, free, two 6x6 vehicles for the use of the university. The provision does not specify how much the Army is supposed to pay for these large, all-terrain vehicles, nor does it provide a cost estimate for the bridge. This single provision could cost the Army tens of millions of dollars.

The bill sets aside $800,000 for the World Forestry Center for continuing scientific research on land exchanges in the Umpqua River Basin region in Oregon.

I am disappointed that the conferees decided to earmark almost half of the $699 million provided for priority land acquisitions and exchanges in title V of this bill. The Senate bill contained earmarks to which certain Members of this body objected very strenuously, and these earmarks are included in the conference agreement, together with two new earmarks.

I am concerned that the conferees also chose to delete the Senate provision which outlined specific criteria for determining the highest priority acquisitions and exchanges that would be accomplished with these additional dollars. I plan to pursue the establishment of objective, consistent criteria so that the limited funds available for ensuring the preservation of our natural resources are spent wisely.

Finally, the conferees have included the usual requirement that all contracts awarded using funds provided in this bill should be expended in full compliance with all of the protectionist Buy America provisions that Congress has enacted over the years. These laws and regulations are anti-free trade and cost American taxpayers millions of dollars every year due to lack of free and fair competition of these contracts.

Now, let me turn to the report language.

Once again, the conferees have made clear that they endorse the language contained in either the House or Senate report, unless they mention it in the conference report. This ensures that every earmark and set-aside that is not specifically addressed by the conferees remains in place.

Let's look at some of the earmarks in the conference report itself.

—$100,000 earmarked from land management funding for the Alaska Gold Rush Centennial.

—$700,000 earmarked from wildland fire management funding for a type I hot-shot crew in Alaska, and $1.925 million for redevelopment of the obsolete fire center in Billings, MT.

—$400,000 of Fish and Wildlife Service funding for Alabama sturgeons.

—$400,000 for the Preble's Meadow jumping mouse.

—$300,000 for research on whirling disease.

—$450,000 in various accounts earmarked for the Lewis and Clark Trail, including technical assistance and office funding.

—$2 million for an Alaska mineral and geological data base, and another $2 million for the Alaska minerals at risk project.

—$500,000 for a project at Purdue University in Indiana to improve fine hardwood trees.

I note with interest that, in order to fit all of the earmarks into this bill, the conferees had to agree to account totals that exceed the levels in either the Senate or House bills. In seven different accounts, the conferees agreed to funding which exceeded the amounts in either bill. Altogether, the conferees added $188 million more than the House had provided for these accounts, and $90.6 million more than the Senate had provided. Technically, these accounts are outside of the scope of the conference, a practice which I understand is not unheard of, but which is all the most disturbing when it is done merely to accommodate earmarks for these low-priority projects.

I ask unanimous consent that the list of objectionable provisions be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS IN CONFERENCE AGREEMENT ON H.R. 2107, FISCAL YEAR 1998 INTERIOR APPROPRIATIONS ACT

Bill Language

Earmarks of construction funds, as follows: $500,000 for the Rutherford B. Hayes Home; $600,000 for Sotterly Plantation House; $500,000 for Darwin Martin House in Buffalo, New York and $500,000 for Penn Center, South Carolina.

Earmark of $1 million for the Vietnam Veterans Museum in Chicago, to be derived from the Historic Preservation Fund.

Earmark of $3 million for the Hispanic Cultural Center in New Mexico (subject to authorization).

Prohibition on funding relocation of the Brooks River Lodge in Katmai National Park and Preserve from its current location.

Sec. 115—Directed conveyance of the Bowden National Fish Hatchery in Randolph County, without reimbursement, to the State of West Virginia for its fish culture program.

Sec. 135—Adds new section directing National Park Service to provide land in D.C. to the Corrections Corporation of America in exchange for land in Prince Georges County, Maryland.

Sec. 133—Directs conveyance of BLM lands to Lander County, Nevada, without compensation.

Sec. 136—Directs Army to provide, without compensation, two 6x6 vehicles, ''in excellent operating condition'', to the University of Alaska Fairbanks and to construct a bridge across the Bull River to the Golden Zone Mine Site to allow access by the School of Mineral Engineering of the University of Alaska Fairbanks.

Earmark of $800,000 for the World Forestry Center for continuing scientific research on land exchange efforts in the Umpqua River Basin region.

Sec. 307—Buy America restrictions.

Sec. 313—Prohibition on expending funds to demolish the bridge between Ellis Island and Jersey City, New Jersey.

Sec. 343—Prohibits recreational residence special use permit fee increases in Sawtooth National Forest prior to January 1, 1999.

Title V—Earmarks $337 million of $699 million provided for land acquisitions and exchanges for four specific projects, and eliminates specific criteria for determining priority land acquisitions and exchanges as added by Senate.

Report Language

[NOTE: Statement of managers language endorses all Senate or House report language that is not specifically addressed in the conference report. Therefore, following list of objectionable items is not all-inclusive; other items in either the House or Senate reports are considered direction of the conferees.]

Department of the Interior—Bureau of Land Management

Management of Lands and Resources: $100,000 for the Alaska Gold Rush Centennial; $500,000 for DoD mapping project in Alaska; $200,000 for the Virgin River Basin Recovery plan; $500,000 for recreation resources management; $2.1 million for the National Petroleum Reserve in Alaska; $700,000 for the Alaska resources library; $2.3 million for the Alaska conveyance; $1 million for the ALMRS; $200,000 for the Lewis and Clark Trail; $100,000 for the Iditarod National Historic Trail; $100,000 for the De Anza, California, Mormon Pioneer, Nez Perce, Oregon and

Pony Express National Historic Trails and the Pacific Crest and Continental Divide; and National Scenic Trails.

Wildland Fire Management: $700,000 to fund a type I hot-shot crew in Alaska; and $1.925 million for redevelopment of the obsolete fire center in Billings, MT.

Land Acquisition: $11.2 million total. $800,000 less than House. $2.6 million more than Senate. All but $3.75 million earmarked. (Conference Report page 53.)

Fish and Wildlife Service

Resource Management: $549.8 million ($3.8 million more than House. $9.8 million more than Senate); $400,000 for the Alabama sturgeon; $400,000 for the Preble's Meadow Jumping Mouse; and $300,000 for a wolf reintroduction study in WA.

$1 million in habitat conservation: $50,000 for the Middle Rio Grande/Bosque program; $50,000 for Platte River studies; $100,000 for a Cedar City ecological services office; $750,000 for Washington salmon enhancement; $50,000 for the Vermont partners program; $1 million for Salton Sea recovery planning in California; $250,000 for migratory bird management; and $500,000 for hatchery operations and endangered species recovery.

$750,000 for fish and wildlife management: $100,000 for Yukon River monitoring; $300,000 for Atlantic Salmon conservation; $50,000 for the regional park processing center; $300,000 for whirling disease research; $200,000 for the Caddo Lake Institute scholars program; $1 million for the National Conservation Training Center of which $560,000 should be used for the Iron County habitat conservation plan.

Construction: $45 million total. $4.7 million more than House. $3 million more than Senate. All but $6.9 million earmarked. Conference Report page 56.

Land Acquisition: $62.6 million total. $9.6 more than House. $5.4 million more than Senate. All but $11.5 million earmarked. (Conference Report page 58.)

National Park Service

Operation of the Park System: An increase of $100,000 for the Northwest ecosystem office; An increase of $920,000 for the Gettysburg NMP; $2 million for special needs parks; $250,000 for structure stabilization at Dry Tortugas National Park; $50,000 for the Lewis and Clark Trail office; $200,000 for technical assistance to the Lewis and Clark Trail. $50,000 for the California and Pony Express trails; and $50,000 for the North Country Trail.

National Recreation and Preservation: $250,000 for the Lake Champlain program; $150,000 for the Connecticut River Conservation partnership; $100,000 for the Aleutian World War II National Historic Area. $325,000 for the Delaware and Lehigh Navigational Canal; $65,000 for the Lower Mississippi Delta; $285,000 for the Vancouver National Historic Reserve; and $300,000 for the Wheeling National Heritage Area.

Construction: $215 million total. $66.7 million more than the House; $41.6 million more than the Senate. All but $58.3 million earmarked. (Conference Report page 64.)

Land Acquisition: $143 million total. $14 million more than the House. $16.4 million more than the Senate. All but $5.5 million earmarked. (Conference Report page 67.)

United States Geological Survey

Surveys, Investigations, and Research: $3 million for the global seismographic network; $1 million for the volcano hazards study in Alaska and Hawaii; $2 million for the Alaska minerals at risk project; $500,000 for Great Lakes Research; and $2 million for an Alaska mineral and geological data base.

Department of Agriculture—Forest Service

Forest and Rangeland Research: $700,000 for the Rocky Mountain station forest health project; $450,000 for the Institute of Pacific Islands Forestry in Hawaii; $500,000 for the fine hardwoods tree improvement project at Purdue University in Indiana; $1.5 million additional funding for research at the Pacific Northwest station; and $300,000 for the Rocky Mountain Research Station.

State and Private Forestry: $500,000 for the Alaska Spruce Bark Beetle task force; $2 million for stewardship incentives; and $2 million for the Mountains to Sound Greenway project in Washington State.

International Forestry: $230,000 for the Institute of Pacific Islands Forestry.

National Forest System: $1 million for inventory and monitoring; $500,000 for anadromous fish habitat management; $2 million for grazing management; $100,000 for Alaska gold rush centennial exhibits; $100,000 for trail maintenance in the Pacific Northwest region; and $4 million for exotic and noxious plant management.

Reconstruction and Construction: $166 million total. $11.5 million more than the House. $10.4 million more than the Senate. All but $88 million earmarked. (Conference Report page 82.)

Land Acquisition: $53 million total. $8 million more than the House. $4 million more than the Senate. All but $11.3 million earmarked. (Conference Report page 84.)

Department of energy

Fossil Energy Research and Development: $650,000 for coal research to complete a hospital waste project at the veterans hospital in Lebanon, PA.

$48.6 million for natural gas research: $45 million for advanced turbine systems; $1 million for the gas to liquids programs; $650,000 for technology development; $2 million for fuel cell systems; $350,000 for oil technology; and $800,000 for cooperative research and development.

Energy Conservation: $1.5 million for the home energy rating system; $100,000 for advanced desiccant technology; $500,000 for Energy Star; $100,000 for highly reflective surfaces; $750,000 for codes and standards; $1 million for the weatherization assistance program; and $250,000 for State energy program grants.

Department of Health and Human Services

Indian Health Facilities: $100,000 for the Montezuma Health Clinic in Utah; $40,000 for sanitation facilities; and $588,000 for environmental health and support.

Institute of American Indian and Alaska Native culture and arts development

Construction: $4 million for the Dulles extension of the National Air and Space Museum; and $29 million just to begin construction of the National Museum of the American Indian Mall Museum.

Mr. MCCAIN. These are, I am sure, interesting projects, and important to the people who will be working on them. However, these earmarks—like the hundreds of other earmarks too numerous to mention today—were added to this conference agreement without benefit of the normal, merit-based review process that would ensure that these are the highest priority uses for the funding provided in this bill. Absent that process, it is difficult to believe that there are not other more pressing needs for Federal funds than these projects.

Mr. President, I want to stress that I have highlighted only those projects that I find objectionable in this $13.8 billion measure. Certainly, the funding provided in this bill is essential for the essential operations of the Department of the Interior and the other Federal agencies charged with preservation and management of our lands and natural resources. It also contains funding that is vitally important to our native American tribes, particularly for Indian education.

One provision that I am pleased to see included in this conference agreement is the $800 million environmental fund authorized in title IV of the bill. This provision establishes a National Parks and Environmental Improvement Fund financed from oil lease revenue awarded to the Federal Government by the U.S. Supreme Court this year. Interest from the fund, estimated to be $50 million annually, will be used to finance high-priority capital improvement projects for national parks, provide grants to States for park planning and acquisition, and fund marine environmental research. Providing for these unmet capital needs will ensure that our most coveted natural resources are preserved and protected for future generations.

I must say, however, that I am sorry that the conferees included in the language authorizing the Parks Improvement Fund a special setaside for the State of Louisiana for oil and gas drainage in the West Delta field. This provision was not included in the original Senate language, nor was any other special location-specific set-aside. I am disappointed that even this provision was marred by special-interest language.

Mr. President, I intend to support this bill because it provides new authorities and much-needed funding for many programs. However, I will urge the President to consider exercising his line-item veto to eliminate the low-priority, unnecessary, and wasteful spending that the Congress has added to this bill without benefit of a merit-based, prioritization review process.

Mrs. FEINSTEIN. Mr. President, I rise in support of the conference report on the fiscal year 1998 Interior appropriations bill.

This conference report contains both authorization and appropriations for the all-important Headwaters Forest acquisition in northern California.

Mr. President, California's ancient redwood forests are among our Nation's most valued treasures, which is why the battle to preserve them has reached a fever pitch in recent years.

The Headwaters Forest, nearly 3,000 acres located in Humboldt County, is one of the last remaining ancient redwood groves still in private hands. The land is owned by the Pacific Lumber Co., which is owned by the Maxxam Corp.

Over the past decade there have been over a dozen attempts to save this ancient redwood grove. All have failed.

Five attempts at Federal legislation failed.

Three attempts at State legislation failed.

Three statewide bond measures to raise funds to acquire the redwoods were rejected by California voters.

Two State legislative measures to reform California forestry regulations, one that would have restricted logging on private lands, and another that some said was not restrictive enough, both failed.

With the background, last year I was asked to see if I could facilitate an agreement between the property owner and the State and Federal Governments. After more than 100 hours of intense negotiations, an agreement was reached for the State of California and the Federal Government to jointly purchase the Headwaters Forest from Pacific Lumber Co.

Under the Headwaters agreement, the governments will purchase the 3,000-acre Headwaters Forest and the 425-acre Elkhead Springs Grove, plus nearly 4,000 additional acres of adjacent land to serve as a buffer. In all, approximately 7,500 acres would be acquired and protected.

The price under the Headwaters agreement is $380 million, of which the Federal Government will contribute $250 million and the State will contribute $130 million.

Without the Federal funding to complete this agreement, there is no agreement. And if there is no agreement, the Pacific Lumber Co. will proceed with its huge taking lawsuit against the Federal Government for the cost of any regulations that prevent the company from logging its old growth redwoods. In the end, the real losers will be the American taxpayers who will possibly pay even more if Pacific Lumber wins its taking lawsuit. That is why this conference report is so important. It provides the $250 million federal share for Headwaters.

Specifically, this Headwaters package includes: Appropriation of $250 million for the Federal purchase of the Headwaters Forest; appropriation of $10 million for a payment to Humboldt County, CA; and a prohibition on the expenditure of $250 million for 180 days from date of enactment.

This will allow a period of time for the authorizing committees to review the issues associated with the Headwaters transaction and recommend any changes in the authorization if necessary. The funding will be available at the end of the 180 days.

The conference report also provides an authorization to purchase the Headwaters Forest. While many believe the Department of the Interior has more than sufficient authority to acquire the property, I know that others disagree and have insisted on authorizing legislation. The authorization is contained in this conference report.

Specifically, this bill authorizes the Headwaters acquisition with the following conditions: The State of California provides $130 million for its share of the costs, the State of California approves a sustained yield plan for the Pacific Lumber Co. property, a habitat conservation plan is approved and an incidental take permit is issued to Pacific Lumber, an appraisal of the lands to be acquired is done and reviewed by the Comptroller General, Pacific Lumber Co. dismisses its lawsuit against the Federal Government, a report is made to Congress on applicable HCP standards, Humboldt County is eligible for payment in lieu of taxes [PILT] payments for Federal lands acquired, 50 percent of management costs in excess of $100,000 will come from non-Federal sources, development of a management plan, with consideration of management by a trust, and expiration of the authorization on March 1, 1999.

If asked, is this authorization exactly what I would have drafted, the answer is no. But it gets the job done. And that is what is important.

I firmly believe that the Headwaters agreement is our last best hope to preserve these magnificent ancient redwoods. I urge my colleagues to approve this conference report.

Mr. INOUYE. Mr. President, I rise to commend my colleagues for their work on the conference report on the Interior appropriations bill for fiscal year 1998.

There are a few provisions of this bill that do not relate to matters of appropriations which would be more properly addressed by the authorizing committees of the Senate, and thus, I feel compelled to register concern that measures that are clearly substantive in nature—such as a comprehensive settlement of the claims of the Miccosukee Tribe of Florida—do not belong in this or any other appropriations bill.

I raise this matter because in last year's Omnibus Appropriations Act, there was a provision that singled out one Indian tribal government for disparate treatment—namely, to strip that tribe of benefits and privileges that have been authorized for all other tribes in the country under the Indian Gaming Regulatory Act. I speak of the provision affecting the Narragansett Tribe of Rhode Island.

Last year's provision came before this body over the strenuous and adamant objections of the Narragansett Tribe, without the benefit of any hearings, in the absence of any record that would serve to justify this unusual action on the part of the Congress, and with no consultation with the affected tribe.

The Narraganset Indian Tribe advises us that this provision has forever changed the lives of the members of that tribe, and has wrought devastating effects on the potential for the development and growth of the tribal economy.

Mr. President, I look forward to the day when the Congress acts to rectify the effects of last year's appropriations bill as it relates to the Narragansett Tribe.

Mr. DODD. Mr. President, it is my intention to vote in favor of the Conference Report making appropriations for the Department of the Interior and related agencies, but I do so with some reservations. I commend the appropriations conferees for negotiating a multitude of very contentious issues, but I am particularly concerned with several anti-environmental provisions that remain in the report.

The Balanced Budget agreement provided $700 million above the President's request for the Land and Water Conservation Fund and I am very pleased that the appropriators were able to honor that agreement. Land and water conservation funds and the matching State grant program have been very important to Connecticut's ability to acquire land and enhance recreation areas and parks. Without this funding, local communities will continue without the assistance they so deserve to acquire open space and further develop recreational areas. Unfortunately, Senate language providing $100 million in grants to States for land acquisition was not included in the conference report.

A portion of the Land and Water Conservation Fund will be used to purchase the Headwaters region in California and the New World Mine in Montana, subject to authorizing conditions. Although I recognize that the State of Montana will feel some adverse economic repercussion from the New World Mine purchase, I am dismayed that a proposal of $10 million to the State of Montana could be counted against the Land and Water Conservation Fund.

When the Senate initially debated the Interior appropriations bill, I was pleased to join many of my colleagues in voting for an amendment to eliminate funding for timber road purchaser credits for timber sales, but the amendment failed by the narrowest of margins. There is growing support for the elimination of all taxpayer subsidies for Forest Service logging road construction, and the House included language restricting the amount of timber purchaser credits. Unfortunately, the conferees dropped the House provision.

Finally, the provision reducing the effectiveness of the law pertaining to the export of Federal timber benefits a few large timber companies in the West. It was never suitably discussed by the authorizing committee.

While these are a few of my concerns, there are many provisions in the bill which merit my support. The Silvio Conte refuge and the Stewart McKinney refuge in my State received much-needed funding for land acquisition. Congress authorized the expansion of the McKinney refuge in 1990, and in the ensuing years, Federal appropriations have enabled the refuge to acquire 413 of the 454 acres available. Because the budget for the National Park Service was sufficiently funded, Weir Farm, the only national park in Connecticut, should receive an increase in its operating budget to meet its rising visitor service demands.

Mr. President, as you know, I am a strong backer of the arts and I am pleased that the appropriators provided

$98 million for the National Endowment of the Arts. The NEA was a marked agency, identified by the other body for elimination. In fact, the other body voted to zero out all funding and tried to extinguish the NEA. But together with my colleagues in the Senate, another round of efforts to dismantle or eliminate the NEA was stopped. When the bill came out of conference with the House, the NEA had been saved. As evidenced by a series of strong bipartisan votes in the Senate in favor of the NEA, my colleagues and I were able to save this national agency and preserve a Federal role for the arts.

During the Senate debate over NEA funding, I cosponsored with the chairman of the Appropriations Committee, Senator STEVENS from Alaska, a Sense-of-the-Senate resolution asking the Congress to examine alternative sources of funding for the NEA. I believe it is time to give the NEA a secure future and preserve a national cultural endowment for generations to come. My hope is that the Congress will address this issue in the future.

And so it is for these reasons that I support the Interior appropriations conference report. I commend the conferees on a job well done.

Mr. NICKLES. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent due to a death in the family.

I further announce that, if present and voting, the Senator from Pennsylvania [Mr. SPECTER] would vote ''yea.''

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

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

The result was announced—yeas 84, nays 14, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—84

Abraham	Enzi	Lieberman
Akaka	Feinstein	Lott
Allard	Ford	Lugar
Baucus	Frist	Mack
Bennett	Glenn	McCain
Biden	Gorton	McConnell
Bingaman	Graham	Mikulski
Bond	Grams	Moynihan
Breaux	Grassley	Murkowski
Brownback	Gregg	Murray
Bumpers	Hagel	Nickles
Burns	Harkin	Reed
Byrd	Hatch	Reid
Campbell	Hollings	Robb
Chafee	Hutchinson	Roberts
Cleland	Hutchison	Rockefeller
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Collins	Jeffords	Sessions
Conrad	Johnson	Shelby
Coverdell	Kempthorne	Smith (OR)
Craig	Kerrey	Snowe
D'Amato	Kerry	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Dodd	Lautenberg	Thurmond
Domenici	Leahy	Torricelli
Dorgan	Levin	Warner

NAYS—14

Ashcroft	Durbin	Gramm
Boxer	Faircloth	Helms
Bryan	Feingold	
Kohl	Roth	Wellstone
Moseley-Braun	Smith (NH)	Wyden

NOT VOTING—2

Kennedy	Specter

The conference report was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:57 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business for the next 30 minutes with Senators permitted to speak for up to 5 minutes each.

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

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, we are now in the process of taking a look at D.C. appropriations bill papers on both sides of the aisle. We hope that within the next hour or so we will be able to go to the D.C. appropriations bill.

Also, it is our intent, as I have advised the Democratic leader, this afternoon to call up the DOD, Department of Defense, authorization conference report and begin the process on that bill.

So those two bills will consume the bulk of the time this afternoon. There is the possibility of recorded votes, and Senators should be aware of that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. MOSELEY-BRAUN. I further ask unanimous consent that I be allowed to speak as if in morning business.

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

CAMPAIGN FINANCE REFORM

Ms. MOSELEY-BRAUN. Mr. President, this morning the Senate was once again blocked from considering campaign finance reform legislation. As a result, the ISTEA reauthorization bill has been delayed.

What happened today was clear. Intense opposition to any consideration of campaign finance reform legislation has precluded consideration of one of the most important measures to come before the Senate this year, the ISTEA reauthorization bill. ISTEA has been derailed for the time being because the majority party has refused to agree to even schedule a debate on campaign finance reform. They have refused the will of a majority of the Senate to engage in a debate over an issue that goes to the very heart of our Government and our democratic process.

The 48 Senators who voted against cloture today did not vote to kill the ISTEA reauthorization bill, as some have claimed. We did not cast our votes against cloture because we objected to this critically important highway and transit bill. Rather, we cast our votes against the obstructionist techniques that have been used to block debate on campaign finance reform legislation. We refused to cast our votes to end debate because there has, as of yet, not been debate over campaign finance reform.

Several weeks ago, the Senate engaged in a mock debate over the issue. It was not a real debate. Not a single amendment was offered. Not a single vote was taken. It is the business of the Senate to consider amendments and vote on issues and debate concerns of the American people. None of that has happened. It was as undemocratic a debate as I have yet seen in the Senate, and I know that the American people expect more from us.

They are frustrated and disillusioned with the current election process. We need to get Americans back into the system and get them involved in decisions that affect their lives. We need campaign finance reform to restore the American people's faith in the electoral process. Too many people believe that the current system cuts them off from their Government.

A League of Women Voters study found that one of the top three reasons people do not vote at all is the belief that their vote will not make a difference. We saw the result of that cynicism in 1994 when just 38 percent of all registered voters headed to the polls. We saw it again in 1996 when only 49 percent of the voting age population turned out to vote, the lowest percentage of Americans to go to the polls in 72 years.

According to a Gallup poll conducted early this month, 59 percent of Americans believe that elections are generally for sale to the candidate who can raise the most money. When you consider how much money it costs to finance a modern campaign, you can understand the frustration. According to recent Federal Election Commission figures, congressional candidates spent a total of $765.3 million in the 1996 elections, which was up 5.5 percent from

the record-setting 1994 level of $725.2 million.

That figure does not include the huge amounts of so-called soft money spent by the political parties. In the first 6 months of the 1997–98 election cycle, $35.4 million in soft money contributions to political parties was raised, outpacing the same period in the 1995–96 cycle.

I would take a step further to remind my colleagues that there is even softer money than that with the independent expenditures and, of course, individual, wealthy people just write themselves a check and send themselves a thank you note, and that goes into the system. It is no wonder that Americans are clamoring for campaign finance reform. It is no wonder they believe their voices are overshadowed by special interests with the ability to fill campaign coffers. It is disheartening, Mr. President, that the majority has denied us the opportunity to debate this issue. It is more disheartening that they have denied us the chance to debate legislation to help keep the doors of democracy open for all Americans. They have refused to enter into a dialog with the American people about the contorted rules which govern campaigns, and about the urgent need to reform the system. They have refused a most reasonable request from a majority of Senators—an agreement that the Senate will take up consideration of campaign finance reform legislation, under normal procedures and normal rules, with amendments and votes and deliberations on the issues, sometime next year.

Mr. President, we did not cast our votes today against cloture because we are confident that the McCain-Feingold campaign finance reform legislation could be enacted into law, or because every one of us thinks it is the ''end-all, be-all'' of campaign finance reform legislation, but because we believe it is imperative that the Senate engage in a real debate over this issue. We believe the Senate has a responsibility to consider this issue. We believe that what has happened here over the last several weeks as parliamentary blockage after parliamentary blockade has been erected in front of efforts to debate campaign finance reform has been an abrogation of the democratic process.

It is the business of the Senate to debate measures, offer up amendments, and vote on issues, and the Senate has done none of the above with respect to campaign finance reform.

It appears that, for the moment, the majority has succeeded in blocking debate over campaign finance reform legislation. I have no doubt, however, that this issue will ultimately come up, if for no other reason than the American people are fed up and frustrated with the current system.

It also appears that, for the moment, the majority has derailed consideration of the ISTEA reauthorization bill. Let there be no illusions, however, that ISTEA is dead. It is not dead. This legislation is too important to simply wither. It will be taken up for consideration and we will enact legislation to provide our States and communities with at least the $180 billion in highway and transit funds that this legislation promises.

I must admit that I have mixed feelings about delaying consideration of ISTEA. For my State of Illinois, and indeed, for the Nation's transportation system, delay may give us an opportunity to rework some of the provisions of the current ISTEA reauthorization bill that inadequately treat those regions of the country that are essential to the movement of our Nation's commerce.

For the most part, I believe the authors of this ISTEA reauthorization bill have done an excellent job crafting a bill that strengthens many environmental provisions, allows States greater flexibility to support Amtrak, increases funding for a variety of safety initiatives, increases funding for intelligent transportation systems, and preserves the Department of Transportation's important DBE program. It is a bill that preserves many of the most important aspects of the original ISTEA, and that strengthens many other important provisions, and I commend them for their hard work and diligent efforts in this regard.

This ISTEA reauthorization bill, however, fails to allocate funds in a manner that adequately meets the needs of our Nation's intermodal transportation system. It does not recognize and provide sufficient funds to areas of the Nation that are responsible for the majority of our Nation's commercial traffic. It does not adequately address the relationship between transportation and our economy.

In 1991, when Congress enacted ISTEA, we stated:

> It is the policy of the United States to develop and National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner. . . . The National Intermodal Transportation System must be the centerpiece of a national investment commitment to create the new wealth of the Nation for the 21st century.

That is what the authors of the original legislation stated as a goal. If the next ISTEA does not follow this important declaration, if it does not provide adequate funding to maintain and improve the corridors and areas that are responsible for our Nation's commerce, the effects of our negligence will ripple throughout every sector of our economy.

My home State of Illinois serves as the transportation hub for our Nation's commerce. It is home to the world's busiest airport and two of the world's busiest rivers. It is where the Nation's freight railroads come together to move goods from one side of the country to the other. It is the center of the Nation's truck traffic. If you add up the value of all truck shipments in the Nation, Illinois' has by far the largest share of any State. If you count the ton-miles of truck shipments that pass through States on their way to their final destinations, Illinois has by far the largest share of any State.

Illinois' roads, therefore, must bear the weight of the largest share of the Nation's commercial activity. The ISTEA reauthorization bill does not recognize the burden this responsibility places on our roads. According to a recent study from the Surface Transportation Policy Project, Illinois has the second worst urban roads in the country. The newspapers all report headlines like: ''Illinois Roads in Shambles''; ''Highways on road to ruin''; ''Illinois' roads among the worst in the Nation''; ''Roads in dismal shape.''

These headlines are not surprising when you consider that Chicago is the Nation's largest intermodal hub. It is literally the transportation nexus of the Nation. It is only appropriate, therefore, that the national Intermodal Surface Transportation Efficiency Act recognize this fact and adequately provide for the enormous needs that go along with our status as the transportation hub of the Nation.

Mr. President, I am confident that when the Senate does take up the ISTEA reauthorization bill, we will be able to work together on a solution that provides funds to areas with the greatest needs. I am also confident that the Senate will ultimately take up, consider, and enact serious campaign finance reform legislation. These issues are simply too important for there to be any other outcome.

I yield the floor.

THE IRAN MISSILE PROLIFERATION SANCTIONS ACT OF 1997

Mr. DASCHLE. Mr. President, I am joining a large bipartisan group of Senators in cosponsoring S. 1311, the Iran Missile Proliferation Sanctions Act of 1997.

This bill addresses one of the most pressing national security problems we face—Iran's efforts to acquire technology that will enable it to build weapons of mass destruction. Certain Russian entities have engaged in some level of cooperation with Iran, and, while the Russian Government does not appear to be aware of these activities, the effect is the same—putting very dangerous technology in the hands of a regime that intends to destabilize.

Mr. President, all Americans share the goal of stopping these technology transfers, but there are clear differences on how to achieve it. The administration has launched an aggressive diplomatic onslaught, pressing the Russian Government to do all it can to halt these activities. Vice President Gore and Secretary of State Albright are fully engaged in this effort. In addition, the President has appointed top diplomat and former Ambassador

Frank Wisner as his personal envoy to the Russians on this issue. Ambassador Wisner has made several trips to Russia seeking a crackdown on exports of sensitive technology and has scheduled another visit in several weeks.

I am hopeful this legislation will help the administration in its efforts to impress upon the Russians just how seriously the U.S. Congress takes this issue. Diplomacy clearly plays a critical role in these situations, but so does the tough approach laid out in this bill. The sanctions it provides will send a clear message to Russian entities involved in these technology exchanges that they will face heavy costs if they choose to proceed with business as usual.

The Senate version of the bill is not without its problems, however. Specifically, the bill does not include a provision allowing the President to waive the bill's sanctions if he finds it necessary to do so on national security grounds. The House version of the legislation does include a waiver, and I am hopeful that any final bill will include one. The President needs this discretion in dealing with this extremely difficult situation.

Mr. President, I look forward to continuing to work with the administration and Members on both sides of the aisle to address this critical threat. It is imperative that we all work together in an effort to prevent Iran from acquiring such dangerous and destabilizing technology.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, October 27, 1997, the Federal debt stood at $5,427,907,147,573.22 (Five trillion, four hundred twenty-seven billion, nine hundred seven million, one hundred forty-seven thousand, five hundred seventy-three dollars and twenty-two cents).

Five years ago, October 27, 1992, the Federal debt stood at $4,064,077,000,000 (Four trillion, sixty-four billion, seventy-seven million).

Ten years ago, October 27, 1987, the Federal debt stood at $2,385,921,000,000 (Two trillion, three hundred eighty-five billion, nine hundred twenty-one million).

Fifteen years ago, October 27, 1982, the Federal debt stood at $1,141,248,000,000 (One trillion, one hundred forty-one billion, two hundred forty-eight million).

Twenty-five years ago, October 27, 1972, the Federal debt stood at $439,190,000,000 (Four hundred thirty-nine billion, one hundred ninety million) which reflects a debt increase of nearly $5 trillion—$4,988,717,147,573.22 (Four trillion, nine hundred eighty-eight billion, seven hundred seventeen million, one hundred forty-seven thousand, five hundred seventy-three dollars and twenty-two cents) during the past 25 years.

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

Mr. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. BYRD. At the conclusion of the period for morning business, what would be the business before the Senate?

The PRESIDING OFFICER. The regular order would be the laying down of S. 1173, the ISTEA-II bill.

Mr. BYRD. The ISTEA bill?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. The ISTEA bill. Mr. President, I have a feeling that the leader is probably not prepared to go back on that bill at the moment, so I will ask unanimous consent that I may proceed for such time as I may consume out of order.

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. BYRD. Mr. President, I take the floor at this time for several reasons, one being that the Senate would be on the ISTEA bill if the regular order were called for at this point. No other legislation is before the Senate. Consequently, I feel it is appropriate to be talking about the ISTEA bill.

Second, three of my colleagues, Senators GRAMM of Texas, BAUCUS, and WARNER, and I have introduced an amendment to the ISTEA bill and we have explained that amendment and discussed it upon more than one occasion. As we have explained, our amendment provides that 90 percent of the funding will be distributed on the same basis as in the ISTEA bill before us, and that 10 percent would be allotted for discretionary as is the case in the ISTEA bill before us. In the amendment, which I have coauthored with the other three Senators, I have provided that in the 10 percent discretionary portion, $2.2 billion would be allotted to the Appalachian regional highways—$2.2 billion of the $3.1 billion in discretionary funding. The overall amount of funds that would be provided by our amendment would be $31 billion.

The basis of our amendment is that inasmuch as the 4.3-cent gas tax has been ordered by the Senate to go into the trust fund as of October 1 this year, that money should be spent for transportation purposes.

The American people, being under that impression, and having every right to be under that impression because of the legislation that was passed recently stating that the 4.3-cent gas tax would go into the highway trust fund, that would be broken down as follows: 3.45 cents for highway funding and 0.85 percent would be for mass transit.

There is a considerable amount of confusion, some of which I think has been deliberately spread, some of which may be accidental. There is some misinformation that has been spread about the amendment that my three colleagues and I have sponsored. So I believe at this time, there should be some discussion so as to clarify our amendment, what it really will do, what it will not do, and also it is my opinion that we should understand what the Chafee-Domenici amendment will do and what it will not do.

My colleagues who are coauthoring my amendment and I have taken the floor on at least two occasions to describe our amendment. And most recently, during the time of the last discussion of my amendment, Mr. CHAFEE presented me with a copy of the Chafee-Domenici amendment.

However, I haven't heard any explanation of that amendment as yet. I think we ought to have an explanation before we act on the bill, one way or another, and certainly before sine die adjournment. I hope that we will get a 6-year highway bill, but with each passing day, the prospects of such are by that degree diminished.

But in any event, I would want Senators to have a better understanding of my amendment and certainly the amendment by Senators CHAFEE and DOMENICI before we go out or before we leave this subject entirely.

I have called for Mr. CHAFEE and Mr. DOMENICI. I wasn't able to contact Senator DOMENICI, but I was able to contact Senator CHAFEE. I wanted to let them know that I hoped we could use this time, when no other Senator is seeking recognition, to discuss this matter and particularly to have some explanation of the Chafee-Domenici amendment.

Mr. CHAFEE was in the Intelligence Committee at the time and was busy there, but he very kindly came to the floor and has indicated to me—he is here on the floor now and he can speak for himself—that on tomorrow, he will seek some time to discuss and explain the amendment that he and Mr. DOMENICI have offered.

At this time then, Mr. President, I want to say a few words about the Appalachian Regional Highway System, because that figures very importantly in the amendment which I have offered for printing, and I think that the Members of the Senate ought to have a better understanding of the background of that particular subject matter. I also want to direct some comments to today's edition of Congress Daily to an item therein which bears the headline: ''DOT Study, Domenici-Chafee Letter Hit Gramm-Byrd Plan.''

There are some inaccuracies in that article, and I hope to address some of my remarks to those inaccuracies. I also would be pleased if the other three cosponsors of our amendment could come to the floor and, likewise, make some remarks.

All three offices have been alerted, and it is my understanding that those Senators will come at such times as they can be free from other appointments. I apologize for, in a way, for

taking the floor at this time. I know that the other cosponsors are very busy, and I know also that Mr. CHAFEE and Mr. DOMENICI are busy, but I shall proceed.

First of all, let me address my comments briefly to the Appalachian Development Highway System.

Mr. President, when I was a member of the West Virginia House of Delegates 51 years ago, West Virginia had only 4 miles of divided four-lane highways—4 miles! Let me say that again. The entire State of West Virginia had only 4 miles of divided four-lane highways in 1947, the first year in which I served as a member of the West Virginia Legislature.

I can remember an article that appeared in the Saturday Evening Post by a Mr. Roul Tunley, on February 6, 1960. I was a Member of the U.S. Senate then. That was my second year in the U.S. Senate. In Mr. Tunley's article, he said this: ''Its''—meaning West Virginia's—''Its highway system is several decades behind that of its neighbors.'' I haven't forgotten that quotation. I have been carrying it around up here somewhere in my gray matter now for these 37 years.

I cannot forget it. It is etched into my memory. The Saturday Evening Post, a national publication, said, in an article by Roul Tunley, with reference to West Virginia's highway system: ''Its highway system is several decades behind that of its neighbors.''

Now, Mr. President, those words have, as I say, been etched into my memory. They have been burned into my memory, virtually seared into my memory.

I was a Member of the other body when the Interstate System was inaugurated. President Eisenhower was in his first term.

In any event, in 1956, which was during the 84th Congress, Congress passed legislation to provide for a gas tax to be placed into the highway trust fund. I was a Member of Congress at that time.

In 1965, 9 years later, Congress passed the Appalachian Regional Development Act. It provided for an Appalachian regional highway system. That was 1965. It was fiscal year 1966; in other words, calendar year 1965, when Congress appropriated its first moneys toward the Appalachian regional highway system—1965, fiscal year 1966. It has been a long time ago.

So, over 30 years ago, Congress enacted legislation saying to the people of Appalachia, the people of the 13 States in Appalachia, that an Appalachian highway system was going to be established and funded.

West Virginia is the only one of the 13 States that is wholly within Appalachia. But contrary to the understanding of a good many people, I suppose, West Virginia is not the only State in Appalachia. During these intervening 32 years, West Virginia's Appalachian system has become 74 percent complete. For the entire Appalachian region, however, the highway system is something like 78 or 79 percent complete.

Now, the Interstate System all over this country is 100 percent complete—virtually 100 percent. That is something like 43,000 miles, I believe.

But the Appalachian highway system remains, a good bit of it, yet to be completed. West Virginia, as I say, is 74 percent complete. The other States in the Appalachian region are about 78 or 79 percent complete. So West Virginia is behind the region as a whole.

A great many people have criticized me over the years for acting in my Appropriations Committee to get moneys for West Virginia's Appalachian corridors. But as chairman of the Senate Appropriations Committee, I provided not only money for West Virginia's Appalachian corridors but also funding for Appalachian corridors in all of the 13 States of Appalachia. Nothing was said about that by my critics. But that is neither here nor there at the moment. I just mention it in passing.

The point is that while the Interstate System has been completed all over this country, the Appalachian highway system is yet to be completed. The people in Appalachia have been promised for 31 years that that system would be completed. It isn't completed yet. So they have been living on a prayer and a promise, in considerable degree. About one-fourth of the system—one-fifth to one-fourth of the system—is not yet complete. And I think it is about time we fulfilled our promise that Congress made to the millions of people who live in Appalachia that their system at some point would be completed, too.

Now, Mr. President, I see on the floor my friend, Senator GRAMM. If he would like to speak for a moment——

Mr. GRAMM. No. Go ahead.

Mr. BYRD. He indicates that I should go ahead.

So, with the passage of the Appalachian Regional Development Act by Congress in 1965, the Appalachian Development Highway System got its start by providing smaller regional centers in the Appalachian region with four-lane expressway links to the Interstate Highway System. The new corridors were devised to open areas with development potential where commerce and communication had previously been inhibited by a lack of access.

On June 17, 1965—32 years ago, and then some—the first Appalachian corridor construction project in West Virginia was contracted for a section of corridor D, U.S. 50 in Doddridge County that is between Parkersburg, WV, and Clarksburg, WV.

The Appalachian corridor highway construction era really picked up steam in West Virginia following the November 1968 approval by the voters of a $350 million road bond, the proceeds of which were used to provide the State's matching share for corridor construction.

During these years, for the most part, funding has been directed toward all four uncompleted corridors, D, G, H and L. When the Intermodal Surface Transportation and Efficiency Act, ISTEA of 1991, came along, I asked that language be included authorizing the completion of the Appalachian system. And that was done.

The Appalachian Development Highway System in West Virginia comprises a total of 428.9 miles of roadway, completed or under construction, in design or in corridor location study phase.

In the case of the Appalachian system, I think it would be informative to point out that Appalachia's rugged terrain has made roads very expensive to build. Early roads usually followed the topography, that is, they followed streams, valleys and troughs between mountains, and the resulting highways were characterized by very low travel speeds, long distances due to winding road patterns, often very unsafe road conditions, roads built to poor design standards, unsafe, short-sight distances, and extremely high construction costs which further discouraged commercial and industrial development.

Now, I should say that miles constructed, alone, do not really measure the impact of a development highway system. Its success is measured in how it allows the region to be opened up for development and how it allows for the improvement of its inhabitants' condition.

A 1987 survey taken by the Appalachian Regional Commission showed that between 1980 and 1986, 560,000 jobs were created in the Appalachian counties with a major highway, compared with 134,000 jobs created in those counties without a major highway. It is clear the highways are the lifeline and the lifeblood of the Appalachian region. The idea of a regional interconnected network of highways is as vital today as it was in 1965. It has the same purpose as the Appalachian corridor system which was created 32 years ago.

The National Highway System was designed to provide an interconnected system of principal arterial routes which would serve major population centers—water crossings, ports, airports, other intermodal facilities and travel destinations—while meeting national defense requirements and serving interstate and interregional travel.

A factor which is often overlooked in connection with Appalachian regional highways is the factor of safety. It is important that States in Appalachia have modern, safe roads. Current accident rates on the highways in the area of corridor H —if I may take one example, in West Virginia—are above the Statewide average. The accident rates along in that area are above the Statewide average. The State of West Virginia itself has accident rates which are above the national average. Because much of the State's road system was built in the 1930s, the existing roads reflect a happenstance response to topography rather than strategic planning.

Shortly, I will yield to Senator GRAMM, but while I am on this aspect, namely, the Appalachian highways in the ISTEA amendment which Senator GRAMM, Senator WARNER, Senator BAUCUS, and I have introduced, the Appalachian regional highways, along with various trade corridors and bridge repairs constitute 10 percent of the total—the total being $31 billion; 10 percent being $3.1 billion—the 10 percent being precisely the same breakdown as in the ISTEA bill that is before the Senate. In that bill, 90 percent goes to formula funding and 10 percent to discretionary to be determined by the Secretaries of Interior and Transportation.

So, I simply wanted to say for the record that Congress and the Federal Government promised to the people in the 13 States of Appalachia 32 years ago a highway system that would be modern, that would be safe, and that would contribute to the commerce and communication, economy and upbuilding of that region and the well-being of its people, and that promise has not been fulfilled yet. I think it is about time we consider fulfilling the promise that Congress made to the people of Appalachia. That is what I am attempting to do in this amendment, to go a long way in halfway fulfilling the promise.

The promise—$2.2 billion, and $300 million in the bill itself—is $2.5 billion, and it is estimated that the total cost of completing the Appalachian regional system in the 13 States of Appalachia is something like $6 billion to $7 billion, the Federal share, and the Federal share is 80 percent.

So in this particular ISTEA bill, which would be for the next 6 years, of course, we would only take advantage of 5 years because the first year of the 6 years is already underway. It started on October 1 of this year and the gas tax just began going into the trust fund as of October 1 of this year. Consequently, we would not see that money until next year, so it would be 5 years out of the 6-year life of this ISTEA bill that we would provide something like $2.5 billion for the Appalachian Regional Commission highways in 13 States—not just in West Virginia, 13 States. Hopefully, the next ISTEA bill, 6 years down the road, would make further provision and perhaps at some point in the not-too-distant future the people of Appalachia could look up and see their modern, safe, highway system completed, and the rest of the country, including the Congress, could look the people of Appalachia in the eye and say, ''We kept our promise.''

That is what I am fighting for here today. That is why I hope to reach the ears and the hearts of my colleagues so that they have a better understanding of why this money is being provided in our amendment.

Mr. President, there may be an attitude around, and at times I have sensed an attitude, to the effect that the people of Appalachia have no right to expect appropriations for an Appalachian Regional Commission system, and that moneys spent in one region of the country for highways is to the disadvantage of the voters, the taxpayers, the people of other regions of the country. There seems to be such an attitude in editorials and columns and so forth over the years; that what the people in Appalachia are getting by way of highway funding is pork and that they were actually getting more than their share. A lot could be said about that.

But this attitude that appropriations projects in one section of the country benefit only that section, they don't benefit the whole country, and, therefore, should not be made, and that it is unfair to focus funds on a particular area, a particular State or a particular region of a country, that that is an unwise, unfair and unjustified expenditure of the taxpayers' money, I want to address that.

I want a Senator who is far better known than I am to address the matter for me, and I will call on none other, therefore, than Daniel Webster. I refer to his reply to Hayne. He took 2 days to reply to Senator Hayne, namely on the 26th and 27th of January, 1830. Hayne had spoken on Thursday and Friday of the previous week. Webster had taken 12 or 13 pages of notes, and over the weekend, he thought about his speech, and then on the following Tuesday and Wednesday, the 26th and 27th, he made his speech.

He addressed Senator Hayne, as well as Senator Hayne's statements and charges, namely that the people of the whole country should not have to pay for internal improvements that occur in a particular State.

So Webster took the floor on that occasion and spoke as follows. I have gone back and read Webster's speech, and I will quote from it precisely. This is Daniel Webster:

> I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit.

Let me say that again:

> I look upon a road over the Alleghanies—

He is talking about my country when he talks about a road over the Alleghenies, the Allegheny Mountains. That is a part of Appalachia. Appalachia extends farther, a larger area than the Alleghenies. But Webster said:

> I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. The gentleman—

Meaning Mr. Hayne—

> thinks otherwise, and this is the key to his construction of the powers of the government. He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments, and different countries; connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system—

Mr. Hayne's system—

> On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio.

May I interpolate. The same thing has been said about the Appalachian Highway System, or at least implied. Why should people build highways across those rugged mountains, those stream valleys that have been there for millions of centuries? Why should the taxpayers of America pay for highways to cut through those Allegheny Mountains? Why should we have to do that?

Webster says, as he said to Hayne, ''the gentleman thinks otherwise.''

And he said:

> Sir, we narrow-minded people of New England—

Webster is referring to himself and others from that area—

> Sir, we narrow-minded people of New England do not reason thus. Our notion of things is entirely different. We look upon the states, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; states, united under the same general government, having interests, common, associated, intermingled.

''Having interests, common, associated, intermingled.''

> In whatever is within the proper sphere of the constitutional power of this government, we look upon the states as one.

That's Webster. ''. . . we look upon the States as one.'' Now listen to what he says to those who would criticize the expenditure of public moneys for internal improvements. By the way, that was one of the main planks in Henry Clay's ''American System,'' which advocated a national tariff, internal improvements, and a national bank. Clay was instrumental in getting funds for the old Cumberland Road, the old national road. The next time that the distinguished Presiding Officer drives from Washington over to Wheeling, WV, he will travel on the old national road, the old Cumberland Road.

It was begun in the year 1811, and that was the gate to the Midwest and the West. By 1838, Congress had appropriated a total of $3 million—think of it, $3 million—toward the construction of that old national road, the old Cumberland Road. Begun in 1811, by 1838, Congress had appropriated the enormous sum of $3 million of the national taxpayers' money for construction on the old Cumberland Road. And Henry Clay had a great deal to do with the appropriations of those funds for that old Cumberland Road.

Well, now continuing with Webster.

I am sure that Henry Clay, if he were in the Senate, would make my case for the Appalachian regional highway system.

Clay on one side—oh, I would like to have him here; that great Senator from Kentucky would make my case—and Webster would also make my case, those two great Senators, because they saw the beauty and the wisdom and the justice and the fairness in committing the national resources to the development of a section of the country, not just one State. But even Webster would go so far as to say, if it were just in one State he would not stand up here and ask why he should support it.

But let him speak for himself here.

We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us. We who come here, as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard with an equal eye the good of the whole, in whatever is within our powers of legislation. Sir, [he addressed the Chair, ''Sir''] if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do that the power of government extends to the encouragement of works to that description, if I were to stand up here and ask, What interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents.

Oh, I wish he were here to defend our case. We have been promised for 32 years that this system would be completed. It is not completed yet. And when we seek justice in relation to the completion of that system, we bear the slings and arrows of fortune and the criticism of those who would say, ''Well, why? You're getting less money than those people in Appalachia. Those people in those 13 States of Appalachia are getting a little more than you are.'' What kind of statesmanship is that? That is a shortsighted statesmanship in the eyes of Daniel Webster.

I should not be willing to face my constituents. These same narrow-minded men would tell me, that they have sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who has not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Webster—talking about internal improvements.

Sir, I do not desire to enlarge the powers of the government by unjustifiable construction, nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the States are one.

One; e pluribus unum!

It was the very object of the Constitution to create unity of interests to the extent of the powers of the general government. In war and peace we are one; in commerce, one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting lighthouses on the lakes, than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and flow of the tide; or in removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be any power for one, there is power also for the other; and they are all and equally for the common good of the country.

Now, Mr. President, I would like to yield, without losing my right to the floor, to my colleague, Senator GRAMM of Texas, for such comments as he may wish to make on this subject matter, and I ask unanimous consent to do so.

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

Mr. GRAMM. Let me first thank our dear colleague, Senator BYRD. I think he is giving us a lesson on the history of funding for highways that is long overdue and is not generally understood. I want to thank him for giving me an opportunity to sort of butt in the middle of his speech and really focus on something that I think is important and that really is part of what the Senator is saying, but I think sort of sets it in perspective. I think maybe by explaining the big picture first and then having the Senator explain the portion of it related to Appalachia, I think people will have a clearer view of where we are.

Let me begin with Appalachia, then go to the debate about funding. I then want to talk about an amendment that continues to be referred to in these ''Dear Colleague'' letters that are being mailed. Senator BYRD, I was shocked. The letter today shows that our amendment is producing 43 States who are losers, and you can imagine my consternation when I discovered that my own State was one of the biggest losers. So perhaps we are not doing as good a job as we thought if we could believe these numbers, but let me assure you, do not believe these numbers.

Now, let me first talk about the highway bill and how it works. How the highway bill works, as it was reported out of committee to the Senate, 90 cents out of every $1 that is provided in the highway bill goes to the States in a formula. The amendment that Senator BYRD and I have written does not change that formula whatever. We took the committee's judgment—we are not trying to become the highway subcommittee through our amendment—we took their formula and allocated the money by exactly the same formula, only we allocated $31 billion more in budget authority, $21 billion more in outlay than they allocated. I will explain where that came from in just a moment.

Under their bill, 10 percent goes to the overhead of the Department of Transportation and it funds the Appalachian Regional Highway System, it funds the emerging international trade corridors, it funds all of the research projects that are part of the highway system, and it funds the functioning of the Federal highway department and the administrative expenses.

The amendment that I have offered with Senator BYRD does not change the allocation of funds as far as 10 percent going to the Department and 90 percent going to the States. So when we add an additional $31 billion in budget authority and $21 billion in outlays, not wanting our amendment to substitute for the wisdom of the committee, we took exactly the same allocation, 90–10, for this new money that they had for the old money.

Now, if you listen to the critics of our amendment, they have zeroed in on Senator BYRD and on the Appalachian region, and it's as if this is a whole new area of funding. Well, this is where I think the confusion comes from, and I think I can straighten it out pretty easily.

First of all, President Clinton, when he submitted the highway bill, proposed $2.3 billion for these 13 States to be funded by the Secretary out of the 10 percent of the money set aside for the Secretary's use. He proposed $2.3 billion, even though his bill authorized over $31 billion less than our amendment will provide. So remember this number. The President proposed $2.3 billion for the 13 States of Appalachia to complete their system, which is over 75 percent already complete, while providing $31 billion less money than we are providing. Only our amendment provides only $2.2 billion.

So if it is the purpose of the Senator from West Virginia to somehow exploit his colleagues, I would have to say that he is doing a very poor job of it, because the reality is that our amendment provides an additional $2.2 billion for Appalachia, which is less money than the President requested. He requested $2.3 billion when he was spending $31 billion overall less than we are spending. The reality is that our amendment contains less money for Appalachia than the President requested.

Second, the House, when they wrote a 3-year bill in committee, provided $1.05 billion for Appalachia; but that's only for 3 years. In fact, if you run it out to 6 years, they would have provided approximately $2.5 billion for these 13 States and for this funding of highways within those 13 States, which was in the President's budget and which has been in every highway bill that we have funded in the recent past.

So the reality is that, while people don't want to debate the real issue here, which is spending the highway trust fund, we have added less money to Appalachia, using the formula of the committee, than the President requested when he was spending $31 billion less. We have requested less money for these 13 States than the House provided in its bill.

So I hope this puts that issue to bed. When the President requested more, when the House provided more, when this has been an ongoing line item in the highway bill for many years, and when it was a line item in the original bill, and when we took the committee's

overall allocation of funds, the point I am making is that the allocation of funds here is basically in line with what the President requested and what the House has done. The Senator has explained to us that the highway project in these 13 States is 75 percent complete. Surely, no one believes they should be left uncompleted. But the Senator is roughly asking for the same amount of money that was provided by the President, that was provided by the House, even though the President was providing $31 billion less overall.

Now, having, I hope, put that to bed, to anybody who wants to debate the issue I would have to say—and I want to be sure that I am always kind to our colleagues—that it is frustrating to me to try to debate an issue when we are having so much trouble getting people to focus in on that issue.

I want to give you an example. There was a ''Dear Colleague'' letter sent today with this headline: ''Final Analysis Complete; 43 States Lose Under Byrd-Gramm.'' As I said, unfortunately, my State is one of the biggest losers in the country, losing $28 million. Now, what are we losing relative to? Well, what we are losing relative to is the so-called Domenici-Chafee amendment, which I have here, and what they are saying is that if you provided $21 billion more in outlays, and if you don't fund the overhead of the Department of Transportation, then you would have additional funds to provide to States. But guess what? They don't provide an additional penny. They put out all these tables about what Domenici-Chafee would provide. But when you take their amendment and turn to the section entitled ''additional funding,'' and you turn to page 2, they have the amounts. The amounts referred to in paragraph 1 are as follows: ''(a) for fiscal year 1999, zero; for fiscal year 2000, zero; for fiscal year 2001, zero; for fiscal year 2002, zero; for fiscal year 2003, zero.''

So their amendment provides no additional budget authority for highways whatsoever. In fact, their amendment is convoluted. They go on and say: ''In general, there shall be available from the highway trust fund such sums as are provided in paragraph 2.'' But paragraph 2, as I just read you, says zero for 1999, zero for 2000, zero for 2001, zero for 2002, and zero for 2003. So they will provide such sums as in paragraph 2, but there aren't any sums in paragraph 2.

If you read the fine print in their letter—you see, there is fine print here that says—and, of course, Senator BYRD would have picked it up because he picks up fine print. I am not sure how many of our colleagues did. Here is what it says, in short: ''If the Appropriations Committee funds highway programs at $29 billion or greater. . .''—it also should say: ''and if we authorize such moneys to be spent in the future.'' But it does not say that. Then if you should allocate it the way they would, not as Senator CHAFEE allocated it in his own committee, with the 90–10 split, you would have a different allocation.

But the point I want people to understand is that all these charts are being sent out about how money would be spent. When you read their amendment, they are not spending any money. They are not providing one additional penny for highway construction; yet, they keep putting out tables showing what would be provided if someone at a later time and a later place decided to provide it.

What Senator CHAFEE and Senator DOMENICI are really saying is: Don't authorize highway spending in the highway bill. Don't let the trust fund, which is collected as a tax on gasoline, be authorized to be spent on highways. Wait and let a budget be written in the future, and then if at that time it is decided to spend the money for the purpose that the tax was collected, then we will spend the money.

Senator BYRD and I disagree. We wrote a highway bill 6 years ago. Have we ever changed the authorization in 6 years under that highway bill? The answer is no. We have had to live with it every single day. We are now trying to write a highway bill for the next 6 years, and Senator CHAFEE and Senator DOMENICI say don't write a highway bill for the next 6 years. Leave funding at the level that was set out in the bill that would let the highway trust fund rise to $90 billion by the end of the highway bill, and then in the future, if we decide that we ought to quit misleading the American people in telling them that these taxes that are paid at the pump go to build highways, then in the future in some budget resolution we could provide that the money would be spent.

But so that no one misunderstands, not one penny of additional highway funds are provided in the so-called Chafee-Domenici amendment. There is only one amendment that takes the highway trust fund that people pay into when they go and fill up their car and fill up their truck and they shell out their hard-earned money on gasoline taxes, and we say to them, well, now, look, it's for your own good. We are spending it on highways, so this is not a tax. It is a user fee.

Senator CHAFEE and Senator DOMENICI say, well, look, we don't want to do that. We want to build it up in the trust fund so that it can be spent on other things. In fact, as Senator CHAFEE said in a speech in the Senate Chamber on October 9, he ''cannot support the proposition of spending the 4.3-cent gasoline tax.''

That is a perfectly legitimate position. He cannot support it. But Senator BYRD and I can support it, and we do support it. What our amendment does is it starts telling the American people the truth. And that truth is they are paying this gasoline tax. We claim it is going into the trust fund to build roads, and yet we have before us a highway bill that doesn't spend a penny of that 4.3-cent-a-gallon tax on gasoline so that it can go to other uses.

Senator BYRD and I say we collect the money on gasoline, on the tax at the pump, and we put it into the trust fund. We have been telling people that was for roads, and our amendment simply does what we say we are going to do. That is, we are going to spend it on roads.

So if you believe that the highway trust fund ought to be spent on other things, you should vote against our amendment. You ought to support people who are opposing it. But if you believe that the highway trust fund, which is funded with a gasoline tax, ought to be used to build roads, which is what we claim we are doing, if you think it is fundamentally wrong, some might say dishonest, to build up a surplus of $90 billion in a highway account so the money can be spent for other things, then there is only one amendment that is going to fix it. That amendment is the amendment that I am offering with Senator BYRD.

So in regard to our amendment, there have been a handful of criticisms, and I want to respond to one of them and try to do it briefly so I can get out of the way and let Senator BYRD go back to giving us a history lesson on highway construction and about the fairness of the underlying permanent law related to highway construction.

Let me outline what these criticisms are. First of all, I want to remind my colleagues that 83 Members of the Senate voted on a resolution I offered as part of the budget resolution that called on us to put the 4.3-cent-a-gallon tax on gasoline, which had been going to general revenues, in the highway trust fund and spend it for highways. Mr. President, 83 Members of the Senate voted for that resolution. Then, in the tax bill that was passed this year, we took the 4.3-cent-a-gallon tax on gasoline and put it where every other permanent tax on gasoline since we have had a trust fund has gone. We put it into the highway trust fund to spend it on highways.

Then when the highway bill came out of committee, while we had put 4.3 cents per gallon into the trust fund, about $7.2 billion a year when you count mass transit and highways, not one penny of it had been spent on highways. Not one penny of it. Under the original bill, the surplus would have built up to $90 billion, which means in our unified budget all that money would have been spent on something else.

Now, Senator BYRD and I have tried to have a debate on the substance of the issue, and the substance of the issue is we believe that the trust fund made up of taxes on gasoline ought to go for the purpose that we tell the American people it is going for, and that is to build roads. We have offered an amendment to do that. Our amendment is as straightforward as it can be. It allocates the money on the same formula the committee allocates the money going to the States. It has the same amount of money being allocated

by the Secretary. And it is straightforward in terms of what it funds.

Now, the two criticisms that have been leveled are, No. 1, that somehow this is unfair because of funding for highways under a program which has existed since—when was the Appalachian highway program adopted?

Mr. BYRD. 1965.

Mr. GRAMM. 1965?

Mr. BYRD. Yes.

Mr. GRAMM. That somehow because it provides funds for a program that became law in 1965, it is unfair. Well, as I have mentioned before, our amendment does provide $2.2 billion for that purpose. It also provides money to seven donor States that, because of a quirk in the formula, ended up actually getting less under the committee bill, and with the support of the chairman of the subcommittee and the ranking member we also fix that.

And finally, rather than just claiming we were doing something for international trade corridors, we actually provided money for it. The old bill claimed it spent $125 million per year for international trade corridors, but Senator BYRD saw in the fine print that it did not really provide any money. It just claimed to provide money. Unfortunately, that is something that is done.

Our bill does not claim to provide money it does not provide. It is interesting that this criticism would be made. But the point is in the first attack on the 13 States of Appalachia, our amendment provides $2.2 billion of funding. The President requested $2.3 billion. The House passed a level of $2.5 billion. I find it very hard to justify it is a criticism that we are providing roughly the money that was requested by the President when his bill contained $31 billion less and roughly the same amount of money provided by the House.

The final criticism is that the opponents of the bill keep putting out tables about what their amendment is estimated to do in fiscal year 2000.

First of all, their amendment does not do anything in the year 2000, nor does it do anything in any other year during the highway bill because, as I noted earlier, on page 2 of their bill where, under the title of additional funding, they say their additional funding is zero for the year 2000, for 1999, 2001, 2002 and 2003. And why they picked the year 2000 I don't know. The point is there is only one amendment that provides more money for highway construction in the year 2000. There is only one amendment that provides more for 1999, 2001, 2002, and 2003, and that is the Byrd-Gramm amendment.

Now I just have to say that I get frustrated with everybody looking at these tables and Senator BYRD and I having to spend our time explaining to them where these numbers came from. These numbers are basically made up, that's where they came from. There is nothing in their amendment that provides any additional money. What these numbers are based on is that, if we decided in the year 2000 to provide more money, that you could make up a table and show how we might divide it. I suggested to Senator BYRD that maybe we might want to make up a table that said if you took the whole $1.6 trillion that the Government spends and we decided to spend it on highways, we might show how much in highway funding our Presiding Officer's State would get.

But would it make any difference? The point is, it would make absolutely no difference, because we are not proposing to take all the money spent by the Federal Government and spend it just on highways. But it would be as legitimate as the table where you are making up figures about what you may do in the future. Listen, when you are talking about the future and you are not committing to it in the present, you can make up any tables you want to make up.

But the point is, we are not making up numbers. We have written an amendment that will require that we have a full authorization of the 4.3-cent-per-gallon tax on gasoline, so that when people go in and fill up their tanks and they look up there and they see this gasoline tax they are paying, they will know that the 4.3-cent-per-gallon tax has been put into the trust fund and that we are going to spend it on roads and that when they are paying that tax, they are allocating that money to build roads, and that is what we told them we were going to do.

So, I don't know if we will have any more of these tables. This is the second set of tables we have had. I don't quite know where the numbers come from and why there are these differences from the last table. But I can assure you that if I were going to do something, the last thing I would do would be to cheat my State. I am not in the habit of doing that, and I think if people look at this, they would find that we are not in the habit of doing that as individual Members. So I think it just doesn't make sense on the surface.

So, I thank Senator BYRD, and I hope my colleagues now will focus on the fact that our funding for Appalachia is roughly what the House did and what the President requested with less money; that we are providing $31 billion more of budget authority by spending the gasoline tax on roads—something we promised to do and have not done—we are spending $31 billion more on roads in terms of authorizing the expenditures so we can compete each year for that money.

There is no other amendment that provides a penny. So, if you want to take a promise that someday in the future we might get around to funding roads, if that is good enough, then you might not be for our amendment. But if you really believe we ought to spend highway trust funds on roads, there is only one amendment you are going to get a chance to vote for that will spend a penny more on highways, and that is the Byrd-Gramm amendment.

So, I thank my colleague. I am very proud to cosponsor this amendment with him. I think, if anybody will look at the merits, that this is a truth-in-government amendment and there is nothing fake about it. There is no hidden agenda in it. It is simply an amendment that takes the formula written by the committee for allocating funds for the States and allocating funds between the discretionary fund of the Secretary and the allocation of funds to the States. Those are formulas that we didn't write; we simply took them from the committee.

Our amendment is very straightforward. I think if people will look at it, what it is trying to do, and will debate it on its merits, it will come down to an honorable choice between two legitimate positions. One position says let's continue to take money out of the highway trust fund and spend it on other things. That is one position. The other position is let's spend the highway trust fund on highways. That is the position Senator BYRD and I take. I believe it is the position that the majority of Members take, and I would like to get the vote and the debate focused around the choice. I think we want to do that, in all fairness to our opponents, because we think we will win. If it's on something else, we don't know what will happen. But I think, if it's this clear choice, the people are going to be with us.

I thank Senator BYRD for yielding. I appreciate it very much.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I appreciate the opportunity to have yielded to the distinguished Senator, and I just as deeply appreciate his statement. I hope the Senators will read it. It is needed, I think, to disabuse Senators from what they are being told by Congress Daily and by letters and tables that are being distributed. I don't accuse anyone of acting in bad faith. I am in no position to do that. But certainly misstatements should be corrected, and I hope will be, beyond what Mr. GRAMM has already said.

Mr. President, Senator CHAFEE earlier said—he told me that we would, on tomorrow, get the floor and speak with reference to the Chafee-Domenici amendment. I have been insisting to them that their amendment be explained. The amendment which I offered on behalf of myself and my three distinguished colleagues was explained, and we were criticized because we had mentioned, on the 9th, I believe, of October, before the recess, that we were going to offer such an amendment, but we didn't actually have it ready by then so a considerable amount of discussion went forth as to why we didn't have it, to the effect that Senators couldn't comment on what they couldn't see.

But on that same day I believe Senator DOMENICI indicated that he was going to offer an amendment, and, of course, we didn't get to see that until

one day this week. So we haven't heard an explanation of it yet. I want an explanation of it. Just as we attempted to do our best explaining to our colleagues and to the American public what our amendment does, I think the American people ought to have an explanation right here on this floor as to what the Chafee-Domenici amendment does. That will give us a chance, perhaps, to refute some of the misinformation that is being bandied about.

As I say, I don't ascribe to anyone any intentions to go with misinformation, but I think the public and our colleagues have a right to expect us to clear up some of the confusion. So, for now I'll not say any more along that line because, as I say, Mr. CHAFEE has indicated we'll talk some tomorrow, and he indicated that he would yield to me for some comments at that time. I hope that Mr. BAUCUS and Mr. WARNER will also have a chance to comment at that time, particularly with reference to the statement by Congress Daily of today.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DEWINE. Mr. President, I further ask unanimous consent to speak for up to 45 minutes.

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

PRIVILEGE OF THE FLOOR

Mr. DEWINE. I further, Mr. President, ask unanimous consent that Wendy Selig of the staff of Representative PORTER GOSS be granted privilege of the floor during my remarks.

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

Mr. DEWINE. I thank the Chair.

THE RICKY RAY HEMOPHILIA RELIEF FUND ACT

Mr. DEWINE. Mr. President, I rise today to discuss a bill I have introduced. That bill is called the Ricky Ray Hemophilia Relief Fund Act. I introduced this legislation in the last Congress and again this year. I introduced it along with my distinguished colleague from Florida, Senator BOB GRAHAM. A House companion measure has been introduced by our friend, Congressman PORTER GOSS.

Mr. President, the purpose of this bill is to deal with the terrible tragedy within the hemophilia community that was brought about by the HIV contamination of the blood supply and blood products during the 1980's. A number of Americans suffered terrible harm because they relied on the Federal Government to protect the blood supply.

Mr. President, those of us who are backing this legislation believe that the Federal Government has a moral duty to help these Americans.

Let me first talk about the role of the Government in this tragedy.

The Ricky Ray Hemophilia Relief Fund Act of 1997 recognizes that the Federal Government has a responsibility for protecting the safety of the blood supply in this country and a responsibility for regulating blood products.

Mr. President, during the 1980's, our Government failed to meet this obligation to the hemophilia community of this country. The Federal Government failed in its obligation. People affected by hemophilia—children, adults, and the family members who cared for them—had a right to expect the Nation's blood supply system to work. That system relies upon many organizations, both public and private. It relies on many organizations to collect and process, distribute, monitor, and regulate the blood supply and blood products.

Unquestionably, the Federal Government bears the greatest and the ultimate responsibility for blood safety through its surveillance, research, and regulation functions. That is why, Mr. President, in 1973 the Assistant Secretary for Health announced the national—national—blood policy which then became, according to a report by the Office of Technology Assessment, ''The focal point around which blood banking policy has evolved over the last decade.''

Mr. President, this is the U.S. Government's national blood policy—the U.S. Government's national blood policy—a policy the U.S. Government undertook, a policy on which the American people should have been able to rely. The very fact that we have a national policy indicates a level of responsibility, a level of importance and involvement that we really don't see in most other areas of consumer protection. This policy is what gives the Federal Government a unique responsibility for the blood supply in this country.

Mr. President, these functions—surveillance, regulation, and research on blood—are carried out through the Public Health Service. The Centers for Disease Control hold responsibility for surveillance of potential threats to blood safety. The National Institutes of Health are responsible for biomedical research on emerging threats and improved technologies for prevention. Mr. President, these two agencies work in conjunction with the Food and Drug Administration, the FDA, which through its regulatory authority and powers of inspection, product recall, guidelines, and fines, holds primary responsibility for the safety of the blood supply and blood products under the Food, Drug and Cosmetic Act. Together, Mr. President, these agencies form the backbone of our Nation's blood safety system.

Mr. President, the awful truth is that this system failed. It failed to protect people with hemophilia or their families from deadly disease. That is why we have introduced this bill. Members of the Senate don't have to just take my word for it nor just the word of the families in the hemophilia community. Rather, in 1993, Mr. President, the Secretary of Health and Human Services opened an investigation, an investigation into the events leading to the transmission of HIV to individuals with hemophilia.

One of the key questions that was asked and that they were asked to address at the time was this: Did the Government provide an adequate and timely response to the warning signs of the 1980's, the warning signs of HIV as it related to the blood supply in this country?

The Secretary contracted with the Institute of Medicine, IOM, a private nonprofit organization that provides health policy advice under a congressional charter granted to the National Academy of Sciences. Mr. President, after 18 months of investigation, the IOM published its report in 1995. This report was entitled ''HIV and the Blood Supply: An Analysis of Crisis Decision-making.'' Mr. President, the report found inadequacies in the Government's effort. It found ''a failure of leadership'' that led to the HIV infection of more than one-half of the Nation's hemophilia population. This IOM report and its panel of experts from across the country found that the transmission of the HIV virus and AIDS revealed a weakness in the Federal Government's system for ensuring the safety of the Nation's blood supply.

The Institute of Medicine was specifically not charged with laying blame, but in its final report it was highly critical of the Government agencies responsible for protecting the safety of the blood system in this country. It identified several areas where the Federal Government specifically failed to curtail the impact of HIV. Mr. President, the IOM found that the Government ''consistently adopted the least aggressive options for slowing the spread of HIV within the hemophilia community.'' Let me repeat: This report, this official report, found that the Government ''consistently adopted the least aggressive options for slowing the spread of HIV within the hemophilia community.''

Time after time when decisions were made in the face of the unfolding HIV crisis, tragically, the wrong decisions were made about the blood supply. When faced with decisions about deferring donors or recalling products or testing for other known diseases, we know now that the Government officials made the wrong decisions.

Let me talk about these decisions and about what happened. First, the Federal Government failed to take adequate steps to screen blood donors. Knowing that AIDS was transmitted through blood, the Government did not

do all it could, did not do all it could have done to screen blood donors.

In January 1983 experts at the Centers for Disease Control met with representatives from the other Government agencies to consider available data on the spread of HIV and to develop at that time strategies for prevention. Those experts in the Centers for Disease Control concluded that AIDS was transmitted by sexual contact and through blood, and they made recommendations for enhanced screening of blood donors, including the use of a surrogate hepatitis test to screen for potentially HIV-infected blood.

In other words, Mr. President, in January 1983 the Government knew that AIDS was transmitted through blood. Now, by that time 12 persons with hemophilia had already been diagnosed with HIV and some 10 deaths had already occurred.

Let's go back now to that specific meeting in January 1983 that I just referenced. At that meeting, experts from the Centers for Disease Control estimated that intensified screening of blood donors would eliminate over 75 percent of AIDS-infected donors from the blood pool, and they estimated that requiring a surrogate blood screening test would detect 90 percent of donors with AIDS. Tragically, however, Mr. President, both of these recommendations were rejected by the other Government officials at this meeting. These two very specific recommendations were rejected again later that year in December 1983, rejected by the Food and Drug Administration's Blood Products Advisory Committee. These recommendations were never implemented.

Let me talk about the second fact. Second, Mr. President, the Federal Government failed to recall potentially contaminated blood and blood products. In two separate instances, the FDA missed opportunities to get potentially dangerous products off the shelf. In the first instance, knowing that a blood product might have been made with AIDS-tainted blood, the Government failed to automatically recall that product. In January 1983, the FDA decided not to automatically recall hemophilia clotting-factor products linked to donors suspected of having AIDS supposedly because of concerns about the impact on the availability of clotting factor and its cost.

In July 1983, FDA failed to act. By the following year, 1984, 83 cases of persons with hemophilia were diagnosed with HIV, and 81 deaths had, by that point in time, occurred.

In the second instance, Mr. President, knowing that there was now a way to make the blood products safe, the Government failed to take the potentially unsafe products off the market until, incredibly, 4 years had passed.

Mr. President, by 1985, heat-treated product was available—heat-treated product, meaning that the virus was inactivated.

Back in the late 1970's, the process of heat treatment of clotting factor had been developed in Europe, providing hope that the HIV virus could be inactivated. Now, while FDA moved quickly through 1983 and 1984 to license new manufacturing processes for the heat treatment of clotting factor, by 1985, heat-treated factor had been as effective in inactivating HIV. However, Mr. President, tragically, the FDA did not act to recall the untreated products. It waited until 1989, some 4 years later.

Meanwhile, those dangerous products were left on the shelf to cycle through the system, and all that time a method of making those products safe was readily available.

Let me turn to the third essential fact. Third, Mr. President, the Federal Government failed to act quickly to trace and to notify potential recipients of AIDS-contaminated blood and blood products. Knowing that transmission of HIV-infected blood products led to HIV infection, knowing some of the blood was contaminated, and knowing people were using it, the Government failed to immediately notify the people who were at risk. Recipients became infectious immediately, but appeared healthy, of course, for approximately 4 or 5 years, during which time their spouses or sexual partners were at risk of acquiring HIV. If nothing else, Mr. President, once the signals were clear, the Government should have done more to alert people to these risks not just to their own health, but to the health of their loved ones, their spouses, and their children.

It was in 1988 that President Reagan issued a Presidential directive to formulate Federal policy for tracing the recipients of possibly infected blood products.

However, tragically, the FDA did not issue recommendations for patient notification until 1991—some 3 years later. Now, by that time, 2,040 persons with hemophilia had been diagnosed with HIV, and more than 1,500 members of the hemophilia community in this country had died of HIV. For the hemophilia community, Government action came too late—much too late.

Mr. President, these are the reasons why I believe that this country and this Congress has a moral obligation to help these families. Our Ricky Ray bill would authorize the establishment of a trust fund to provide $125,000 in compassionate payment to eligible individuals or families of persons with hemophilia and AIDS. The trust fund would be administered by the Secretary of Health and Human Services and would sunset 5 years after it is funded.

Mr. President, approximately 7,200 people with hemophilia—nearly half of all persons with hemophilia in the United States—were infected with HIV through the use of blood clotting products.

These products came from as many as 20,000 donors, sometimes even more. These concentrates expose individuals with inherited bleeding disorders to a high risk of infection by blood-borne viruses, such as hepatitis.

Because of the hemophilia community's reliance on blood products, the Centers for Disease Control monitors the hemophilia community to aid in the detection of emerging viruses or pathogens that could affect all Americans. Problems in the blood supply tend to show up in the hemophilia community first—so they serve really as a kind of ''distant early warning system'' for our blood supply. It is a crude but accurate comparison to say that this community is the proverbial ''canary in the mine shaft.'' They serve in that function for the rest of us.

During the 1980's, when the Nation's blood supply and blood-derived products became contaminated with the AIDS virus, HIV was detected in three men with hemophilia, providing early evidence that this disease could be transmitted through blood—thus affecting a far broader cross-section of our population. We now know that this was to mean the devastation of the hemophilia community.

Mr. President, more than 80 percent of people with severe hemophilia and half of all persons with hemophilia were infected with HIV during the 1980's through the use of HIV-contaminated blood products. In some cases, due to a lack of education and outreach, their wives, husbands, children, and partners became infected as well.

The impact of HIV on the Nation's hemophilia population has been truly devastating. The HIV contamination of the blood supply has caused significant emotional and financial losses to these families.

Our bill would make a gesture of compassion to these American families. It would also acknowledge that the Government played a role in this crisis and, therefore, has incurred some obligation.

Eligible individuals, or their families, would be required to document the use of blood products between July 1982 when the first cases of persons with hemophilia contracted AIDS were reported to the Centers for Disease Control and December 1987, when the last manufacturer recall of blood products occurred.

This bill, which has been referred to the Labor and Human Resources Committee, already has the bipartisan support of 35 Members of this body.

In coming to the Senate floor this evening, it is my hope that I will be able to answer some of the questions that have been raised about this bill, and to ask those of our colleagues who have not yet cosponsored this bill to consider doing so after hearing the facts that I will be laying out in a moment.

Let me talk for a minute about how I came to introduce this bill. In doing that, let me tell you a little bit about the bill's name sake—Ricky Ray. Ricky Ray and his brothers were born with hemophilia. This is a rare genetic condition, impairing the ability of

blood to clot effectively. This disorder affects, today, about 20,000 Americans.

People with hemophilia historically had a short lifespan and typically faced numerous hospital stays and complications.

Hemophilia was also frequently associated with crippling. Persons with hemophilia would suffer internal bleeding, leading eventually to the destruction of their joints and muscle tissues, because no effective treatment existed.

But this changed in the 1970's, with the development of clotting factor concentrates, which are derived from blood. It was also changed by the introduction of comprehensive care that allowed many individuals with hemophilia to begin to manage their bleeding episodes at home.

Clotting factor eliminated the need for frequent and costly hospitalization and ensured that even persons with severe hemophilia would be able to attend school, obtain full-time employment, and enjoy greatly increased life expectancy. Clotting factor changed the lives of persons with hemophilia, especially for children like the Rays, who, unlike their grandfathers and uncle, could now see a future involving a long and healthy life.

When clotting factor was introduced, it was treated as a miracle drug. People were encouraged to use it not just in case of a life-threatening bleed but also as a part of their daily lives—a preventive measure. It is just a slight exaggeration to say that people were encouraged to treat early and to treat often.

The great promise of this new treatment, however, proved short lived when, tragically, it was found to be an effective means to transmit the virus known as HIV. Ricky Ray was diagnosed as HIV positive in 1986. He was only 9 years of age. He had contracted HIV through the use of this remarkable new treatment, this clotting factor. His two brothers contracted HIV as well and so did 72 other members of the hemophilia community across this country.

Ricky Ray and his brothers were kicked out of school. They were kicked out of school because of their HIV status, and then, when their parents won a decision in court to readmit them, arsonists set their house on fire. Instead of giving in to anger, Ricky Ray became a spokesperson promoting understanding about HIV. And he did this until his death in 1992 at the age of 15.

I personally became involved with the hemophilia community when I met a father from Ohio whose son Christopher had severe hemophilia. John Williams was the primary caregiver for his son. John accompanied Christopher to his doctor's appointments and learned how to infuse his child with the medicine that would control his bleeding disorder. John also shared anguish and pain with his 8-year-old little boy when he then later was diagnosed with AIDS.

John was determined, as all parents would be, to help Christopher survive. John accompanied Christopher to the National Institutes of Health campus every few weeks for the latest in treatment options and breakthrough technologies.

Throughout this experience, the constant thought in the father's mind was that he had infused his own son with the medicine that would eventually kill him. He often thought that he had been negligent in some way. Had he perhaps missed a crucial piece of information that could have saved Christopher? Had he missed an important news story or warning? Was there anything he could have done to save his son?

For 5 years, the father, John, shared in his young son's battle. Then in October 1994, Christopher died of complications from AIDS. He had just entered the 10th grade and was contemplating college plans, a dream that, of course, was never fulfilled.

This legislation is really about people. It is about people and their strength in facing tragedy, the devastation of an entire community of people that today has come to be represented by a courageous boy from Florida by the name of Ricky Ray.

The concerns that I raise today have been raised repeatedly by the hemophilia community in this country. Unfortunately, the legal system has not been an effective means to address these concerns nor to provide the assistance to infected individuals, and there are several reasons why.

The first has to do with what's called blood shield laws. Whenever the Federal Government writes product liability laws of any kind, we in the Congress insert a standard exemption for blood and blood products. We, therefore, defer to the States to regulate in this area, and in doing so we affirm the State blood shield laws that are prevalent throughout this country.

Forty-seven different State jurisdictions have exempted blood and blood products from strict liability or implied warranty claims on the basis that blood and blood products are services, not products. Now, this classification is more than just a question of semantics. It means that plaintiffs must prove negligence rather than simply use of the blood was the proximate cause of the injury they suffered, which is the standard for other products.

In 1976, blood banks began receiving exemptions from liability even under a negligence standard with the passage of blood shield laws. In 1977, the courts began extending this exemption from liability to blood product manufacturers on similar grounds. They did all of this because the States believed the need for an available blood supply, for surgery and other medical procedures, outweighed the relatively minor risk of hepatitis. The rationale was that blood product manufacturers should be exempt from product liability, since blood products are unavoidably unsafe, because the risk of hepatitis simply could not be eliminated.

There is a much higher standard of proof for consumers of blood and blood products. The ability of individuals in this community, the hemophilia community, therefore, to seek resolution in the court system has been severely curtailed by these State blood shield laws.

If that were not enough, there are other legal problems confronting these hemophilia victims and their families. Just a couple of examples. First, collecting evidence for suits against manufacturers is extraordinarily difficult. Most individuals that became infected with HIV had a severe form of hemophilia that meant they were infusing thousands of units of clotting factor on a monthly and sometimes weekly basis. These individuals were understandably unable to determine exactly from which manufactured lot the product that infected them came.

Second, hemophilia families also face the problem of statute of limitations. All States have them, and they prohibit individuals from prevailing in litigation if the suit was not filed within a few years of the alleged tort. To the hemophilia community, many individuals were diagnosed after the prescribed period in the statute of limitations and were unable to take any action.

Just as significantly, they are also battling a disease with a long and often symptom-free incubation period. This makes statutes of limitation even less defensible and imposes a much greater burden on this community.

All this does not mean that the hemophilia community, these people who have suffered so, has not tried. They have. Hundreds of suits have been filed against the manufacturers of clotting factor. In some States the hemophilia community has even been successful in rolling back the statute of limitations.

Recently, many members of the hemophilia community gave up their right to continue to pursue the manufacturers through the courts, and they did this by agreeing to a class action settlement.

This settlement brings recognition to the HIV infection of the hemophilia community and provides some relief to the community for their suffering. But this is not to say that the community was holding out until recently for something better. Victims were unable to meet the especially high liability standards established by the blood shield laws. It appears that increasing momentum for the Ricky Ray bills in the House and Senate pushed the negotiations into a final phase.

Senators may ask about the private settlement proposal as offered by four manufacturers of clotting factor concentrates in 1996, an offer that was made in April 1996. This settlement, which has been approved by the U.S. District Court of Northern Illinois, will provide each person infected with HIV through the use of clotting factor $100,000. The settlement proposal was

drafted so the payment would be contingent upon obtaining certain protections for recipients receiving means-tested benefits such as Medicaid.

So for this reason, when we reintroduced the Ricky Ray bill this year, I included a second title in the bill to protect the eligibility for individuals receiving Medicaid and SSI upon receipt of the settlement claim.

The Balanced Budget Act of 1997 included a provision related to the private settlement protecting the eligibility of individuals receiving Medicaid benefits. Unfortunately, no similar protection for SSI eligibility was included.

I support the settlement between the hemophilia community and the manufacturers of clotting factor and see it as the first step in addressing the ongoing responsibility that the companies have to the community they serve. I do not believe that the victims—in looking for compensation—should be limited to seeking from private companies. This should not be an exclusive remedy. It should not be seen as an exclusive remedy, very bluntly, because the Government shares the blame. And private settlements are inadequate.

As to the specific figure at which we have arrived—$125,000—I think this is an eminently reasonable compensation, when you consider that the average cost of care for patients with severe hemophilia—per year—is $100,000.

Let's look at how some other governments have dealt with this problem.

COMPENSATION IN OTHER COUNTRIES

Many other developed countries have established compensation programs to assist individuals with blood-clotting disorders who were infected with HIV by contaminated blood products.

In some countries, such as Australia, France, Germany, Japan, Spain, and the United Kingdom, assistance has come from combined public and private sources. Specifically, in Japan, the government—and the same pharmaceutical companies we are dealing with here in the United States—agreed to provide, together, payments of $430,000 to victims of hemophilia-related AIDS. The government shouldered 44 percent of the burden, and the pharmaceutical companies paid the rest.

In other countries, such as Canada, Denmark, Hong Kong, Italy, Portugal, and Switzerland, assistance has been provided directly from the government.

PRECEDENTS

Some of my colleagues have raised concerns that passage of the Ricky Ray relief legislation may set a legal precedent. What kind of precedent is there? In fact, the U.S. Congress has a history of recognizing the country's responsibilities to aggrieved individuals and has provided relief for these victims.

It is my intention, in the next few minutes, to lay out the precedents in some detail. But I would like to point out, first and foremost, that blood is unique. The Federal Government and, by its permission, State governments, regulate the blood supply in a unique way.

Because the Government has a unique responsibility in the case of blood, passage of the Ricky Ray Relief Act will not set a precedent. It would, rather, represent another extraordinary circumstance in which Congress has determined that injured parties should receive compensation for injuries sustained as a result of Government action or inaction.

Individuals in the hemophilia community are prevented from recovery from the Federal Government under the Federal Tort Claims Act [FTCA], which is designed to be the exclusive means of compensation for injuries sustained as a result of the negligence of the Federal Government. Because the Federal Tort Claims Act includes an explicit exemption from claims that arise directly as a result of the ''exercise or performance or the failure to exercise or perform a discretionary function,'' victims are barred from recovery for the inaction of the FDA in its regulation of blood products. They are barred under this act.

But Congress has acted to compensate individuals when it determines that remedy under the Federal Torts Claims Act and other statutes is inadequate. Congressional passage of the Ricky Ray Act would represent another instance of Congress recognizing the appropriateness of compensating victims unable to recover under the Federal Tort Claims Act.

Let me discuss two relevant precedents. One of the first major claims made after the passage of the Federal Tort Claims Act was the claim made on behalf of the victims of the explosion of two cargo ships containing ammonium nitrate fertilizer in the harbor of Texas City, TX, in 1947. In this case, the Supreme court held, in *Dalehite* v. *United States*, 346 U.S. 15 (1953), that the Federal Government was not liable because the plaintiffs could not prove negligence. Additionally, a claim of absolute or strict liability was rejected because the Court found that the Federal Tort Claims Act did not allow recovery on that basis. Despite—and, in part, because of—the Supreme Court's explicit rejection of the claim under the Federal Tort Claims Act, 2 years later, the Congress passed legislation providing settlement of claims resulting from the explosion. This legislation established the precedent that Congress may pass legislation authorizing compensation without finding the Government at fault.

Let me turn to another example that closely reflects the hemophilia situation in the mid-1980's in this country. Congress combined relief for two different populations of victims in one statute—the Radiation Exposure Compensation Act. One group was made up of uranium miners who were seeking compensation for the adverse health effects they had experienced while working in private mines—private mines. The second group, known as ''downwinders,'' was made up of individuals who lived downwind of atomic test sites and were exposed to radiation. Neither group was able to recover from the Federal Government in court. Both failed.

The courts had previously ruled against the uranium miners in *Begay* v. *United States*, 591 F.Supp. 991 (1984), and against the downwinders in *Allen* v. *United States*, 816 F2d 1417 (1987). The courts found that the Government could not be held liable for injuries because its policies were protected by the discretionary function exception in the Federal Tort Claims Act.

In Begay, the plaintiffs had asserted that various government agencies were actionably negligent in leaving the responsibility for uranium mine safety—outside Federal enclaves like Indian reservations—to the States. They also asserted that these agencies were negligent in failing to enforce rigid radiation safety levels in the Indian reservation mines—and that all the Federal agencies involved were themselves negligent in failing to establish and enforce rigid radiation safety standards in the underground uranium mines in the 1940's, 1950's, and early 1960's.

The court in Begay suggested that the miners seek redress from the U.S. Congress. This is what the Court said:

> This tragedy of the nuclear age . . . cries for redress. Such relief should be addressed by the Congress as it was in the Texas City explosion following the decision of the Supreme Court in Dalehite.

In the Allen case, the downwinder plaintiffs had singled out the alleged failure of the Government to fully monitor offsite fallout exposure, and to fully provide the necessary public information on radioactive fallout. As in the Begay case, the court found no obligation to compensate on the basis of failing to monitor or warn. A concurring opinion in Allen noted that the court's hands were tied:

> While we have great sympathy for the individual cancer victims who have borne alone the costs of the Atomic Energy Commission's choices, their plight is a matter for Congress. Only Congress has the constitutional power to decide whether all costs of government activity will be borne by all the beneficiaries or will continue to be unfairly apportioned, as in this case.

In 1990, Congress did in fact provide relief to these two groups through the Radiation Exposure Compensation Act, Public Law 101–426. The circumstances that led to the passage of the Radiation Exposure Compensation Act are, I believe, very instructive.

In that case, the States failed to require that the private mine operators follow Federal health and safety standards. As a result, people got sick. They could not recover from the private mine operators—nor could they recover from the Federal Government. Those individuals were compensated later through congressional legislation, through action by the House and the Senate.

The facts are clear. In that case, little or nothing was done by the States to force the private mine operators to

improve ventilation in their mines. Although the Public Health Service demonstrated that adequate mine ventilation would be relatively inexpensive—and the Atomic Energy Commission had developed effective radiation level controls, which were available for all State and Federal agencies—the mine operators successfully resisted efforts to substantially reduce radiation levels by improved ventilation techniques. Through legislation, compensation was ultimately made to individual miners who worked for private mine operators that were not subject to Federal radiation safety requirements.

These precedents bring us directly to the Federal Government's responsibility for the blood supply in this country and bring us directly to this bill.

The evidence in the IOM study that I referenced previously on blood safety clearly demonstrates that, in a number of instances, FDA failed to mandate certain Federal patient safety requirements for private processors of blood products, failed to act on recommendations from the Centers for Disease Control concerning screening blood donors, failed to mandate recall of hemophilia clotting factor, and failed to implement a 1988 Presidential directive to trace recipients of possibly infected blood, failed to do that for 3 long years. Passage of the Ricky Ray Hemophilia Relief Act does not set a new precedent, but—on the contrary—is fully consistent with the earlier precedents set by Congress to provide compensation for injury when remedy could be found by no other means.

HOW TO PAY FOR RICKY RAY

As this bill is written, the Ricky Ray Act provides $125,000 for each eligible individual, and so, with an estimated 7,200 affected individuals, the total cost of the bill is estimated at $900 million.

In order to identify individuals and determine their eligibility, payments authorized by the legislation will likely occur over several years. This would result in at least two smaller annual appropriations requests.

SUPPORT FOR THIS LEGISLATION

As I stated earlier, the Ricky Ray Hemophilia Relief Fund Act has the support of 35 of our Senate colleagues and the support of 257 Members of the House of Representatives.

The legislation is also endorsed by the American Red Cross, the American Association of Blood Banks, America's Blood Centers and AIDS advocacy organizations such as the National Association of Persons with AIDS and the AIDS Policy Center.

In her letter to the National Hemophilia Foundation, American Red Cross President Elizabeth Dole stated:

> The American Red Cross supports a comprehensive approach to addressing the needs of those infected with HIV or other transmissible agents through the use of blood components or blood products. For individuals with hemophilia who were infected with HIV before 1985, the American Red Cross believes that finalization of the manufacturers' settlement offer, coupled with the government-funded compensation program outlined in the Ricky Ray legislation, will provide an effective means of immediate help.

A host of other developed countries have established compensation programs to assist individuals with blood-clotting disorders who were infected with HIV by contaminated blood products.

I believe it is now time for the United States—and for this Congress—to take action as well. I encourage my colleagues to cosponsor this legislation, to join the 35 other Members of this body who have already signed on as cosponsors. The Senate Labor Committee is scheduled to have a hearing on this bill on Thursday of this week. Chairman HYDE will be bringing the House bill before the full House Judiciary Committee tomorrow. I would invite my colleagues to examine the hearing record, and learn more about the need for this bill. I believe the case has been made and the case is clear: The Federal Government has a moral duty to help those Americans who counted on the Federal Government to protect the blood supply. No, Mr. President, this bill cannot reverse the tragedies, but it can serve to demonstrate that the Federal Government can be held accountable for its actions.

Mr. President, we often hear that bad things happen to good people. That is something that governments and Congresses will never be able to cure. But in this case, when bad things happened to good people, the U.S. Government played a part in the problem. The U.S. Government should now play a part in the solution—and do something to help these American families.

I thank the Chair.

WYCHE FOWLER'S CONFIRMATION AS UNITED STATES AMBASSADOR TO SAUDI ARABIA

Mr. HOLLINGS. Mr. President, I rise today to congratulate my good friend and former colleague Wyche Fowler on his confirmation as United States Ambassador to Saudi Arabia. This is a great and well-deserved honor for the former Senator from Georgia. Even more important, it is a blessing for America.

Because his was a recess appointment, Wyche Fowler already has served with great distinction and success for over 1 year in Saudi Arabia. President Clinton appointed him to this post just days before the June 25, 1996, terrorist bombing of the United States military residence in Dahran. Although he took the ambassadorship at one of the most tenuous moments in United States-Saudi diplomatic relations, Wyche embraced the challenge and helped cement the United States relationship with Saudi Arabia, one of our most important allies.

Wyche was sworn in as Ambassador on August 16, 1996. His appointment came at an important moment in the relationship between the United States and Saudi Arabia. Despite the difficulties that have surrounded the bombing investigation, he has served his country well and protected American interests in the region with tenacity and skill.

Of course, Mr. President, this is no surprise to those of us who have followed Wyche Fowler's career of public service or worked closely with him during his 16 years in Congress. Elected to the Senate in 1986, Wyche served on the Appropriations, Budget, Energy, and Agriculture Committees. As assistant floor leader, he helped fashion a bipartisan consensus on major public policy issues. Many of us remember Wyche Fowler as an unusually reflective Member of this body, who talked often of conserving our natural resources and energy sources. I can remember listening with humor and fascination as he used electric toothbrushes to point out the danger of decadent applications of technology.

Before becoming the first Atlantan elected to the Senate, Wyche Fowler represented Atlanta's First District in the House of Representatives. First elected in 1977, he served on the Ways and Means and Foreign Relations Committees, as well as the Select Committee on Intelligence and the Congressional Arts Caucus.

Wyche's legislative record is long and distinguished: he tried to stop oil drilling in the Arctic National Wildlife Refuge and protect national wetlands; recodified and strengthened the national historic preservation law; established joint public/private ventures in alternative energy; and ensured interest-free relief for farmers in the Farm Credit System overhaul.

The consensus-building skills Wyche learned in Congress have stood him in good stead in Riyadh. Just as valuable, Mr. President, is his affable personality. All his colleagues in the House and Senate remember Wyche Fowler as a genial and charismatic fellow, not to mention a great singer of hymns and a superb storyteller. In fact, Wyche used to entertain us with the same country songs he performed as a teenager on an Atlanta talent show. Though the Saudis may not appreciate country ballads, I am sure that they will find Wyche Fowler every bit as hard-working, engaging, and honest as the people of Georgia and his colleagues have.

And, Mr. President, Wyche is genuinely fascinated by Saudi Arabia's people and culture. He has begun to learn Arabic, and already has indulged his enthusiasm for Arabian history and archaeology by trekking on camel through the deserts of Saudi Arabia's Empty Quarter.

America is fortunate to have Wyche Fowler as its Ambassador to Saudi Arabia. His diplomatic skills will see us successfully through a delicate and vital period in our relations with that nation. In this instance, Mr. President, Georgia's loss was the Nation's gain.

RETIREMENT OF GENERAL SHALIKASHVILI

Mr. WARNER. Mr. President, on September 30, our Nation witnessed a changing of the guard with the retirement of the Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili.

General Shali, as he is affectionately known, served this country with honor and distinction for 39 years, rising from the rank of private to the top military post in our Nation, a record that will inspire the next generation.

For the past 4 years, as Chairman of the Joint Chiefs, he has been the principal military adviser to the President of the United States and the Secretary of Defense during a period when we witnessed a proliferation of new and unknown threats throughout the world.

Those in the Senate who have had the privilege of working closely with him during these years of new challenge will always remember and admire his honesty, his sound judgment, and—most importantly—his concern for the men and women of our Armed Forces and their families.

During the traditional farewell ceremony at Fort Myer, General Shali was honored with the award of the Medal of Freedom and the earned recognition of President Clinton and Secretary of Defense Cohen. I ask unanimous consent that the speeches of Secretary Cohen and President Clinton from General Shali's farewell ceremony be printed in the RECORD.

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

REMARKS OF WILLIAM COHEN, U.S. SECRETARY OF DEFENSE AT FAREWELL CEREMONY FOR CHAIRMAN OF JOINT CHIEFS OF STAFF, SEPTEMBER 30, 1997

Secretary COHEN: Mr. President, Mrs. Clinton, Vice President Gore and Mrs. Gore, Secretary Albright, General McCaffrey, members of Congress, the service secretaries and service chiefs and combatant commanders and spouses, foreign dignitaries and honored guests. Let me pay particular note of former secretary of defense, Bill Perry and Lee, and also former deputy secretary John White and Betty.

Welcome, all of you, and thank you for joining Janet and me in paying tribute to two very special people, John Shalikashvili and his wife, Joan.

Justice Oliver Wendell Holmes said, alas, gentlemen, that is life. We cannot live our dreams. We're lucky enough if we can give a sample of our best, and if in our hearts we can feel it's been nobly done.

Well today, we express our gratitude to a man who has given more than a sample of his best, he's also lived his dreams. His dreams have taken him from the streets of Warsaw that he knew as a child to the corridors of Washington he has walked as chairman, and none of us know how much of our lives are determined by chance or choice or by the guiding hand of providence.

And John Shalikashvili, we only know that he has stood at the crossroads of key moments of history. He was there, a boy of three, when Hitler's tanks rolled into Poland from the west. He was there, a boy of eight, when Stalin's columns rolled in from the east. He was there with his family, fleeing to Germany when he first met the American forces that he would one day come to command.

He was there on the free side of Berlin, the Berlin Wall, when George Marshall built a bridge of help and hope across the Atlantic. Well, John and his family crossed the bridge to a place called Peoria, in the heart of America, and John took America to heart.

To learn the language, he turned to a legend, John Wayne. Imagine this teenage boy in terms of what he saw in those early movies. Perhaps a calling in ''The Sands Of Iwo Jima,'' perhaps the courage of ''The Rider Of Destiny,'' perhaps the character of ''The Quiet Man,'' whose words speak volumes.

Well, this boy grew into a man who would create his own legend. A man of great heart, and yes, true grit. When the times called for bravery and boldness in Vietnam, Major Shali was there leading his comrades against the Viet Cong, winning the bronze star for valor.

When the times called for a firm hand with a human touch to help the Kurds of Iraq, General Shali was there providing comfort and compassion to the sick and to the suffering. When the times called for a new supreme allied commander in Europe with a touch and toughness of a warrior diplomat, General Shali was there reshaping the alliance to meet the demands of a new era.

And then the times called for a new chairman of the joint chiefs of staff, a chairman who could marshal our forces and harness them wisely in a brave new world of great expectation and uneasy peace. And President Clinton wisely chose General Shali, the right man for our time, but also a man with the timeless qualities of military leadership set forth by the first chairman, Omar Bradley.

The qualities of firmness, not harshness; understanding, not weakness; humanness, not intolerance; generosity, not selfishness; pride, not egotism.

Bradley's litany of leadership can be seen shining in Shali's eyes, etched in his brow and painted in the ribbons that brighten his chest and tell his epic story.

Dwight Eisenhower once warned General Bradley that being chairman was the hardest job in Washington.

Mr. President, I'm not sure whether Eisenhower issued that warning before or after he became president. But surely, it has remained one of the hardest jobs in Washington. And for Chairman Shali in his time it was the job of building a military force that was both smaller and better that would remain the best trained, the best led, the best equipped force in the world. It was a job of responding to threats while shaping the world for the better; bringing more democracy to more nations, more stability to more regions, and thus, more security to our nation.

And the service of John Shalikashvili in the cause of freedom has come full circle. The boy who fled his home of Poland for freedom is helping to welcome Poland back home into the family of free nations. Something that has made the job a little less difficult has been the helping hand, the wise counsel and yes, the deep friendship of the vice chairman of the joint chiefs, General Joe Ralston.

The president, General Shali and I rely upon Joe Ralston on a daily basis. And our nation is safer and more secure because of his devotion to duty.

And another person serving at Shali's side is a hero, as we have indicated, in her own right, Joan Shalikashvili.

If being chairman of the joint chiefs is the hardest job in Washington, then being married to him has to be the second hardest. And Joan—through 31 years of love and dedication you two have been there for our troops and their families. No ship has been too far, no base too remote, no soldier too junior than devoting your life to the quality of their lives.

And so, for the miles that you've traveled and the lives you've touched, we are all profoundly grateful.

On the wall in my office hangs a portrait of Joshua Chamberlain who fought in the Civil War with legendary gallantry and generosity of heart. Chamberlain once spoke of developing the kind of character which allows ordinary people to become extraordinary or heroic. He said, we know not of the future and cannot plan for it much. But we can hold our spirits and our bodies so pure and so high, we may cherish such thoughts and such ideals and dream such dreams of lofty purpose that we can determine and know what manner of men we will be whenever and wherever the hour strikes that calls us to noble action.

General Shali, long after the sound of those cannons and the celebration of this day have faded, you can take comfort in knowing that as a result of who you are and what you've given and what all of us have received, that whenever and wherever the hour strikes that calls us to noble action, the men and women of America's military, following your example, will always be there. And they too will give a sample of their best. And like you, they will know in their hearts it's been nobly done.

Thank you.

(Applause)

REMARKS OF PRESIDENT CLINTON AT FAREWELL CEREMONY FOR CHAIRMAN OF JOINT CHIEFS OF STAFF, SEPTEMBER 30, 1997

President CLINTON. Mr. Vice President, Secretary Cohen, Secretary Albright, Secretary Gober, National Security Adviser Berger, Director Tenet, General McCaffrey, to the service secretaries, the joint chiefs, the unified commanders in chief, the members of Congress, the members of our armed forces, to all the friends of General Shalikashvili who are here today, including former Secretary Perry, former chairmen and members of the joint chiefs, former officials of the Department of Defense, we all come together in grateful tribute to John and Joan Shalikashvili.

This is, frankly, a bittersweet day for me. I am full of pride but also some regret. For the last four years I have counted on Shali for his wisdom, his counsel, his leadership. He has become an exceptional adviser and a good friend, someone I knew I could always depend upon when the lives of our troops or the interests of America were on the line, and I will miss him very much.

General Shali is a great American with a great American story. A childhood seared by war, he has given his life to the cause of peace.

From an immigrant learning English, he has become the shining symbol of what America is all about. He's never forgotten what his country gave him nor has ever stopped giving back to it. His service to our nation spanning 39 years rises from the ranks of Army private to the highest military officer in the land.

Of course, the road even for him has not always been smooth. I am told that after a grueling first day at Officer Candidate School, Private John Shali sneaked out of his barracks looking for a place to resign. Our nation can be very grateful that probably for the only time in his entire career, he failed in his mission.

I am convinced that when future students look back upon this time, they will rank John Shalikashvili as among the greatest chairmen of the joint chiefs of staff America ever had.

Greatness is something that cannot be bestowed like a medal, a ribbon, a star. It cannot be taught or bought. It comes in the end only from within. General Shali has said that the three indispensable traits of a great leader are confidence, care and character. He ought to know. He embodies them.

His confidence shines in a sterling record of innovation and achievement—managing the downsizing of our forces while upgrading their capability and readiness; upholding the most rigorous standards for the use of those forces in the world where threats to our survival have faded, but threats to our interests and values have not; dramatically improving joint doctrine and training and taking joint planning far into the future for the very first time; and of course, helping bring Europe together at last in liberty, democracy and peace.

One of the proudest moments of my presidency was standing with Shali in Warsaw as we celebrated NATO's enlargement and welcomed the people of his original homeland back home to the family of freedom.

And if the baseline measure of a chairman's competence is successful military operations, Shali has filled a resume that would turn others all a drab with envy.

In the last four years, our troops have been tested in more than 40 operations. From Bosnia to Haiti, the Taiwan straits, Iraq, Rawanda, Liberia and more, our armed forces have performed superbly with Shali at the helm.

Our troops trust him because they know him, how much he cares for them. They have seen that caring in his constant contact with our service men and women; in the way he warms their hearts with his pride in them; and the humility, the honesty, the graciousness, the respect he always shows to others; in the wonderful way he listens—even to bearers of bad news.

Our troops know that he never expects their gratitude or applause, but he does want to sharpen their capabilities, improve their welfare and lift their morale, and in his most important duty, to make sure that whenever they go into danger, the planning is superb, the risks are minimized, and every reasonable measure is taken to ensure their success and safe return.

For Shali, caring transcends our obligations even to one another. He believes in America's unique ability to help others around the world, sheltering freedom, defending democracy, relieving fear and despair.

He knows that what sets our troops apart is not just their courage, strength and skill, but also the ideal they serve, the hope they inspire, the spirit they represent.

As some may recall, during the crisis in Haiti, Shali visited with refugees in the camps observing and listening with quiet understanding, the quiet understanding of one who had also been in that position. And he ordered improvements to make those camps as comfortable as possible, to alleviate boredom and brighten hopes and bring toys to the children at Christmas.

That story also reveals something about his character, a clear sense of what is right and wrong, a man who's conscience is always his guide.

I'll miss a lot of things about Shali, but perhaps most of all, I'll miss the integrity he always displayed in being my closest military adviser.

In every conversation we have ever had, he never minced words, he never postured or pulled punches, he never shied away from tough issues or tough calls. And most important, he never shied away from doing what he believed was the right thing.

On more than one occasion, many more than one occasion, he looked at me. I could see the pain in his eyes that he couldn't tell me what I wanted to hear and what he wished he could say. But with a clear and firm voice and a direct piercing gaze, he always told me exactly what he thought the truth was.

No president could ever ask for more.

Shali has had the support of a proud and dedicated family.

His son, Brandt; his brother, himself a distinguished green beret veteran; his sister; and of course, there are his dogs. I understand that they are the only living creatures who have never obeyed his orders.

And most importantly, there is Joan. Joan, you have been a terrific support for our men and women in uniform.

They know you are always looking out for them and their families, from around the corner to around the world. You were the chairman's personal inspector general. When it came to how families are cared for, no one had more commitment, a better eye or a bigger heart, and we thank you.

General, very soon now, you and Joan will be settling into your new home in Washington State. You can tuck your uniform into a drawer. You can carry an umbrella. You can even grow a beard.

Maybe you'll actually even open that hardware store you'd been talking about. I don't know if you know the first thing about power tools or mixing paint, but the brand you have to offer is the top of the line.

Our nation is safer. Our armed forces are stronger, and our world is a better place because of your service. Thank you for all you have done.

God bless you, and Godspeed.

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 4:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1227. An act to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3270. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, two rules received on October 16, 1997; to the Committee on the Judiciary.

EC–3271. A communication from the Director of the Executive Office for United States Trustees, Department of Justice, transmitting, pursuant to law, a rule entitled ''Procedures for Suspension and Removal of Panel Trustees and Standing Trustees'' received on October 16, 1997; to the Committee on the Judiciary.

EC–3272. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, a draft of proposed legislation entitled ''The National Crime Prevention and Privacy Compact''; to the Committee on the Judiciary.

EC–3273. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the administration of the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–3274. A communication from the Chairman of the National Bankruptcy Review Commission, transmitting, pursuant to law, a report and recommendations; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 940. A bill to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes (Rept. No. 105–114).

H.R. 765. A bill to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore (Rept. No. 105–115).

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. 105–116).

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. TORRICELLI (for himself, Mr. GRAHAM, Mr. MACK, Mr. SARBANES, and Mr. LAUTENBERG):

S. 1321. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1322. A bill to establish doctoral fellowships designed to increase the pool of scientists and engineers trained specifically to address the global energy and environmental challenges to the 21st century; to the Committee on Labor and Human Resources.

By Mr. HARKIN:

S. 1323. A bill to regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LOTT:

S. 1324. A bill to deauthorize a portion of the project for navigation, Biloxi Harbor,

Mississippi; to the Committee on Environment and Public Works.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. BURNS, and Mr. HOLLINGS):

S. 1325. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 1326. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. HAGEL, Mr. THOMAS, Mr. KERRY, and Mr. AKAKA):

S. 1327. A bill to grant normal trade relations status to the People's Republic of China on a permanent basis upon the accession of the People's Republic of China to the World Trade Organization; to the Committee on Finance.

By Mr. INOUYE:

S. 1328. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself, Mr. GRAHAM, Mr. MACK, Mr. SARBANES, and Mr. LAUTENBERG):

S. 1321. A bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL ESTUARY CONSERVATION ACT OF 1997

Mr. TORRICELLI. Mr. President, today, Senators GRAHAM, MACK, SARBANES, LAUTENBERG, and I are introducing the National Estuary Conservation Act. I rise to draw this country's attention to our nationally significant estuaries that are threatened by pollution, development, or overuse. With 45 percent of the Nation's population residing in estuarine areas, there is a compelling need for us to promote comprehensive planning and management efforts to restore and protect them.

Estuaries are significant habitat for fish, birds, and other wildlife because they provide safe spawning grounds and nurseries. Seventy-five percent of the U.S. commercial fish catch depends on estuaries during some stage of their life. Commercial and recreational fisheries contribute $111 billion to the Nation's economy and support 1.5 million jobs. Estuaries are also important to our Nation's tourist economy for boating and outdoor recreation. Coastal tourism in just four States—New Jersey, Florida, Texas, and California—totals $75 billion.

Due to their popularity, the overall capacity of our Nation's estuaries to function as healthy productive ecosystems is declining. This is a result of the cumulative effects of increasing development and fast-growing year-round populations which increase dramatically in the summer. Land development, and associated activities that come with people's desire to live and play near these beautiful resources, cause runoff and stormwater discharges that contribute to siltation, increased nutrients, and other contamination. Bacterial contamination closes many popular beaches and shellfish harvesting areas in estuaries. Also, several estuaries are afflicted by problems that still require significant research. Examples include the outbreaks of the toxic microbe, Pfiesteria piscicida, in rivers draining to estuaries in Maryland and Virginia.

Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program in the Clean Water Act Amendments of 1987. The program's purpose is to facilitate State and local governments preparation of comprehensive conservation and management plans for threatened estuaries of national significance. In support of this effort, section 320 of the Clean Water Act authorized the EPA to make grants to States to develop environmental management plans. To date, 28 estuaries across the country have been designated into the program. However, the law fails to provide assistance once plans are complete and ready for implementation. Already, 17 of the 28 plans are finished.

As the majority of plans are now in the implementation stage, it is incumbent upon us to maintain the partnership the Federal Government initiated 10 years ago to insure that our nationally significant estuaries are protected. The legislation we are introducing will take the next step by giving EPA authority to make grants for plan implementation and authorize annual appropriations in the amount of $50 million. To insure the program is a true partnership and leverage scarce resources, there is a direct match requirement for grant recipients so funds will be available to upgrade sewage treatment plants, fix combined sewer overflows, control urban stormwater discharges, and reduce polluted runoff into estuarine areas.

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. 1321

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

SECTION 1. NATIONAL ESTUARY PROGRAM.

(a) GRANTS.—Section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2) PURPOSES.—Grants under this subsection shall be made to pay for assisting activities necessary for the development and implementation of a comprehensive conservation and management plan under this section.

''(3) FEDERAL SHARE.—The Federal share of a grant to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year—

''(A) shall not exceed—

''(i) 75 percent of the annual aggregate costs of the development of a comprehensive conservation and management plan; and

''(ii) 50 percent of the annual aggregate costs of the implementation of the plan; and

''(B) shall be made on condition that the non-Federal share of the costs are provided from non-Federal sources.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking ''$12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991'' and insert ''$50,000,000 for each of fiscal years 1999 through 2004''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1322. A bill to establish doctoral fellowships designed to increase the pool of scientists and engineers trained specifically to address the global energy and environmental challenges of the 21st century; to the Committee on Labor and Human Resources.

THE SENATOR PAUL E. TSONGAS FELLOWSHIP ACT

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Paul E. Tsongas Fellowship Act. This bill commemorates an outstanding leader and former colleague in the Senate who was an impressive and dedicated advocate of technology and environmental protection. Congressman JOE KENNEDY is the sponsor of a companion bill in the House of Representatives.

As a Senator, Paul Tsongas worked skillfully to guarantee that technology and environmental concerns are at the forefront of our country's priorities. He was an extraordinary leader who understood the importance of addressing the serious energy and environmental challenges we face at home and around the world. Today, we honor his commitment to these important priorities by proposing a national fellowship program to support graduate students in science and engineering.

As a nation, we need to do more to encourage the best students to pursue graduate studies in these basic fields, which are so essential to a strong future for the Nation. As much as 50 percent of economic growth is attributed to technological innovation. The Paul E. Tsongas Fellowship will support the modern pioneers who will keep the Nation at the cutting edge of the technology revolution.

The fellowship is modeled on the successful Office of Naval Research Graduate Fellowship Program, which over the past 15 years has provided fellowships to 592 graduate students in 11 disciplines, and has made significant contributions to research. The Tsongas fellowships in science and engineering can

make a comparable contribution in these fields. They will enhance our efforts to improve educational opportunity for students, and strengthen our country's economy by investing wisely in the future.

The Tsongas fellowships will be a living memorial to one of the outstanding Senators of our time, and I hope that Congress will act quickly on this important legislation.

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. 1322

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 ''Paul E. Tsongas Fellowship Act''.

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to encourage individuals of exceptional achievement and promise, especially members of traditionally underrepresented groups, to pursue careers in fields that confront the global energy and environmental challenges of the 21st century.

SEC. 3. DOCTORAL FELLOWSHIPS AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Secretary of Energy is authorized to award doctoral fellowships, to be known as Paul E. Tsongas Doctoral Fellowships, in accordance with the provisions of this Act for study and research in fields of science or engineering that relate to energy or the environment such as physics, mathematics, chemistry, biology, computer science, materials science, environmental science, behavioral science, and social sciences at institutions proposed by applicants for such fellowships.

(b) PERIOD OF AWARD.—A fellowship under this section shall be awarded for a period of three succeeding academic years, beginning with the commencement of a program of doctoral study.

(c) FELLOWSHIP PORTABILITY.—Each Fellow shall be entitled to use the fellowship in a graduate program at any accredited institution of higher education in which the recipient may decide to enroll.

(d) NUMBER OF FELLOWSHIPS.—As many fellowships as may be fully funded according to this Act shall be awarded each year.

(e) DESIGNATION OF FELLOWS.—Each individual awarded a fellowship under this Act shall be known as a ''Paul E. Tsongas Fellow'' (hereinafter in this Act referred to as a ''Fellow'').

SEC. 4. ELIGIBILITY AND SELECTION OF FELLOWS.

(a) ELIGIBILITY—Only United States citizens are eligible to receive awards under this Act.

(b) FELLOWSHIP BOARD.—

(1) APPOINTMENT.—The Secretary, in consultation with the Director of the National Science Foundation, shall appoint a Paul E. Tsongas Fellowship Board (hereinafter in this part referred to as the ''Board'') consisting of 5 representatives of the academic science and engineering communities who are especially qualified to serve on the Board. The Secretary shall assure that individuals appointed to the Board are broadly knowledgeable about and have experience in graduate education in relevant fields.

(2) DUTIES.—The Board shall—

(A) establish general policies for the program established by this part and oversee its operation;

(B) establish general criteria for awarding fellowships;

(C) award fellowships; and

(D) prepare and submit to the Congress at least once in every 3-year period a report on any modifications in the program that the Board determines are appropriate.

(4) TERM.—The term of office of each member of the Board shall be 3 years, except that any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed. No member may serve for a period in excess of 6 years.

(5) INITIAL MEETING; VACANCY.—The Secretary shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairperson and a Vice Chairperson, who shall serve until 1 year after the date of their appointment. Thereafter each officer shall be elected for a term of 2 years. In case a vacancy occurs in either office, the Board shall elect an individual from among the members of the Board to fill such vacancy.

(6) QUORUM; ADDITIONAL MEETINGS.—(A) A majority of the members of the Board shall constitute a quorum.

(B) The Board shall meet at least once a year or more frequently, as may be necessary, to carry out its responsibilities.

(7) COMPENSATION.—Members of the Board, while serving on the business of the Board, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate of basic pay payable for level IV of the Executive Schedule, including travel-time, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) UNDERREPRESENTED GROUPS.—In designing selection criteria and awarding fellowships, the Board shall—

(1) consider the need to prepare a larger number of women and individuals from minority groups, especially from among such groups that have been traditionally underrepresented in the professional and academic fields referred to in section 2, but nothing contained in this or any other provision of this Act shall be interpreted to require the Secretary to grant any preference or disparate treatment to the members of any underrepresented group; and

(2) take into account the need to expand access by women and minority groups to careers heretofore lacking adequate representation of women and minority groups.

SEC. 5. PAYMENTS, STIPENDS, TUITION, AND EDUCATION AWARDS.

(a) AMOUNT OF AWARD.—

(1) STIPENDS.—The Secretary shall pay to each individual awarded a fellowship under this Act a stipend in the amount of $15,000, $16,500, and $18,000 during the first, second, and third years of study, respectively.

(2) TUITION.—The Secretary shall pay to the appropriate institution an amount adequate to cover the tuition, fees, and health insurance of each individual awarded a fellowship under this Act.

(3) ADMINISTRATIVE AND TRAVEL ALLOWANCE.—The Secretary shall pay to each host institution an annual $5,000 allowance for the purpose of covering—

(A) administrative expenses;

(B) travel expenses associated with Fellow participation in academic seminars or conferences approved by the host institution; and

(C) round-trip travel expenses associated with Fellow participation in the internship required by section 6 of this Act.

SEC. 6. REQUIREMENT.

Each Fellow shall participate in a 3-month internship related to the dissertation topic of the Fellow at a national laboratory or equivalent industrial laboratory as approved by the host institution.

SEC. 7. FELLOWSHIP CONDITIONS.

(a) ACADEMIC PROGRESS REQUIRED.—No student shall receive support pursuant to an award under this Act—

(1) except during periods in which such student is maintaining satisfactory progress in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, or

(2) if the student is engaging in gainful employment other than part-time employment involved in teaching, research, or similar activities determined by the institution to be in support of the student's progress toward a degree.

(b) REPORTS FROM RECIPIENTS.—The Secretary is authorized to require reports containing such information in such form and filed at such times as the Secretary determines necessary from any person awarded a fellowship under the provisions of this Act. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, or other research center, stating that such individual is fulfilling the requirements of this section.

(c) FAILURE TO EARN DEGREE.—A recipient of a fellowship under this Act found by the Secretary to have failed in or abandoned the course of study for which assistance was provided under this Act may be required, at the discretion of the Secretary, to repay a pro rata amount of such fellowship assistance received, plus interest and, where applicable, reasonable collection fees, on a schedule and at a rate of interest to be prescribed by the Secretary by regulations issued pursuant to this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for this Act $5,000,000 for fiscal year 1998 and such sums as may be necessary for the succeeding fiscal years.

SEC. 9. APPLICATION OF GENERAL EDUCATIONAL PROVISIONS ACT.

Section 421 of the General Educational Provisions Act, pertaining to the availability of funds, shall apply to this Act.

SEC. 10. DEFINITIONS.

For purposes of this Act—

(1) The term ''Secretary'' means the Secretary of Energy.

(2) The term ''host institution'' means an institution where a Paul E. Tsongas Fellow is enrolled for the purpose of pursuing doctoral studies for which support is provided under this Act.

By Mr. HARKIN:

S. 1323. A bill to regulate concentrated animal feeding operations for the protection of the environment and public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE ANIMAL AGRICULTURE REFORM ACT

Mr. HARKIN. Madam President, today I am introducing the Animal Agriculture Reform Act, a bill that for the first time sets tough environmental standards governing how large livestock and poultry operations handle their animal waste. Animal waste pollution is a national problem that demands a national solution.

Nationwide, 200 times more animal manure is produced than human waste—five tons for every person in the

United States—making large livestock operations the waste equivalent of a town or city. For example, 1,600 dairies in the Central Valley of California produce more waste than a city of 21 million people. And right here outside of Washington, DC, the annual production of 600 million chickens on the Delmarva Peninsula leaves as much nitrogen as a city of almost 500,000 people.

The shrinking number of farms producing an ever greater share of animals means that too much manure is produced in some areas of the country to be put on land without causing water pollution. Nitrogen and phosphorous in animal manure are valuable crop nutrients—but in excessive levels in water they are serious pollutants.

High levels of nitrogen and phosphorous cause the excessive algae growth of algae, whose bacterial decomposition uses up oxygen in the water and kills fish. Animal waste also carries parasites, bacteria and viruses—and can pollute drinking water with nitrates, potentially fatal to infants.

While towns must have sewage treatment plants, excess waste from large-scale animal feeding operations is simply stored indefinitely or over-applied on land. That means water pollution from over-application, and the ongoing risk of pollution and even massive spills from stored waste.

In 1995 in North Carolina 35 million gallons of animal waste were spilled, killing 10 million fish. And last year more than 40 animal waste spills were recorded in Iowa, Minnesota and Missouri, up from 20 in 1992.

In 1997, the toxic microbe Pfiesteria, whose increased presence is linked to excessive nutrients in the water, killed approximately 30,000 fish in the Chesapeake Bay and approximately 450,000 fish in North Carolina. Major attacks by harmful microbes in U.S. coastal and estuarial waters between 1972 and 1995 have doubled—and excessive nutrients are the suspected catalyst.

In the Gulf of Mexico, farm runoff including animal waste is linked to the formation of a so-called ''dead zone'' of hypoxia (low oxygen)—up to 7,000 square miles of water that cannot support most aquatic life.

The Environmental Protection Agency's regulations in this area have not been revised since they were written in the 1970s, and they do not go nearly far enough to address current animal waste problems.

Animal waste management practices must include limiting the application of both phosphorous and nitrogen to amounts that can be used by crops. In addition, environmentally sound standards are needed for the handling, storage, treatment and disposal of excess animal waste.

Under my bill, large animal feeding operations must submit an individual animal waste management plan to USDA designed to minimize the risk of surface and ground water pollution. My bill would require that USDA work with farmers in developing plans to address potential problems before they happen. USDA will do this by establishing guidelines and providing technical assistance and information to develop farm-specific plans to be approved on an individual basis.

I am using the term animal waste, but it is important that we recognize that manure is a valuable resource for farmers who need nutrients for their crops. Promoting wise use of manure for crop nutrients is the guiding principle of my bill. For a plan to be approved, an operator must agree to apply animal waste to land only in amounts meeting crop nutrient requirements. Furthermore, liquid waste that cannot be safely used for nutrients or another environmentally sound use must be treated in accordance with waste water treatment standards.

My bill also applies sound technical standards to the construction of all new earthen manure lagoons to prevent leaks and spillage of animal waste. Existing earthen manure lagoons are given a reasonable phase-in period to meet appropriate standards.

In addition, my bill puts the burden of complying with these requirements on the animal owners. The bill would prevent animal owners from using contracts or similar arrangements to avoid responsibility for animal waste management.

The bill covers operations with an approximate one-time animal capacity above 1,330 hogs; 57,000 chickens; 270 dairy cattle; or 530 slaughter cattle. Each animal owner with at least that many animals must submit a waste management plan to USDA for approval, whether or not the animals are kept in one place. Animal feeding operations under those sizes will qualify under USDA's Environmental Quality Incentives Program for additional technical and cost-share assistance to implement animal waste management plans.

I want to be clear that my bill does not interfere with the role of EPA and the States in monitoring pollution, or is it a substitute for EPA strengthening its current regulations. I see it as an essential part of a cooperative approach to the problem by both EPA and USDA—and I look forward to EPA's proposals in this area. I also look forward to reviewing the recommendations of the National Environmental Dialogue on Pork Production, which is working on these issues in great detail.

We must take strong action now to halt the pollution of our water from animal waste and other farm runoff. Other issues that are outside the scope of this bill also need to be addressed, including management of municipal and industrial wastewater and more careful application of commercial fertilizers. My proposal is one part of a national solution to our water quality concerns.

By Mr. LOTT:

S. 1324. A bill to deauthorize a portion of the project for navigation, Biloxi Harbor, MS; to the Committee on Environment and Public Works.

DEAUTHORIZATION LEGISLATION

Mr. LOTT. 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. 1324

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

SECTION 1. BILOXI HARBOR, MISSISSIPPI.

The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

By Mr. FRIST (for himself, Mr. ROCKFELLER, Mr. BURNS, and Mr. HOLLINGS):

S. 1325. A bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TECHNOLOGY ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. FRIST. Mr. President, I rise today to offer a bill to authorize appropriations for the Technology Administration [TA] of the Department of Commerce for fiscal year 1998 and 1999. This bill funds activities in the National Institutes of Standards and Technology [NIST].

I am keenly aware of my responsibilities to the American people for ensuring that the people's money is spent wisely. I have a responsibility to exercise prudent fiscal management over programs that cost taxpayers millions of dollars each year. Each program must be examined, and wasteful, ineffective programs must be changed or eliminated. I also have a responsibility to make appropriate long term investments that will help Americans create the technology and wealth of tomorrow. I view both of these duties as part of the principle of ''wise stewardship'. The TA legislation represents a challenging application of wise stewardship. This bill covers some of the most productive and necessary areas of governments, as well as a few of the most controversial.

There is no question that the work done by NIST's Standards Laboratory is essential to U.S. commerce. These laboratories house of the best scientific minds in the world. A perfect example is the award of the 1997 Nobel Prize for Science to Dr. William Phillips in the area of low temperature physics. His accomplishment, as well as the achievements of the world class scientific cadre at NIST are reminders of

the necessity for investment in the Standards Laboratory, the people most of all, but the buildings and infrastructure as well. This legislation provides for continued investment into this research and those services

The reauthorization bill contains a provision to add accountability and controls to the new Experimental Program to Stimulate Competitive Technology [EPSCoT] program. Modeled after National Science Foundation's successful and effective EPSoR program, the goal of EPSCoT is to increase the technological competitiveness of these States that have historically received less Federal research and development funds than the majority of the States. While I believe that the aims of this program are good, we cannot afford to put this or any other Federal grant program on automatic pilot. Our legislation contains a graduations criteria, that moves a State out of the program when that State has become competitive. The bill contains a provision that mandates periodic evaluation of this program. Using this data we can tell if and when the program ceases to be effective. If that happens we have the information needed to see if the program can be fixed, or should be terminated.

This legislation contains provisions for two programs that have been particularly contentious: the Advanced Technology Program [ATP], and the manufacturing Extension Program [MEP]. Both are technology enhancement programs designed with the intent of increasing the ability of U.S. firms to compete in the global marketplace.

Under existing law each MEP center is funded for a maximum of 6 years. This legislation removes the hard and fast sunset provision and replaces it with a 2-year renewal cycle. Each center must win renewal, and with it eligibility for Federal funds by receiving a satisfactory grade from this new biennial review. If the center is not fulfilling its expectation for assistance of manufacturing technology, then it will fail its review and will not be able to receive Federal funding.

The Advanced Technology Program has been improved under this legislation. Large companies will no longer be able to participate as single applicants. They must partner with one or more small businesses in order to be eligible to apply for an ATP grant. This provision maximizes the benefit of this program by encouraging the transfer of technology and expertise from large businesses to the most dynamic section of our economy—small business. The legislation also takes steps to ensure that ATP does not displace private venture capital. finally, the bill takes an important step to continued evaluation and possible evolution of the program. It instructs the Department of Commerce to commission the National Academy of Sciences to study the effectiveness of the Advanced Technology Program. In addition the study will investigate alternative methods for the Federal Government to help keep U.S. businesses competitive.

Finally, the TA NIST reauthorization bill creates a new educational resource for the country. There has never been a time in our country's history when science and technology has been more important. It is playing an increasingly critical role in our economy, and most of all to our economic future. It is all too clear that our children are not well enough prepared to take their places as part of the world's scientific leaders. As the recent NAEP and TIMSS science results show, there is a gap between our children's science abilities and those from other countries. In this bill, we have created the Teacher Science and Technology Enhancement Institute Program to help bridge that gap. The program is structured to afford primary and secondary educators the chance to become reacquainted with science. Armed with fresh experiences, the teachers will be better equipped to excite our children about technology and scientific inquiry. This is an investment that we cannot afford to pass up.

I believe that this legislation embodies the concept of wise stewardship. The bill reflects input that we have received from my colleagues in the Senate, the House and the administration. More importantly, we have heard from constituents from my own State of Tennessee, as well as businesses, professional groups and academia from around the country. I am sure that the result will not please everyone. I believe, however, that it represents a necessary step in the constant evolution of these Federal programs. I take my congressional oversight obligations extremely seriously. Creating responsible, fair, timely authorizing legislation is a key part of that obligation. I believe that this legislation meets these requirements. I hope you will join me in honoring our obligation to the American people by supporting this legislation.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleagues Senator FRIST, Senator HOLLINGS, Senator BURNS in introducing legislation to reauthorize the programs of the Technology Administration for fiscal years 1998 and 1999. This bill reauthorizes the Office of Science and Technology Policy as well as the NIST labs and facilities about the President's budget request. It also funds the Advanced Technology Program at $198 million and the Manufacturing Extension Program at $111 million.

It is noteworthy that after several hearings on ATP, and after assessing Secretary of Commerce Daley's detailed review of the program, we are now putting forward a bill that continues to authorize this important form of investment in America's economic competitiveness. As I, along with many others in this Chamber, have stated before, this program supports American industry's own efforts to develop new, cutting-edge technologies which create the new industries and jobs of the 21st century.

Let me remind my colleagues that ATP does not, and I repeat, does not fund the development of commercial products. Instead, this program provides matching funds to both individual companies and joint ventures for pre-product research on high-risk technologies which have the potential to place U.S. industry as the leader in new industrial areas. This high-risk, high-reward strategy has already led to the creation of new U.S. industries based on information transfer, biotechnology, and new materials synthesis.

In spite of the merits of this program ATP has been criticized by some Members for the past 4 years of the program's 6 years of existence. This year Secretary Daley undertook a 60-day review to assess the ATP's performance and evaluate these criticisms. The Department of Commerce solicited comments from more than 3,500 interested parties and took into account comments provided by both critics and supporters of the program. fact, Senators LIEBERMAN, DOMENICI, FRIST and I joined together and provided one of the 80-plus comments the Department received. I would like to take a moment and commend Secretary Daley for the job he did in undertaking this review. As we all know, there is not a department or program that can't be improved. And as a long time and avid supporter of ATP I believe, that after 6 years of operation, experience would suggest that there should be some areas that can be improved. This review has done just that. The recommendations that Secretary Daley has put forth further strengthens a strong and productive program. I agree with his suggestion to place more emphasis on small and medium-size single applicants, joint-ventures, and consortia. This bill adopts that recommendation by amending the National Institute of Standards and Technology Act to define a large business as one with gross annual revenues in excess of $2.5 billion and prohibits such businesses from participating in ATP programs as single applicants.

In addition, I was pleased to see the added emphasis by the Secretary on the need for an EPSCoT program, based on the EPSCoR model, which would enhance technology development in the 18 States that have traditionally been under-represented in Federal R&D funding. EPSCoT would provide the opportunity for States which have been able to build infrastructure capable of supporting high-tech research to use this infrastructure to its maximum advantage. Studies have shown that strengthening the competitive performance of research laboratories, usually universities, in an underdeveloped area, which is the purpose of EPSCoR, is often not sufficient to establish new, high-tech companies. EPSCoT seeks to assist in technology

transfer to the local economy by encouraging links between universities, local businesses, and local and State governments. Unlike ATP, which focuses on the national economic interest in research and development, EPSCoT focuses on allowing under-represented States the opportunity to participate in the technological revolution that is sweeping the global economy. In order to help the success of the program, Governors, business leaders and researchers were consulted about the importance of technology transfer for economic development. This bill provides statutory language to implement the Secretary's proposal of creating the EPSCoT program.

Secretary Daley's review could not have been done at a better time. After 6 years of existence, a thorough and complete review of the process has shown that is it competently managed, produces positive results and has been working to achieve it's stated objectives. The proposals set forth in this review strengthen a very strong program that is one of the cornerstones to the Nation's long-term economic prosperity. The bill we are introducing today provides the necessary changes to existing law to implement many of the recommendations. I encourage my colleagues to support this bill.

By Mr. DASCHLE:

S. 1326. A bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists services; to the Committee on Finance.

THE MEDICAID NURSING INCENTIVE ACT

Mr. DASCHLE. Mr. President, today I am reintroducing the Medicaid Nursing Incentive Act, a bill to provide direct Medicaid reimbursement for nurse practitioners and clinical nurse specialists.

This legislation eliminates a groundless and counterproductive anomaly in Medicaid payment policy. Under current law, State Medicaid programs can exclude certified nurse practitioners and clinical nurse specialists from Medicaid reimbursement, even though these practitioners are fully trained to provide many of the same services as those provided by primary care physicians. This loophole is both discriminatory and shortsighted; it severs a critical access link for Medicaid beneficiaries.

The ultimate goal of this proposal is to enhance the availability of cost-effective primary care to our Nation's most needy citizens.

Studies have documented the fact that millions of Americans each year go without the health care services they need, because physicians simply are not available to care for them. This problem plagues rural and urban areas alike, in parts of the country as diverse as south central Los Angeles and Lemmon, SD.

Medicaid beneficiaries are particularly vulnerable, since in recent years an increasing number of health professionals have chosen not to care for them or have been unwilling to locate in the inner-city and rural communities where many of the beneficiaries live. Fortunately, there is an exception to this trend: nurse practitioners and clinical nurse specialists frequently accept patients whom others will not treat and serve in areas where others refuse to work.

Studies have shown that nurse practitioners and clinical nurse specialists provide care that both patients and cost cutters can praise. Their advanced clinical training enables them to assume responsibility for up to 80 percent of the primary care services usually performed by physicians, many times at a lower cost and with a high level of patient satisfaction.

Congress has already recognized the expanding contributions of nurse practitioners and clinical nurse specialists. For more than a decade, CHAMPUS has provided direct payment to nurse practitioners. In 1990, Congress mandated direct payment for nurse practitioner services under the Federal employee health benefits plan. The Medicare Program, which already covers nurse practitioners and clinical nurse specialist services in rural areas, was modified under this year's Balance Budget Act to provide coverage for these services in all geographic areas. The bill I am introducing today establishes the same payment policy under Medicaid.

Mr. President, the ramifications of this issue extend beyond the Medicaid Program and its beneficiaries: there is a broader lesson here that applies to our search to make cost-effective, high-quality health care services available and accessible to all Americans.

One of the cornerstones of this kind of care is the expansion of primary and preventative care, delivered to individuals in convenient, familiar places where they live, work, and go to school. More than 2 million of our Nation's nurses currently provide care in these sites—in home health agencies, nursing homes, ambulatory care clinics, and schools.

In places like South Dakota, nurses are often the only health care professionals available in the small towns and rural counties across the State.

These nurses and other nonphysician health professionals play an important role in the delivery of care. And, this role will increase as we move from a system that focuses on the costly treatment of illness to one that emphasizes primary and preventive care and health promotion.

But, first, we must reevaluate outdated attitudes and break down barriers that prevent nurses from using the full range of their training and skills in caring for patients. In 1994, the Pew Health Professions Commission concluded that nurse practitioners are not being fully utilized to deliver primary care services. The commission recommended eliminating fiscal discrimination by paying nurse practitioners directly for the services they provide. This step will help nurse practitioners and clinical nurse specialists expand access to the primary care that so many communities currently lack.

Mr. President, I hope my colleagues will support the measure I am introducing today, recognizing the critical role that nurse practitioners and other nonphysician health professionals play in our health care delivery system, and the increasingly significant contribution they can make in the future. I ask unanimous consent that the full 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. 1326

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

SECTION 1. MEDICAID COVERAGE OF ALL CERTIFIED NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST SERVICES.

(a) IN GENERAL.—Section 1905(a)(21) of the Social Security Act (42 U.S.C. 1396d(a)(21)) is amended to read as follows:

''(21) services furnished by a certified nurse practitioner (as defined by the Secretary) or clinical nurse specialist (as defined in subsection (v)) which the certified nurse practitioner or clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not the certified nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider;''.

(b) CLINICAL NURSE SPECIALIST DEFINED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(v) The term 'clinical nurse specialist' means an individual who—

''(1) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

''(2) holds a master's degree in a defined area of clinical nursing from an accredited educational institution.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1998.

By Mr. ROTH (for himself, Mr. HAGEL, Mr. THOMAS, Mr. KERRY, and Mr. AKAKA):

S. 1327. A bill to grant normal trade relations status to the People's Republic of China on a permanent basis upon the accession of the People's Republic of China to the World Trade Organization; to the Committee on Finance.

THE CHINA TRADE RELATIONS ACT OF 1997

Mr. ROTH. Mr. President, I rise today for myself and Senators HAGEL, THOMAS, JOHN KERRY, and AKAKA to introduce legislation that will grant normal trade relations to the People's Republic of China on a permanent basis when China accedes to the World Trade Organization.

Today, President Jiang arrives in Washington for the first bilateral summit in 8 years. Exchange at the highest levels is critical to the maintenance of

any of our important bilateral relationships. It is even more crucial in our relationship with the world's largest country, fastest growing economy, and most important rising power.

Mr. President, this body has spent a great deal of energy debating United States policy toward China, cresting each year with the struggle over renewal of normal trade relations. I have always supported such renewal, and viewed the annual debate as a singularly unproductive means of moving the United States toward a coherent China policy. I say that because, besides regular high-level exchange, normal trade relations with China are essential to any coherent China policy, one that keeps our economy strong and engages Beijing in constructive reform.

Currently, the United States is negotiating with China over the package of measures Beijing must implement to comply with the strict market-based rules of the World Trade Organization. Until the United States is satisfied with commitments from China on such issues as lower tariff levels and enhanced market access, and assured that Beijing can and will carry out those commitments, China will not gain entry to the WTO.

The concessions China must make to gain United States approval are significant and will dramatically affect large segments of China's economy. The single most important economic benefit Beijing will derive from membership in the World Trade Organization is permanent normal trade relations—also known as most-favored-nation trading status—with every other WTO member. As a practical matter, however, every member economy of the World Trade Organization, except the United States, has already conferred on China permanent normal trade relations. Moreover, the United States has provided normal trade relations to China 1 year at a time for more than 15 years. However, until China is specifically removed from the limitations of title IV of the Trade Act of 1974, Beijing cannot receive permanent normal trade relations from the United States, whatever China's status in the WTO.

The resulting ambiguity over China's trade status with the United States hinders Beijing's willingness to make the significant concessions necessary to complete a commercially viable WTO accession package. A clear signal from the United States that China will, in fact, gain permanent normal trade relations upon its accession to the World Trade Organization will provide Beijing an incentive to make those concessions.

Mr. President, it is crucial that we understand that China's membership in the WTO under commercially viable terms is wholly in the interest of the United States. That is because China will be forced to open its markets significantly to American trade and investment. And more fully open markets represent the best approach to reducing our current trade deficit with China. China's membership in the World Trade Organization will also make Beijing fully subject to the market-oriented disciplines of the WTO. Finally, our bilateral trade disputes with China will be subject to multilateral resolution mechanisms, in addition to the means we already have available under United States trade law.

China is the world's 10th largest trading country. It is the largest economy not in the World Trade Organization. Regardless of its WTO status, China will have a major influence on the future development of the world trading system. I believe the time has come for Congress to recognize the importance of integrating China into the global economy.

Our bilateral economic relationship is the most important means we have of integrating China fully into the world economy and the international political order. The United States is one of the top five sources of foreign investment in China. That investment is not limited to the special economic zones, but now takes place throughout China and across every major industry. Our businesses are linked in investment and in trading relationships that provide a vehicle for common effort and common understanding at the most practical and personal levels.

China also represents a growing economic and political influence in a region of critical importance to the United States. The Asia-Pacific region now represents over 40 percent of world trade and 53 percent of world gross national product. Trans-Pacific trade is more than twice as large as trans-Atlantic trade. The Asia-Pacific region economies, including the United States and China, are becoming increasingly interdependent. The region now represents the largest market for United States exports—over $130 billion by some estimates. The predicate to our ability to encourage China to play a constructive role in the region is our willingness to redefine our bilateral economic relationship through the WTO accession process and the normalization of our trade relations under United States law.

A China more fully immersed in global capitalism is more likely to behave in ways compatible with American interests and international norms. We have seen this reality throughout Asia as countries have made major reforms in opening their economies and joined us at the table of democratic freedom. Moreover, without permanent normal trade relations, not only will we have less influence over the role China chooses to play on the global stage, we will also be left on the sidelines of China's economic growth.

We cannot passively accept abuses of human rights, religious persecution, or the many other problems we have with China that must be addressed and corrected. But neither must we neglect the many issues and problems where our interests converge, including the stability in the Asia Pacific that undergirds the region's economic growth, peaceful resolution of the urgent troubles on the Korean Peninsula, and addressing the transnational concerns posed by environmental degradation, narcotics trafficking, and crime.

A relationship premised on cooperation in areas of shared interest also provides us a better opportunity to discourage Beijing from transferring missiles and other arms to Iran, Iraq, Burma, and other rogue regimes, persuade China to reduce tensions in the Taiwan Straits, and encourage Beijing to maintain freedoms in Hong Kong and foster greater human rights in China.

Mr. President, Congress and the American people must understand what is at stake in the bilateral relationship and how best to move China in a direction that is in our best interest and the best interest of the American and Chinese people. The summit taking place this week and this legislation, I believe, can provide the United States and China the impetus to move toward a far more mutually productive relationship.

Mr. HAGEL. Mr. President, today I am pleased to join with the distinguished chairman of the Finance Committee, Senator ROTH, as an original cosponsor to his legislation to strengthen the President's hand in opening up China's market to American exports. I commend Chairman ROTH for his leadership on trade issues. This bill would extend permanent most-favored-nation trading status to China upon that country's accession to membership of the World Trade Organization under commercially viable terms.

Mr. President, I believe that the annual debate over so-called most-favored-nation trading status for China has become counterproductive. It is time for the United States and China to transcend this flawed process. It is time for trade relations between our two countries to be based on the normal commercial standards that one would expect between two of the world's great trading powers.

This legislation would greatly strengthen the President's hand in achieving trade negotiations with China. It would do this by giving the President the authority to grant China permanent MFN status upon that country's accession to the WTO under normal commercial arrangements. As long as the Congress merely promises to consider granting permanent MFN status after China has agreed to accept WTO obligations, the President's leverage in trade negotiations with China will be weakened.

I would like to emphasize that I do not support China's entry into the World Trade Organization under any special arrangement that would allow China to avoid full compliance with WTO standards. However, China's accession to the WTO under normal commercial arrangements would be good

for the United States and good for the world trading system. It would require China to adhere to international trading standards. And should China fail to live up to its WTO obligations, we would then have access to the WTO's multilateral dispute resolution mechanisms. As long as China remains outside of the WTO, our only recourse for resolving our trade disputes with China is through the threat of often less effective bilateral actions, such as threats of section 301 trade sanctions.

But once China becomes a member of the WTO under a viable commercial protocol, the rules of the WTO require other WTO nations to grant permanent MFN to China. If we do not, we lose much of the benefit of getting China to accept WTO rules. This is because the United States would be denied access to the WTO's dispute resolution process for forcing China to live up to its agreements. That is why this bill is so important.

There are a great number of common misunderstanding over the annual debate on so-called most-favored-nation trading status for China. First of all, the archaic term ''most favored nation'' is itself misleading. MFN status is not, as many believe, some special trade benefit. It is not even the most favored trading status that we maintain with other countries. The United States grants much more favorable trade status to many other countries, including Canada, Israel, Mexico, the countries of the Caribbean, and a host of other nations—more than 130 in all—that benefit from special trade programs. All MFN status means is that we are willing to maintain some semblance of regular trade relations with that country. This is demonstrated by the fact that only six countries in the world do not have MFN status.

What is more, under current trade laws, there is no middle ground between full MFN trading status with average tariffs of 4 percent, and the disastrous 1930's-era Smoot-Hawley tariffs that average over 50 percent. Let there be no doubt about the consequences of repealing MFN trading status for China: it would mean a virtual end to United States-China trade relations.

United States trade with China is important. Throughout the ages, commerce has been a driving force of modernity and the spread of western ideas. Withdrawing from China will not bring the kind of change we are all seeking in that still autocratic system. Isolating China economically would have a disastrous and counterproductive result.

Nevertheless, there are serious trade issues between the United States and China that need to be resolved. This bill will make their resolution more likely. Nebraska is a major exporting state, with total exports last year of $2.45 billion of which $1.5 billion was food or agricultural products. Nebraska's meat exports to the world, primarily beef, grew 89 percent in the first half of this decade. United States beef exports to China, however, are severely constrained by China's 80 percent tariffs. These levels must come down in the context of the WTO negotiations. China also maintains a wide range of trade restrictions that are illegal under WTO rules. These illegal trade barriers include unscientific health laws that entirely prohibit certain types of U.S. wheat exports.

Mr. President, aggressive United States efforts to negotiate China's entry into the WTO under normal commercial arrangements is clearly in our national interest. The United States continues to run a large, persistent trade deficit with China. Last year, our deficit reached $39 billion, and it is expected to be higher this year. But the way to reduce that deficit is not by closing off our borders and cutting off export markets, but to work aggressively to open those markets, particularly the China market.

Export jobs pay 13–16 percent more than average American jobs. Exports are the future of our Nation, and we need to have China's market opened to American goods, services, and agricultural commodities.

By Mr. INOUYE:

S. 1328. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1997

Mr. INOUYE. Mr. President, today I introduce the Communications Satellite Competition and Privatization Act of 1997. This bill amends the Communications Satellite Act of 1962 in order to promote full competition in the global satellite communication services market by fully privatizing satellite communications. It is my intention that the introduction of this bill in the Senate will spur debate on this important issue. It is my goal to work with all of my colleagues and all other interested parties to address the issues presented in this bill.

In 1962, the United States and other countries around the world recognized the increasingly important role the new and emerging satellite technology could play in facilitating worldwide communications. In enacting the Communications Satellite Act of 1962, Congress sought to improve the global communications network by implementing a global, commercial communications satellite system, expeditiously. INTELSAT, Inmarsat, and Comsat emerged as the network that would connect Americans to countries throughout the world.

INTELSATE, Inmarsat, and Comsat have undoubtedly fulfilled their missions and have provided us with valuable services. Through their communications network, they have connected us whether we are on land or on water, by voice, video, and data transmissions, and across continents. They have also played a pivotal role in pioneering the delivery of satellite communications.

However, in the 35 years since the act has been adopted, the marketplace has changed and the time is now ripe for us to revisit the act and put in place a policy that will take the industry and the American consumers into the future. Today, many U.S. and foreign satellite systems participate in the global satellite marketplace. There are also an increasing number of satellite systems seeking authority to participate in the marketplace. As additional satellite systems enter the marketplace, competition must continue to flourish and consumers must obtain needed services at reasonable prices. The treaty-based status and intergovernmental structure of INTELSAT, Inmarsat, and Comsat must not hinder the ability of these carriers to effectively compete in the future and must not distort competition in the marketplace.

Today, many individuals in the government and in industry, nationally and worldwide are working on the privatization of INTELSAT and Inmarsat. There is a recognition that the status quo will not benefit the marketplace nor will it benefit INTELSAT and Inmarsat, or Comsat. My introduction of this bill is intended to establish a framework in which the Senate can begin a larger discussion of the issues and ultimately craft legislation that promotes the delivery of state-of-the-art satellite communications and brings innovations and cost reductions to the public. I encourage my colleagues to join with me in supporting a policy that will continue to allow our satellite industry to grow and flourish and for consumers to receive the benefits of such advancements.

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. 1328

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 ''Communications Satellite Competition and Privatization Act of 1997''.

TITLE I—USE OF FEDERAL COMMUNICATIONS COMMISSION LICENSING REQUIREMENTS TO SECURE COMPETITION AND PRIVATIZATION

SEC. 101. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and INMARSAT.

SEC. 102. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

(a) ADDITION OF NEW TITLE.—The Communications Satellite Act of 1962 (47 U.S.C. 101) is amended by adding at the end the following new title:

"TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

''SUBTITLE A—ACTIONS TO ENSURE PROCOMPETITIVE PRIVATIZATION

SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

''(a) LICENSING FOR SEPARATED ENTITLES.—

''(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned or operated by the separated entity to provide services to, from, or within the United States.

''(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

''(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

''(1) COMPETITION TEST.—The Commission shall substantially limit, deny, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned or operated by INTELSAT or INMARSAT or any successor entities to provide non-core services to, from, or within the United States, unless the Commission determines—

''(A) after January 1, 2002, in the case of INTELSAT and its successor entities, that INTELSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States; or

''(B) after January 1, 2001, in the case of INMARSAT and its successor entities, that INMARSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States.

''(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission use the licensing criteria in sections 621, 622, and 624, and shall not make such a determination unless the Commission determines that such privatization is consistent with such criteria.

''(c) PREVENTION OF EXPANSION.—Pending privatization in accordance with the licensing criteria in subtitle B, the Commission shall not—

''(1) issue an authorization, license, or permit to, or renew the license or permit of, any provider of services using INTELSAT or INMARSAT space segment, or authorize the use of such space segment, for additional services (including additional applications of existing services) or additional areas of business; or

''(2) otherwise assist the expansion of INTELSAT or INMARSAT services, including through authorizing COMSAT's investment in new INTELSAT or INMARSAT satellites or registering for orbital slots intended for INTELSAT or INMARSAT provision of additional services (including additional applications of existing services) or additional areas of business.

"SEC. 602. INTELSAT OR INMARSAT ORBITAL SLOTS.

''Unless, in a proceeding under section 601(b), the Commission determines that INTELSAT or INMARSAT have been privatized in a manner that will not harm competition, then—

''(1) the President shall oppose, and the Commission shall not assist, any registration for new orbital slots for INTELSAT or INMARSAT orbital slots—

''(A) with respect to INTELSAT, after January 1, 2002, and

''(B) with respect to INMARSAT, after January 1, 2001, and

''(2) the President and Commission shall, consistent with the deadlines in paragraph (1), take all other necessary measures to preclude procurement, registration, development, or use of new satellites which would provide non-core services.

''SUBTITLE B—FEDERAL COMMUNICATIONS COMMISSION LICENSING CRITERIA: PRIVATIZATION CRITERIA

"SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT.

''The President and the Commission shall secure a pro-competitive privatization of INTELSAT and INMARSAT that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subtitle A:

''(1) DATES FOR PRIVATIZATION.—Privatization shall be obtained in accordance with the criteria of this title of—

''(A) INTELSAT as soon as practicable, but no later than January 1, 2002, and

''(B) INMARSAT as soon as practicable, but no later than January 1, 2001.

''(2) INDEPENDENCE.—The successor entities and separated entities of INTELSAT and INMARSAT resulting from the privatization obtained pursuant to paragraph (1) shall—

''(A) be entities that are national corporations; and

''(B) have ownership and management that is independent of—

''(i) any signatories or former signatories that control access to national telecommunications markets; and

''(ii) any intergovernmental organization remaining after the privatization.

''(3) TERMINATION OF PRIVILEGES AND IMMUNITIES.—The preferential treatment of INTELSAT and INMARSAT shall not be extended to any successor entity or separated entity of INTELSAT or INMARSAT. Such preferential treatment includes—

''(A) privileged or immune treatment by national governments;

''(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and INMARSAT and their signatories though the terms and operation of the INTELSAT Agreement and the associated Headquarters Agreement and the INMARSAT Convention; and

''(C) preferential access to orbital slots.

''(4) PREVENTION OF EXPANSION DURING TRANSITION.—During the transition period prior to full privatization, INTELSAT and INMARSAT shall be precluded from expanding into additional services (including additional applications of existing services) or additional areas of business.

''(5) CONVERSION TO STOCK CORPORATIONS.—Any successor entity or separated entity created out of INTELSAT or INMARSAT shall be a national corporation established through the execution of an initial public offering as follows:

''(A) Any successor entities and separated entities shall be incorporated as private corporations subject to the laws of the nation in which incorporated.

''(B) An initial public offering of securities of any successor entity or separated entity shall be conducted no later than—

''(i) January 1, 2001, for the successor entities of INTELSAT; and

''(ii) January 1, 2000, for the successor entities of INMARSAT.

''(C) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulation.

''(D) A majority of the board of directors of any successor entity or separated entity shall not be subject to selection or appointment by, or otherwise serve as representatives of—

''(i) any signatory or former signatory that controls access to national telecommunications markets; or

''(ii) any intergovernmental organization remaining after the privatization.

''(E) Any transactions or other relationships between or among any successor entity, separated entity, INTELSAT, or INMARSAT shall be conducted on an arm's length basis.

''(6) REGULATORY TREATMENT.—Any successor entity or separated entity shall apply through the appropriate national licensing authorities for international frequency assignments and associated orbital registrations for all satellites.

''(7) COMPETITION POLICIES IN DOMICILIARY COUNTRY.—Any successor entity or separated entity shall be incorporated and headquartered in a nation or nations that—

''(A) have effective laws and regulations that secure competition in telecommunications services;

''(B) are signatories of the World Trade Organization Basic Telecommunications Services Agreement; and

''(C) have a schedule of commitments in such Agreement that includes non-discriminatory market access to their satellite markets.

''(8) RETURN OF UNUSED ORBITAL SLOTS.—INTELSAT, INMARSAT, and any successor entities and separated entities shall not be permitted to warehouse orbital slots that do not have satellites that are providing commercial services, and any orbital slots of INTELSAT or INMARSAT which are not in use or brought into use providing commercial services as of May 12, 1997, or thereafter, shall be returned to the International Telecommunication Union for reallocation.

''(9) APPRAISAL OF ASSETS.—Before any transfer of assets by INTELSAT or INMARSAT to any successor entity or separated entity, such assets shall be independently audited for purposes of appraisal, at both book and fair market value.

"SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

''In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

''(1) NUMBER OF COMPETITORS.—The number of competitors in the market served by INTELSAT, including the number of competitors created out of INTELSAT, shall be sufficient to create a fully competitive market.

''(2) PREVENTION OF EXPANSION DURING TRANSITION.—Pending privatization in accordance with the criteria in this title, INTELSAT shall not expand by receiving additional orbital slots, placing new satellites in existing slots, or procuring new or additional satellites, except for specified replacement satellites for which construction contracts have been executed as of May 12, 1997, and the United States shall oppose such expansion—

''(A) in INTELSAT, including at the Assembly of Parties,

''(B) in the International Telecommunication Union,

''(C) through United States instructions to COMSAT,

''(D) in the Commission, through declining to facilitate the registration of additional orbital slots or the provision of additional services (including additional applications of existing services) or additional areas of business; and

''(E) in other appropriate fora.

''(3) TECHNICAL COORDINATION AMONG SIGNATORIES.—Technical coordination shall not be used to impair competition or competitors, and coordination under Article XIV(d) of the INTELSAT Agreement shall be eliminated.

''SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES.

''In securing the privatizations required by section 621, the following additional criteria with respect to any INTELSAT separated entity shall be applied as licensing criteria for purposes of subtitle A:

''(1) DATE FOR PUBLIC OFFERING.—Within one year after any decision to create any separated entity, a public offering of the securities of such entity shall be conducted.

''(2) PRIVILEGES AND IMMUNITIES.—The privileges and immunities of INTELSAT and its signatories shall be waived with respect to any transactions with any separated entity, and any limitations on private cause of action that would otherwise generally be permitted against any separated entity shall be eliminated.

''(3) INTERLOCKIG DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

''(4) SPECTRUM ASSIGNMENTS.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned on the date of enactment of this Act to INTELSAT shall not be transferred between INTELSAT and any separated entity.

''(5) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or any successor entity and any separated entity shall be prohibited until 15 years after the completion of INTELSAT privatization under this title.

''SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.

''In securing the privatizations required by section 621, the following additional criteria with respect to INMARSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

''(1) MULTIPLE SIGNATORIES AND DIRECT ACCESS.—Multiple signatories and direct access to INMARSAT shall be permitted.

''(2) PREVENTION OF EXPANSION DURING TRANSITION.—Pending privatization in accordance with the criteria in this title, INMARSAT should not expanded by receiving additional orbital slots, placing new satellites in existing slots, or procuring new or additional satellites, except for specified replacement satellites for which construction contracts have been executed as of May 12, 1997, and the United States shall oppose such expansion—

''(A) in INMARSAT, including at the Council and Assembly of Parties,

''(B) in the International Telecommunication Union,

''(C) through United States instructions to COMSAT,

''(D) in the Commission, through declining to facilitate the registration of additional orbital slots or providing new services or uses for existing slots, and

''(E) in other appropriate fora.

''(3) NUMBER OF COMPETITORS.—The number of competitors in the markets served by INMARSAT, including the number of competitors created out of INMARSAT, shall be sufficient to create a fully competitive market.

''(4) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between INMARSAT or any successor entity or separated entity and ICO shall be prohibited until 15 years after the completion of INMARSAT privatization under this title.

''(5) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of INMARSAT or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

''(6) SPECTRUM ASSIGNMENTS.—The portions of the electromagnetic spectrum assigned on the date of enactment of this Act to INMARSAT—

''(A) shall, after January 1, 2006, or the date on which the life of the current generation of INMARSAT satellites ends, whichever is later, be made available for assignment to all systems (including the privatized INMARSAT) on a non-discriminatory basis; and

''(B) shall not be transferred between INMARSAT and ICO.

''SUBTITLE C—DEREGULATION AND OTHER STATUTORY CHANGES

''SEC. 641. DIRECT ACCESS; TREATMENT OF COMSAT AS NONDOMINANT CARRIER.

''The Commission shall take such actions as may be necessary—

''(1) to permit providers or users of telecommunications services to obtain direct access to INTELSAT telecommunications services as soon as practicable, but no later than January 1, 2001;

''(2) to permit providers or users of telecommunications services to obtain direct access to INMARSAT telecommunications services as soon as practicable, but no later than January 1, 2000; and

''(3) to treat COMSAT as a nondominant carrier for the purposes of the Commission's regulations on the effective date of the actions taken pursuant to paragraphs (1) and (2), respectively.

''SEC. 642. SIGNATORY ROLE.

''(a) MULTIPLE SIGNATORIES PERMITTED.—

''(1) INTELSAT.—As soon as practicable, but no later than January 1, 2001, multiple signatories shall be permitted to represent the United States in INTELSAT.

''(2) INMARSAT.—As soon as practicable, but not later than January 1, 2000, multiple signatories shall be permitted to represent the United States in INMARSAT.

''(b) ELIMINATION OF COMSAT PRIVILEGES AND IMMUNITIES.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or INMARSAT.

''(c) PARITY OF TREATMENT.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on the United States signatory which it imposes on other entities providing similar services.

''SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

''Nothing in this Act or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement of telecommunications services, for the satellite space segment provided by INTELSAT, INMARSAT, or any successor entity or separated entity.

''SEC. 644. USE OF ITU TECHNICAL COORDINATION.

''The Commission and United States satellite companies shall utilize the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

''SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

''Effective on the dates specified, the following provisions of this Act shall cease to be effective:

''(1) Date of enactment of this title: Sections 101 and 102; paragraphs (1), (5) and (6) of section 201(a); section 301; section 303; section 304; section 502; and paragraphs (2) and (4) of section 504(a).

''(2) On the effective date of the Commission's order that establishes direct access to INTELSAT space segment: Paragraphs (1), (3) through (5), and (8) through (10) of section 201(c).

''(3) On the effective date of the Commission's order that establishes direct access to INMARSAT space segment: Subsections (a) through (d) of section 503.

''(4) On the effective date of the Commission order determining under section 601(b)(2) that INMARSAT privatization is consistent with criteria in sections 621 and 624: Section 504(b).

''(5) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 622: Paragraphs (2) and (4) of section 201(a); section 201(c)(2); subsection (a) of section 403; and section 404.

''SEC. 646. REPORTS TO THE CONGRESS.

''(a) ANNUAL REPORTS.—The President and the Commission shall report to the Congress within 90 calendar days of the enactment of this Act, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this Act. Such reports shall be made available immediately to the public.

''(b) CONTENTS OF REPORTS.—The reports submitted pursuant to subsection (a) shall include the following:

''(1) Progress with respect to each objective since the most recent preceding report.

''(2) Views of the Parties with respect to privatization.

''(3) Views of industry and consumers on privatization.

''SEC. 647. CONSULTATION WITH CONGRESS.

''The President's designees and the Commission shall consult with the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate prior to each meeting of the INTELSAT or INMARSAT Assembly of Parties, the INTELSAT Board of Governors, the INMARSAT Council, or appropriate working group meetings.

''SEC. 648. SATELLITE AUCTIONS.

''Notwithstanding any other provision of law, the Commission shall not have the authority to assign by competitive bidding orbital slots or spectrum used for the provision of international or global satellite communications services. The President shall oppose in the International Telecommunication Union and in other bilateral and multilateral fora any assignment by competitive bidding of orbital slots or spectrum used for the provision of such services.

''SUBTITLE D—NEGOTIATIONS TO PURSUE PRIVATIZATION

''SEC. 661. METHODS TO PURSUE PRIVATIZATIONS.

''The President shall secure the pro-competitive privatizations required by this title in a manner that meets the criteria in subtitle B.

''SUBTITLE E—DEFINITIONS

''SEC. 681. DEFINITIONS.

''(a) IN GENERAL.—As used in this title:

''(1) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

''(2) INMARSAT.—The term 'INMARSAT' means the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Organization.

''(3) SIGNATORIES.—The term 'signatories'—

''(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force or to which such Agreement has been provisionally applied;

''(B) in the case of INMARSAT, or INMARSAT successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

''(4) PARTY.—The term 'Party'—

''(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force or been provisionally applied; and

''(B) in the case of INMARSAT, means a nation for which the INMARSAT convention has entered into force.

''(5) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

''(6) INTERNATIONAL TELECOMMUNICATION UNION.—The term 'International Telecommunication Union' means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

''(7) DIRECT ACCESS.—The term 'direct access' means arrangements for purchase of space segment capacity from, or investment in (or both), INTELSAT or INMARSAT by means other than through a signatory.

''(8) SUCCESSOR ENTITY.—The term 'successor entity'—

''(A) means any privatized entity created from the privatization of INTELSAT or INMARSAT or from the assets of INTELSAT or INMARSAT, but

''(B) does not include any entity that is a separated entity.

''(9) SEPARATED ENTITY.—The term 'separated entity' means a privatived entity to whom a portion of the assets owned by INTELSAT or INMARSAT are transferred prior to full privatization of INTELSAT or INMARSAT, including in particular the entity whose structure was under discussion by INTELSAT as of May 12, 1997, but excluding ICO.

(10) ORBITAL SLOT.—The term 'orbital slot' means the location for placement of a satellite on the geostationary orbital are as defined in the International Telecommunication Union Radio Regulations.

''(11) SPACE SEGMENT.—The term 'space segment' means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, INMARSAT, or a separated entity or successor entity.

''(12) NON-CORE.—The term 'non-core services' means, with respect to INTELSAT provision, services other than public-switched network voice telephony and occasional-use television, and with respect to INMARSAT provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

''(13) ADDITIONAL SERVICES.—The term 'additional services' means Internet services, high-speed data, non-maritime or non-aeronautical mobile services, Direct to Home (DTH) or Direct Broadcast Satellite (DBS) video services, or Ka-band services.

''(14) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization.

''(15) INTELSAT AGREEMENT.—The term 'INTELSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT), including all its annexes (TIAS 7532, 23 UST 3813).

''(16) HEADQUARTERS AGREEMENT.—The term 'Headquarters Agreement' means the International Telecommunication Satellite Organization Headquarters Agreement (November 24, 1976) (TIAS8542, 28 UST 2248).

''(17) OPERATING AGREEMENT.—The term 'Operating Agreement' means—

''(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities designated by Governments in accordance with the provisions of the Agreement, and

''(B) in the case of INMARSAT, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

''(18) INMARSAT CONVENTION.—The term 'INMARSAT Convention' means the Convention on the International Maritime Satellite Organization (INMARSAT) (TIAS 9605, 31 UST 1).

''(19) NATIONAL CORPORATION.—The term 'national corporation' means a corporation the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

''(20) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.)

''(21) ICO.—The term 'ICO' means the company known, as of the date of enactment of this Act, as ICO Global Communications, Inc.

''(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this Act that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section.'.

ADDITIONAL COSPONSORS

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 644

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 644, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for relationships between group health plans and health insurance issuers with enrollees, health professionals, and providers.

S. 651

At the request of Mr. GRAMS, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 651, a bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business.

S. 912

At the request of Mr. BOND, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Alabama [Mr. SESSIONS] were added as a cosponsors of S. 912, a bill to provide for certain military retirees and dependents a special medicare part B enrollment period during which the late enrollment penalty is waived and a special medigap open period during which no under-writing is permitted.

S. 943

At the request of Mr. SPECTER, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 943, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation accidents.

S. 995

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Nevada [Mr. REID], were added as cosponsors of S. 995, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1045

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1045, a bill to prohibit discrimination in employment on the basis of genetic information, and for other purposes.

S. 1133

At the request of Mr. COVERDELL, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

S. 1204

At the request of Mr. COVERDELL, the names of the Senator from Alaska [Mr. MURKOSWKI], the Senator from Alabama [Mr. SESSIONS], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of

State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1219

At the request of Mr. FAIRCLOTH, the names of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 1219, a bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria pisicicida and other aquatic toxins.

S. 1228

At the request of Mr. CHAFEE, the names of the Senator from Kansas [Mr. BROWNBACK], the Senator from Idaho [Mr. CRAIG], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Utah [Mr. BENNETT], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], the Senator from Tennessee [Mr. FRIST], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Massachusetts [Mr. KERRY], the Senator from South Dakota [Mr. JOHNSON], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Colorado [Mr. ALLARD], the Senator from Delaware [Mr. ROTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. KERREY], the Senator from Minnesota [Mr. GRAMS], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Maine [Ms. SNOWE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1228, a bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1233

At the request of Mr. BROWNBACK, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1233, a bill to terminate the taxes imposed by the Internal Revenue Code of 1986 other than Social Security and railroad retirement related taxes.

S. 1252

At the request of Mr. GRAHAM, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1256

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1256, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies or other government officials, or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions in which no State law claim is alleged; to permit certification of unsettled State law questions that are essential to Federal claims arising under the Constitution; to allow for efficient adjudication of constitutional claims brought by injured parties in the United States district courts and the Court of Federal Claims; to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; and for other purposes.

S. 1308

At the request of Mr. BREAUX, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1308, a bill to amend the Internal Revenue Code of 1986 to ensure taxpayer confidence in the fairness and independence of the taxpayer problem resolution process by providing a more independently operated Office of the Taxpayer Advocate, and for other purposes.

S. 1311

At the request of Mr. LIEBERMAN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. GRAHAM], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

At the request of Mr. LOTT, the names of the Senator from Oregon [Mr. SMITH], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Iowa [Mr. HARKIN], the Senator from Tennessee [Mr. FRIST], the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. ROBB], the Senator from Alabama [Mr. SESSIONS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1311, supra.

SENATE JOINT RESOLUTION 37

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 37, a joint resolution to provide for the extension of a temporary prohibition of strikes or lockout and to provide for binding arbitration with respect to the labor input between Amtrak and certain of its employees.

SENATE CONCURRENT RESOLUTION 54

At the request of Mr. DEWINE, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of Senate Concurrent Resolution 54, a concurrent resolution expressing the sense of the Congress that the United States Postal Service should maintain the postal uniform allowance program.

AMENDMENT NO. 1424

At the request of Mr. CAMPBELL the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of amendment No. 1424 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GORTON. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet during the session of the Senate on Thursday, October 30, 1997, at 9:15 a.m. in SR–328A to mark up the nominations of Ms. Sally Thompson to be chief financial officer of the U.S. Department of Agriculture and Mr. Joe Dial to be Commissioner of the Commodity Futures Trading Commission.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 28, 1997, at 2:30 p.m. on aviation competition legislation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President. I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, October 28, 9 a.m., Hearing Room (SD–406) on the President's nomination of Lt. Gen. Kenneth R. Wykle (Ret. Army) to be Administrator of the Federal Highway Administration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 28, 1997, at 10 a.m. and 2 p.m. to hold hearings.

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

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 28, 1997, at 10:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Judicial Nominations.''

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Protecting Our Medical Information Rights, Responsibilities, and Risks during the session of the Senate on Tuesday, October 28, 1997, at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 38, 1997 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 28, 1997, to conduct a hearing on Electronic Authentication and Digital Signature 10:30 a.m.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, October 28, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to receive testimony on the potential impacts on, and additional responsibilities for, Federal land managers imposed by the Environmental protection Agency's Notice of Proposed Rulemaking on regional haze regulations implementing sections 169A and 169B of the Clean Air Act.

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

ADDITIONAL STATEMENTS

PASSAGE OF H.R. 672

• Mr. HATCH. Mr. President, I rise today to laud the Senate passage of H.R. 672. This legislation, which was introduced by Congressman COBLE in the House of Representatives, is the counterpart to legislation I introduced in the Senate on March 20 of this year—the Copyright Clarification Act of 1997 (S. 506). The Copyright Clarification Act was reported unanimously by the Senate Judiciary Committee on April 17.

The purpose of these bills is to make technical but needed changes to our Nation's copyright laws in order to ensure the effective administration of our copyright system and the U.S. Copyright Office. The need for these changes was first brought to my attention by the Register of Copyrights, Marybeth Peters, and I want to thank her for her outstanding work.

Among the most important amendments made by H.R. 672 is a clarification of the Copyright Office's authority to increase its fees for the first time since 1990 in order to help cover its costs and to reduce the impact of its services on the Federal budget and the American taxpayer. This clarification is needed because of ambiguities in the Copyright Fees and Technical Amendments Act of 1989, which authorized the Copyright Office to increase fees in 1995, and every fifth year thereafter. Because the Copyright Office did not raise its fees in 1995, as anticipated, there has been some uncertainty as to whether the Copyright Office may increase its fees again before 2000 and whether the baseline for calculating the increase in the consumer price index is the date of the last actual fee settlement, 1990, or the date of the last authorized fee settlement, 1995. H.R. 672 clarifies that the Copyright Office may increase its fees in any calendar year, provided it has not done so within the last 5 years, and that the fees may be increased up to the amount required to cover the reasonable costs incurred by the Copyright Office.

Although H.R. 672 does not require the Copyright Office to increase its fees to cover all its costs, I believe it is important in that it provides the Copyright Office the statutory tools to become self-sustaining—a concept that I promoted in the last Congress. Currently the Copyright Office does not recover the full cost of its services through fees, but instead receives some $10 million in annual appropriations.

Several studies have supported full-cost recovery for the Copyright Office. For example, A 1996 Booz-Allen and Hamilton management review of the Library of Congress recommended that the Copyright Office pursue full-cost recovery, noting that the Copyright Office has been subject to full-cost recovery in the past and that the potential revenues to be derived from pursuing a fee-based service was significant. A 1996 internal Copyright Office management report prepared by the Library of Congress also recommended full-cost recovery for copyright services. The Congressional Budget Office has also suggested full-cost recovery for the Copyright Office as a means of achieving deficit reduction. These recommendations were endorsed by the General Accounting Office in its recent report, Intellectual Property, Fees Are Not Always Commensurate with the Costs of Service.

It is my understanding that the Copyright Office has embraced the goal of achieving full-cost recovery for its copyright services. H.R. 672 will provide the authority to achieve that goal, and by passing this legislation this year, the Copyright Office will be able to move expeditiously to adjust their fees for the coming year.

I also want to note the importance of the amendment which the Senate has adopted to H.R. 672 to overturn the Ninth Circuit's decision in *La Cienega Music Co.* v. *ZZ Top*, 53 F.3d 950 (9th Cir. 1995), cert denied, 116 S. Ct. 331 (1995). My colleagues will recall that Senator LEAHY and I introduced this legislation in March of this year as a provision of S. 505, the Copyright Term Extension Act of 1997.

In general, *La Cienega* held that distributing a sound recording to the public—by sale, for example—is a publication of the music recorded on it under the 1909 Copyright Act. Under the 1909 act, publication without copyright notice caused loss of copyright protection. Almost all music that was first published on recordings did not contain copyright notice, because publishers believed that it was not technically a publication. The Copyright Office also considered these musical compositions to be unpublished. The effect of *La Cienega*, however, is that virtually all music before 1978 that was first distributed to the public on recordings has no copyright protection—at least in the Ninth Circuit.

By contrast, the Second Circuit in *Rosette* v. *Rainbo Record Manufacturing Corp.*, 546 F.2d 461 (2d Cir. 1975), aff'd per curiam, 546 F.2d 461 (2d Cir. 1976) has held the opposite—that publish distribution of recordings was not a publication of the music contained on them. As I have noted, *Rosette* comports with the nearly universal understanding of the music and sound recording industries and of the Copyright Office.

Since the Supreme Court has denied cert in *La Cienega*, whether one has copyright in thousands of musical compositions depends on whether the case is brought in the Second or Ninth Circuits. This situation is intolerable. Overturning the *La Cienega* decision will restore national uniformity on this important issue by confirming the wisdom of the custom and usage of the affected industries and of the Copyright Office for nearly 100 years.

In addition to these two important provisions, H.R. 672 will: First, correct drafting errors in the Satellite Home Viewer Act of 1994, which resulted from the failure to take into account the recent changes made by the Copyright Tribunal Reform Act of 1993, and which mistakingly reversed the rates set by a 1992 Copyright Arbitration Royalty Panel for satellite carriers; second, clarify ambiguities in the Copyright Restoration Act dealing with the restoration of copyright protection for certain works under the 1994 Uruguay Round Agreements Act; third, ensure that rates established in 1996 under the Digital Performance Rights in Sound Recordings Act will not lapse in the event that the Copyright Arbitration Royalty Panel does not conclude rate-setting proceedings prior to December

1, 2000; fourth, restore definitions of jukebox and jukebox operator, which were mistakingly omitted when the old jukebox compulsory license was replaced with the current negotiated jukebox license; fifth, revise the currently unworkable requirement of a 10-day advanced notice of intent to copyright the fixation of live performances, such as sporting events; sixth, clarify administrative issues regarding the operation of the Copyright Arbitration Royalty Panels; seventh, provide needed flexibility for the Librarian of Congress in setting the negotiation period for the distribution of digital audio recording technology [DART] royalties; and, eighth, make miscellaneous spelling, grammatical, capitalization, and other corrections to the Copyright Act.

Mr. President, this is important legislation, and I am pleased the Senate has acted to approve it prior to adjourning this fall. I wish to thank my colleagues and to encourage the House to accept the Senate amendment and to forward H.R. 672 to the President for his signature without delay.●

AWARDING THE CONGRESSIONAL GOLD MEDAL TO THE ''LITTLE ROCK NINE''

● Mr. ABRAHAM. Mr. President, I rise today in support of S. 1283, legislation to award the Congressional Gold Medal, the highest honor Congress can bestow upon civilians for acts of public service and patriotism, to those civil rights leaders history will remember as the ''Little Rock Nine.''

As all of my colleagues are aware, on September 25, 1957, nine young students, in the face of unspeakable hostility and hatred, voluntarily integrated Central High School in Little Rock, AK. In doing so, they confronted not only an angry mob assembled in fierce opposition, but also an entrenched culture of bigotry and racism.

In today's day and age, lofty terms like valor, heroism, and bravery are used so frequently and in such a casual context the proper impact of their meaning has unfortunately been devalued. However, it is sometimes within the most ordinary acts, such as a child's steps through a schoolhouse door, in which the most extraordinary instances of courage can be found.

Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas are all civil rights pioneers. In addition, however, to serving as national symbols as racial progress, each deserve individual recognition for the dignity and grace they displayed on that September morning 40 years ago.

Mr. President, awarding the Congressional Gold Medal to the ''Little Rock Nine'' would provide this long overdue honor to these exceptional people. As a U.S. Senator, it is my pleasure to cosponsor this legislation. As an American, it is my privilege to have the opportunity to say thank you to nine men and women who, in pursuit of their own education, taught the rest of the nation an invaluable lesson about racial equality.●

ORDER OF BUSINESS

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

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

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM E. KENNARD

Mr. DEWINE. Mr. President, on behalf of the leader, as in executive session, I ask unanimous consent that at the hour of 11 a.m., on Wednesday, October 29, the Senate proceed to executive session to consider calendar No. 312, the nomination of William E. Kennard to be a member of the FCC. I further ask unanimous consent that there be 20 minutes of debate, equally divided, between the chairman and the ranking member, with an additional 5 minutes under the control of Senator BURNS and 5 minutes under the control of Senator HELMS. I finally ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, and following that vote the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, again on behalf of our leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 263, No. 265, No. 266, No. 267, No. 268, No. 311, No. 313, No. 315, No. 316, and No. 331. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

John C. Angell, of Maryland, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Ernest J. Moniz, of Massachusetts, to be Under Secretary of Energy.

Michael Telson, of the District of Columbia, to be Chief Financial Officer, Department of Energy.

Dan Reicher, of Maryland, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Policy, Planning, and Program Evaluation).

FEDERAL COMMUNICATIONS COMMISSION

Harold W. Furchtgott-Roth, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1995.

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1997.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1998.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1998. (Reappointment)

DEPARTMENT OF THE INTERIOR

M. John Berry, of Maryland, to be an Assistant Secretary of the Interior.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR WEDNESDAY, OCTOBER 29, 1997

Mr. DEWINE. Mr. President, again on behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11 a.m., on Wednesday, October 29. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate immediately begin consideration of Calendar No. 312, the nomination of William E. Kennard to be a member of the Federal Communications Commission under the order.

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

PROGRAM

Mr. DEWINE. Again on behalf of the leader, tomorrow morning at 11 a.m., under the previous order, the Senate will proceed to executive session to consider the nomination of William Kennard to be a member of the Federal Communications Commission. Under the order, there will be 30 minutes of debate on the nomination with a roll-call vote occurring at the expiration or yielding back of that time. Therefore, Members can anticipate a vote at approximately 11:30 a.m.

At 12 noon, it will be the leader's intention for the Senate to turn to consideration of H.R. 1119, the national

Defense authorization conference report. The Senate may also begin consideration of Senator COVERDELL's legislation dealing with education IRA's. Subsequently, Members can anticipate further rollcall votes throughout Wednesday's session of the Senate.

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

ORDER FOR ADJOURNMENT

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator BROWNBACK.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

THE FIRST KANSAS COLORED INFANTRY

Mr. BROWNBACK. Mr. President, I take the Senate floor today to mark the anniversary of a noble and courageous effort made on behalf of our Nation by some of the brave residents, of our then very young State of Kansas.

Mr. President, 135 years ago today in the year 1862, the first Kansas colored infantry were the first union black troops of the Civil War to engage in combat—October 28th and 29th at Island Mound, or Toothman's Mound, near the town of Butler in Bates County, MO, near my hometown.

The intrepid first Kansas colored infantry's contribution at Toothman's Mound helped prompt President Abraham Lincoln to issue the Emancipation Proclamation barely 2 months later and inspired hundreds of thousands of other black soldiers to take up arms in the cause of Union and free soil—undoubtedly influencing the outcome of that war and perhaps proving decisive in preserving government of the people, by the people, and for the people in the world as we know it.

Let me emphasize, the survival of our experiment in self-government was at stake, and these individuals paid the price to ensure that our Constitution would not perish from the Earth.

One of the easy mistakes when reading history is to assume that the outcome of great struggles was inevitable. This is not so. History is contingent, dependent on the choices and actions of real people. Things might have been very different if a few brave people hadn't acted as they did.

Without the sacrifice of our Founders we might never have known independence, certainly not in the form we now enjoy—and without the sacrifices of subsequent generations, most especially of people like those who served in the first Kansas colored infantry, our forebearers most precious gift—liberty under law—would be lost.

Mr. President the example of service, dedication, and courage set by the first Kansas colored infantry at the very moment of our Nation's greatest need should be always with us as we carry on our work here in the crucible of liberty.

Mr. President, those soldiers had reason to doubt America's promise of liberty and justice for all. But when freedom called they answered, and we are forever in their debt.

In these often selfish and cynical times, we should pause and thankfully remember the first Kansas colored infantry. The blows they struck for freedom and Union, place us forever in their debt.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF WILLIAM E. KENNARD

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the previous consent agreement with respect to the Kennard nomination be modified to include 10 minutes for debate for Senator TORRICELLI and 30 minutes equally divided between the two managers.

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

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11 a.m. tomorrow.

Thereupon, the Senate, at 7:19 p.m., adjourned until Wednesday, October 29, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 28, 1997:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

KATHERINE L. ARCHULETA, OF COLORADO, TO BE A MEMBER OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 2000, VICE LADONNA HARRIS, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

JOSEPH ROBERT BRAME, III, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 1999, VICE JOHN C. TRUESDALE.

ENVIRONMENTAL PROTECTION AGENCY

SALLYANNE HARPER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, ENVIRONMENTAL PROTECTION AGENCY, VICE JOHATHAN Z. CANNON, RESIGNED.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HANK BROWN, OF COLORADO, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING APRIL 6, 2000, VICE WALTER R. ROBERTS, TERM EXPIRED.

PENNE PERCY KORTH, OF TEXAS, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2000, VICE WILLIAM HYBL, TERM EXPIRED.

MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2004, VICE ANTONIO C. AMADOR, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 28, 1997:

DEPARTMENT OF ENERGY

JOHN C. ANGELL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (CONGRESSIONAL AND INTERGOVERNMENTAL AFFAIRS).

ERNEST J. MONIZ, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF ENERGY.

MICHAEL TELSON, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY.

DAN REICHER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY, EFFICIENCY, AND RENEWABLE ENERGY).

ROBERT WAYNE GEE, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (POLICY, PLANNING, AND PROGRAM EVALUATION).

FEDERAL COMMUNICATIONS COMMISSION

HAROLD W. FURCHTGOTT-ROTH, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1995.

MICHAEL K. POWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1997.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1998.

GLORIA TRISTANI, OF NEW MEXICO, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1998.

DEPARTMENT OF THE INTERIOR

M. JOHN BERRY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

MAIL FRAUD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. STARK. Mr. Speaker, too bad Dante isn't still alive. He would surely write a special place in Hell for the vultures who prey on seniors with false and alarmist mailings, demanding money to save the seniors from some phony threat.

A more immediate punishment would be fines and imprisonment for postal fraud by the U.S. Postal Service.

Following is a letter I have sent to the U.S. Postal inspectors regarding the recent mailings by United Seniors Association and the Seniors Coalition and their misrepresentation of the Kyl amendment issue.

U.S. POSTAL SERVICE INSPECTION SERVICE, FRAUD DIVISION,
Washington, DC. October 27, 1997.

DEAR SIRS: Pursuant to 18 U.S.C. 1341 which reads, in part ''Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises . . . for the purpose of executing such scheme or artifice . . . places in any post office . . . any matter or thing whatever to be sent or delivered by the Postal Service . . . shall be fined under this title or imprisoned not more than five years, or both''

I wish to report a postal fraud by United Seniors Association, 3900 Jermantown Road, Suite 450, Fairfax, VA 22030 and urge your immediate action to impose appropriate penalties.

Enclosed are two mailings from the United Seniors Association (USA) urgently asking for money on the basis of false pretenses and representations. The USA letter contains innumerable inaccuracies and errors of fact. It is so blatantly wrong that it cannot be a simple act of stupidity, but is a calculated scheme to frighten Medicare beneficiaries out of money. In particular, in the letter of September 22, 1997, the paragraph on the first page which reads ''Here's what this appalling new law does: if you are a Medicare patient and you want to personally pay for a treatment which Medicare does not want to cover—it will be nearly impossible to do so. . . .''

This statement, repeated in numerous ways throughout the mailings, is false.

Medicare beneficiaries have always been able to contract privately with doctors for services which Medicare does not cover. Nothing in any law has changed that right. Under certain conditions, the new law actually extends that ''right'' to services which Medicare does cover—a new right to be billed more than the Medicare payment rate by physicians, which did not exist before. See enclosed memoranda.

I also urge you to investigate for fraud the enclosed recent Seniors Coalition mailing (11166 Main Street, Suite 302, Fairfax, VA 22030). This mailing calls for ''an emergency contribution'' to help fund a lawsuit on the private contracting issue. The cover letter is rather extraordinary in that it asks people to send money to help fight something for which the writer has ''no time to explain.'' The statements in the letter over Mary Martin's signature is false: ''your health care will be rationed in a Clinton HMO.'' The enclosed news articles contain numerous errors and misrepresentations. I believe that this mailing may also be a mail fraud because it uses false statements in the cover letter and inaccurate or incomplete statements in the news articles to scare people into sending money to support plans for a lawsuit. I know of no such lawsuit or any grounds for it, and I ask your investigators to determine whether there is in fact such a planned use of the money bilked from the public.

Congressional offices report receiving numerous letters and calls expressing concern and confusion as a result of these two mailings and therefore I assume that a number of Medicare beneficiaries have been defrauded out of some money as a result of these alarmist misrepresentations.

Before additional harm is done to Medicare beneficiaries, I urge an immediate investigation and fines and/or the return of money to the beneficiaries.

The issue of private contracting and Medicare payment rates are complex and worthy of a rational debate. These two mailings are false, alarmist, and destructive to public debate while frightening beneficiaries out of money ''by means of false or fraudulent pretenses, representations, promises'' etc.

Thank you for your review of these mailings.

Sincerely,

PETE STARK.

THE 25TH ANNIVERSARY OF THE HISPANIC INFORMATION CENTER OF PASSAIC, INC.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the momentous occasion of the 25th anniversary of the Hispanic Information Center of Passaic, Inc.

The Hispanic Information Center of Passaic was established in 1972 to identify, study, and articulate the human service needs of the Hispanic community in the city of Passaic. Today, through its different programs, the agency reaches out to the most at-risk populations. It contributes to economic and social stability by means of job placement and support to families, youth, seniors, the disabled, people suffering from addiction, and the homeless. Services are rendered with no regard to race, color, or national origin.

Each and every program at the center is administered with the utmost of professionalism and caring. The Community Service Program of the Hispanic Information Center strives to inform low- and moderate-income clients of the resources available that will help them develop and maintain economic self-sufficiency. In addition, the program assists in providing social service information and helps with social adjustment, job placement, emergency shelter, food referral, advocacy, translations, and referrals.

The center also offers a program of the youth counseling services which was created to serve individuals referred by schools, State agencies, or families. They work to prevent dropping out of school and provide individual and group counseling to help young people cope with family, school, and environmental problems through behavior modification. They also provide tutoring, pre-delinquent and family intervention, vocational and educational orientation, as well as recreation and field trips. This program serves as an advocate for youth in school, city, county agencies, and courts.

The Homebound Program caters to persons who are homebound due to age or illness with the goal of preventing institutionalization. Services are geared toward improving the quality of life and independent living within the heritage characteristic of a Latino culture. Services included but are not limited to case management, counseling, referral, translations, interpreters, recreational activities, and social events.

Other programs aimed at fostering familial settings include the Host Program which is designed to assist children whose natural parents are unable to provide adequate care at home. Families are recruited in order to provide a temporary home environment. The goal of the program is to reunite the child with their family or to ensure that the child will have a safe and nurturing family environment. The program is founded on the premise that all children have the right to physical and emotional protection. Host parenting is not a lifetime commitment to a child but a commitment to make a meaningful contribution to a child's life. Additionally the goal of the Bridge Family Program is to provide a temporary placement for children ages 7 to 10 who have been adopted and the adoption was disrupted. Further, the Teaching Family Program is designed to help adolescents currently placed in residential facilities or being considered for such placement with alternative family settings within the community. The program provides support and guidance to assist them in their transition to a permanent family environment.

The Alcohol Outreach for Minorities Program was established to serve the needs of individuals suffering from the consequences of alcoholism. The program provides a 16-week treatment service and is the only Hispanic alcoholism treatment and referral service program in Passaic County which takes into consideration the cultural uniqueness of the Hispanic client.

The Immigration and Citizenship Program was established with the purpose of helping immigrants achieve social stability through immigration aid, which gives information and basic orientation to the immigrants that wish to become permanent residents or legalize their migratory status. The new citizenship project aids eligible permanent residents in completing naturalization forms, lending them the

service of fingerprinting, photos, and educational services to better prepare them for the test required by INS for naturalization.

Mr. Speaker, I ask that you join me, our colleagues, the city of Passaic, and the people of north Jersey, in recognizing the momentous occasion of the 25th anniversary of the Hispanic Information Center of Passaic and its many outstanding and invaluable contributions made to the community.

A TRIBUTE TO CHANCELLOR CHANG-LIN TIEN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. DELLUMS. Mr. Speaker, Mr. Speaker, I rise today to pay tribute to a courageous and exemplary citizen, Chancellor Chang-Lin Tien. While there have been many educators, few have been as distinguished and dedicated as Chancellor Tien. Today, he will be the first recipient of the American Courage Award established by the National Asian Pacific American Legal Consortium, and I take this opportunity to add my voice to that of the consortium. Dr. Tien consistently exemplifies America's highest principles of equality, fairness, and justice and the consortium's award recognizes and honors an individual who has lifted America to her ideals of freedom and justice.

Chancellor Tien is an outstanding educator, scientist, and administrator. He served as chancellor at the University of California, at Berkeley for 7 years, from 1990 to July 1997. The Berkeley campus must be one of the most challenging campuses in the world. Challenging not only because of its high academic performance, but challenging because of the mixture of students, faculty, and staff of the Berkeley campus. In the context of one of the most politically active communities in the United States, all of this combines to provide one of the more dynamic and sometimes, volatile, communities.

This politically sophisticated group considered him an exceptionally effective, competent and charming chancellor; a very rare accomplishment and one deserving of special recognition. One instance of his courage and leadership is in his highly vocal and visible opposition to the University of California's Board of Regents' abandonment of affirmative action policies of the university students, staff, and faculty.

Chancellor Tien was particularly sensitive to the needs of the city of Berkeley in which the university plays such a prominent and essential role. He executed with brilliance, grace, dignity, and effectiveness, the high profile position of chancellor. We have worked closely together on issues of importance and common concern to the university and to my congressional district.

Chancellor Tien was the first Asian American to head a major research university in the United States. Currently, he is the NEC distinguished professor of engineering at U.C. Berkeley. Chancellor Tien, was born in Wuhan, China and received his Bachelor's degree from the National Taiwan University. He first came to Berkeley in 1959 after completing his master's degree studies at the University of Louisville in 1957. He then earned a second master's degree and a doctorate in mechanical engineering at Princeton University.

In addition to his numerous public service contributions, Chancellor Tien has achieved a remarkably distinguished record as a scientist and educator. Internationally recognized for his research in heat transfer technology, he received many honors, including the Max Jakob Memorial Award, the highest international honor in the field. He is a member of the National Academy of Arts and Sciences. At the age of 26, Chancellor Tien became the youngest professor ever to win the U.C. Berkeley's prestigious Distinguished Teaching Award.

Anchored in both American and Asian cultures, Dr. Tien is deeply committed to maintaining excellence and to broadening the democratic reach of education to all groups. He is involved heavily in his community, focusing on educational reform programs particularly in primary and secondary schools. Chancellor Tien has become a leader in enhancing communication between the East and West through worldwide engagements. He is a member of the Pacific Council on International Policy, the U.S. Committee for Economic Development, the Council on Foreign Relations, and serves on the boards of numerous institutions such as Asia Foundation, Wells Fargo Bank, and Chevron Corp. In addition, he is also chairman of the San Francisco Bay Area Economic Forum.

I am grateful that Chancellor Tien continues to reside in Berkeley. His work and his contributions which are immeasurable, continue to flow to our community and we are grateful.

IN RECOGNITION OF PETER TILLES RECEIVING THE HUMANITARIAN AWARD OF THE PEDERSEN-KRAG CENTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the friends of the Pedersen-Krag Center as they honor Peter Tilles as the recipient of their Humanitarian Award on this their 40th anniversary. The Pedersen-Krag Center, founded in 1957 is a State licensed nonprofit outpatient mental health and chemical dependency agency offering a full continuum of services to Long Islanders of all ages.

Peter Tilles represents the true humanitarian who, despite significant business and family commitments, has always been able to devote considerable time and resources to serving a variety of communities in need of leadership and resources. In the area of building development, Peter has built and managed millions of square feet of office space on Long Island. Nassau Crossways International Plaza and the Big ''H'' Shopping Center in Huntington serve as examples of his expertise in this area.

Yet in the field of philanthropy and civic involvement, Peter has compiled an equally impressive record. He is an active trustee of the Long Island Jewish Medical Center, has chaired the golf tournaments of the March of Dimes, the Coalition on Child Abuse and Neglect, and the Tilles Center's Swing for Kids Program. In addition, he serves as a trustee of the Planting Fields Arboretum, is a member of the advisory board of Title Guarantee and a committee member of Israel Bonds.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join with me and the Pedersen-Krag Center in saluting Peter Tilles. It is the goodwill and support generated by Peter Tilles that has helped countless patients of the center find the compassion and stability so necessary to enhance and fulfill their lives.

COMMON SENSE ON IMMIGRATION FROM THE NEW BEDFORD STANDARD TIMES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, the New Bedford Standard Times in the congressional district I represent is a newspaper which knows a great deal about immigrants. New Bedford has long been a port of entry for many immigrants, and the publisher, editors, and staff of the New Bedford Standard Times therefore know a great deal about the value of immigration to American society. On Tuesday, October 21, the Standard Times ran an excellent editorial about the cruelty and foolishness of much recent congressional policy on immigration. Coming as it does from a major newspaper in an area where immigration is a very significant fact, this editorial is entitled to a great deal of weight and given the debate that now rages in Congress over the wisdom of our immigration policy, I ask that the Standard Times excellent editorial be printed here.

TARGETING LEGAL IMMIGRANTS WILL RETURN TO HAUNT CONGRESS

One must suspect that since a majority of the members of Congress voted to make ruthless cuts in the federal benefits available to legal immigrants, that most of them live in districts where immigration is not experienced first-hand. Either that, or there are enough members of Congress who simply don't care what happens when they pull the rug out from under people to pass regulations that most people would find abhorrent.

Welfare reform provided a convenient window of opportunity for immigrant-bashers to set out on a scorch-and-burn campaign. On the one hand, hundreds and perhaps thousands of legal immigrants who must resolve paperwork processing difficulties are being forced to return ''home'' to work through various U.S. embassies rather than stay in this country while the problems are straightened out. For many, it means leaving families here and going back to countries where they have no roots, no job, no families, no connections after many years away.

In other cases, ruthless border agents have been banishing to five years' exile many people who had been visiting here legally for many years on such things as business trips. There are ever-growing files of such people being detained for hours, questioned and humiliated before being deported. Yet the new rules strip virtually all due process; there is no right of appeal, sometimes not even an inkling what has gone wrong. Vast discretionary power has been put in the hands of individual border agents, and they take that power very seriously.

Closer to home, though, what is proving intolerable in state after state is the relentless cutoff of such things as Medicaid and food

stamps to deserving legal immigrants, such as the elderly and disabled. A dozen states are dipping into their own treasuries to supply food stamps. Sixteen do the same to support Medicaid services. Eighteen use state money for cash grants for those who desperately need it. Massachusetts is included in each of those categories.

Perhaps this is fine with members of Congress who would wash federal hands of any such responsibility, and who view legal immigrants as burdens at best.

But immigration policy is a function of the federal government, not of the 50 individual states.

What's happening now is that the states' where the human trauma of cutbacks is the worst have felt compelled to act on their own and at their own expense to repair the damage caused by those federal cutbacks.

It is petty and small-minded of Congress, the president and the federal government to allow this to continue. Using legal immigrants as an ideological punching bag is a political gimmick unworthy of the United States—but not evidently, of many members of Congress.

SUPPORT GROWS FOR CARVE-OUT OF DISPROPORTIONATE SHARE COSTS FROM PAYMENTS TO H.M.O.'s MEMBERS INVITED TO COSPONSOR H.R. 2701

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. RANGEL. Mr. Speaker, on Wednesday, October 22, five of us introduced H.R. 2701, a bill to ''carve out'' disproportionate share hospital [DSH] payments from the amount Medicare pays managed care organizations, and provide it directly to the DSH hospital when an MCO patient uses that DSH hospital.

Today, I am adding Representatives MATSUI, COYNE, and MCDERMOTT to the list of cosponsors.

To help explain the purpose of the legislation, I would like to include in the RECORD below a press release from the American Hospital Association in support of this legislation ''which helps hospitals caring for large numbers of poor Americans.''

I want to thank the Greater New York Hospital Association, the American Hospital Association, and the Healthcare Association of New York State for their early support.

AHA APPLAUDS BILL WHICH HELPS HOSPITALS CARING FOR LARGE NUMBERS OF POOR AMERICANS

WASHINGTON (October 22, 1997)—The American Hospital Association (AHA) added its strong support to legislation introduced today by Rep. Charles Rangel (NY) to ensure that Medicare payments meant to help hospitals caring for large numbers of low-income Americans actually reach those institutions. Other original co-sponsors included Rep. Pete Stark (CA), Rep. Benjamin L. Cardin (MD), Rep. John Lewis (GA) and Rep. Xavier Becerra (CA).

Within the Medicare program, hospitals that provide care to a large number of low-income Americans receive special payments to help serve these patients. Currently, these hospital payments are included in the rates Medicare pays managed care plans. Typically, these payments are not passed along by plans to hospitals that provide the care. The Rangel bill separates those payments from Medicare managed care plan payments and directly pays them to the institutions that deliver this vital care in communities.

''This bill gives credit where it's due,'' said Rick Pollack, AHA's executive vice president. ''Nearly 1,900 hospitals care for large numbers of the poor and are due these payments. This bill gives many hospitals the financial underpinnings necessary to continue providing such quality health care. It's an important step to ensure access to care for the poor.''

A similar approach was included in the recent budget bill. Under the budget deal, Medicare payments to cover the costs of teaching our nation's physicians are passed directly to the hospitals that incur these expenses, and not folded into Medicare payments to managed care plans. The AHA strongly supported that measure. An AHA-supported proposal, similar to the Rangel bill, was discussed during the budget debate, but ultimately not enacted.

''We look forward to quick passage of this important legislation,'' said Pollack. In addition, Pollack noted that AHA will continue to seek repeal of the guaranteed 2 percent increase in Medicare managed care payments to help smooth out the still considerable variation in payment rates across the country.

The AHA is a not-for-profit association of health care provider organizations that are committed to health improvement of their communities. The AHA is the national advocate for its members, which includes 5,000 hospitals, health care systems, networks, and other providers of care. Founded in 1898, AHA provides education for health care leaders and is a source of information on health care issues and trends. For more information visit the AHA, web site at www.aha.org.

''BEAR'' MILLS—STRIVING FOR EXCELLENCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. COMBEST. Mr. Speaker, I rise today to commend Mr. 'Bear'' Mills from Midland, TX for recently receiving the 1997 Texas Elementary School Teacher of the Year Award.

Mr. Mills was an award winning columnist and radio commentator in Texas and overseas for 10 years before going back to school to obtain his teaching certificate in 1994. After several years of working with educators, including his wife Caryl, Mr. Mills decided education was right for him. Four years later Mr. Mills is the 1997 Texas Elementary School Teacher of the Year.

Mr. Mills teaching philosophy is simply. ''If I'm not striving for excellence every single day as a teacher, then what right do I have to expect excellence of my students?'' he says.

Being an expert in your field and a strong figure in the classroom are two things Mr. Mills believes creates a good teacher.

Mr. Mills is dedicated to strengthening the commitment to basic academics as well as educating our children in safe and nurturing environments.

I think as both parties discuss how best to improve our education system we should learn from Mr. Mills' example.

CONGRATULATING MAACO ON ITS 25TH ANNIVERSARY

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. TALENT. Mr. Speaker, I rise today to congratulate MAACO on the occasion of its 25th anniversary.

In 1972, Anthony A. Martino, the man who had founded AAMCO Transmissions in the mid-1950's, decided to create another franchise system for quality production auto painting and body repair. He opened a pilot center in Wilmington, DE, and despite critics who proclaimed ''you could never franchise paint and collision repair,'' today, on the 25th anniversary of MAACO Auto Painting and Bodyworks, there are 500 MAACO franchise centers in 48 of the United States, and in Canada, Mexico, and Puerto Rico.

Next week, MAACO will celebrate the culmination of its 25 years in business at the Hotel Del Coronado in San Diego, CA, and at the same time, observe that in this its 25th year, MAACO has also achieved the painting and repair of its 10 millionth vehicle, while opening its 500th center in North America.

Tony Martino, founder and still CEO of the chain today, has always believed that with a strong operating manual and a strong system, and, in the case of MAACO, by offering the public a quality paint and body repair service at reasonable prices, you can be successful.

Since 1972, MAACO has built a $335 million franchise system and has made hundreds of men and women successful owners of a small business that has become part of the economic engine of America. As MAACO observes its 25th anniversary, it has proven that MAACO is more than a business to its hundreds of independent MAACO operators.

HONORING DR. GORDON P. EATON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to Dr. Gordon Eaton, who is an outstanding member of the Northern Virginia community. Gordon is retiring as the Director of the U.S. Geological Survey (USGS) which is an agency under the jurisdiction of the U.S. Department of Interior.

The mission of USGS is to gather information for every State in order to minimize the loss of life and property from natural disasters; to maintain water, biological, energy and mineral resources; to enhance and protect the quality of life; and to contribute to sound economic and physical development. It is the Nation's largest natural resources science and civilian mapping agency. In that role, USGS must work in cooperation with nearly 2,000 organizations across the country to provide reliable, impartial information needed by resource managers and planners. Guiding an agency with such an important and diverse mission is a difficult task requiring an individual that is both management-oriented, and has an understanding of several different scientific fields.

Gordon is a man with these skills and many more as evidenced by his tenure at the USGS.

Dr. Eaton is the 12th director in the 118-year history of the USGS. He has headed the agency for the past 3 years and has guided USGS through one of its most tumultuous periods. Dr. Eaton has led the bureau during a time of Government downsizing and has succeeded in redefining the mission of USGS so it may continue as a preeminent science bureau into the 21st century. When he came to the USGS, it was facing criticism that it had outlived its mission as a Government agency and no longer provided valuable scientific information. Dr. Eaton was able to expand the public's knowledge of the many contributions the USGS makes as well as make the services of the bureau more accessible to the public. Gordon was able to communicate the need for change to employees who felt threatened by and out-of-touch with their constituency.

Dr. Eaton helped the employees of USGS to rethink their position and helped the many different branches of the bureau to better coordinate their services. He made it a grassroots effort at the USGS as he tried to make sure everyone felt included in the changes at the agency. Dr. Eaton solicited the opinions of employees at every level in deciding how the agency could most effectively adapt to a new mission. Dr. Eaton's leadership skill and willingness to face down any challenge will certainly be missed by the many employees at USGS who enjoyed his open-door management style.

Mr. Speaker, I know my colleagues join me in honoring and thanking Gordon Eaton for his achievements in guiding the U.S. Geological Survey into the next century. We appreciate all of his hard work and devotion in making the USGS an efficiently run agency that is able to provide the highest level of service to the American public.

LUPUS, A HARMFUL AND RAVAGING DISEASE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, recently, Congresswoman CARRIE MEEK and I hosted a forum at Jackson Memorial Hospital to talk about a disease, lupus, that burdens the lives of almost 2 million Americans, striking 1 out of every 185 Americans. Moreover, although this disease can affect individuals at any age, and in either sex, 90 percent of those who suffer from this ravaging disease are women.

Lupus is not an equal opportunity illness. It not only targets women, but African-American and Hispanic women face an increased threat—as many as three times over.

Lupus, whose name comes from the facial rash it produces, is an autoimmune disease, where instead of protecting itself against viruses, bacteria, and other foreign materials, the body makes antibodies against itself. It is in a class of illnesses that includes forms of diabetes, arthritis and, according to recent research, many also include a number of conditions such as Parkinsons. All of these illnesses occur when the immune system ends up attacking the very body it is supposed to defend.

Although this devastating disease is not infectious, rare, or cancerous and it ranges from mild to life-threatening, the reality is that thousands of Americans die with lupus each year. Moreover, while many other chronic diseases make the headlines, lupus affects more individuals than AIDS, cerebral palsy, multiple sclerosis, sickle-cell anemia, and cystic fibrosis combined.

Even though the outlook for lupus patients has greatly improved, there is still a need for increased research. Therefore, I am proud to be a cosponsor of CARRIE MEEK's bill, H.R. 1111, legislation which will increase research funded through the National Institutes of Health from $33 million last year to $50 million for the next fiscal year and would make an additional $50 million available to State and local governments, as well as nonprofit organizations, to assist with providing essential services to low-income individuals with lupus.

While improvements in medication can allow those afflicted to look forward to a normal life span, there is still much work to be done in education and research. It is my hope that this legislation will hasten the day when lupus is nothing more than a bad memory.

I implore my colleagues to take an active role during Lupus Awareness Month and sign onto H.R. 1111, which 84 of my colleagues have already cosponsored, so that those 2 million Americans afflicted with lupus will have a fighting chance of battling this harmful and ravaging disease.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

SPEECH OF

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Mr. HILL. Mr. Chairman, I rise as a cosponsor of H.R. 1534, the Private Property Rights Implementation Act. I proudly voted for this bill when it passed the full House on October 23, 1997.

The fifth amendment in the Bill of Rights guarantees the protection of individuals against the power of all levels of government. According to recent studies, between 80 and 95 percent of all individuals trying to defend their fifth amendment rights in Federal court never get a hearing on the facts of their case. They get lost in a bureaucratic maze of administrative and judicial hurdles that waste time and money.

Of those 5 to 20 percent who break through that maze, it takes an average of 10 years before the merits of their case are even heard. That's 10 years of fighting just to have your fifth amendment claim heard in Federal court. That is 10 years of financial burden and stress for the private property owner in Montana.

Let me give you a specific example from my home State of Montana. There was a plan to develop a condominium project over a 4 acre area. The aim of this project was to provide affordable housing for the community, with plans to develop 34 units at about the average cost of $85,000 per unit.

That sounds quite simple and certainly beneficial, but with the current process this was not the case. To go through the approval process, the project was zoned residential, went through a planned unit development hearing, numerous reviews, a redrawing of the plans approximately five times, and an extensive hearing process, all before the city commission granted a final approval. This took approximately 1½ years.

However, the city commission approved the project with only 24 units. This completely changed the concept of the project, and proved quite burdensome. After a year and a half of extensive hearings, what recourse did the project directors face? They could appeal, not to a court, but to the city commission who had granted this arbitrary number of 24 units or once again begin a costly and untimely review process.

Without access to a court, the project managers had little choice but to proceed with the city commission's inflexible recommendation of 24 condominiums. This, of course, had dramatic consequences.

What was supposed to be affordable housing units at $85,000 per unit, ended up costing $135,000 per unit. Due to structural modifications forced by the commission's approval, this excessive cost undermined the intent of providing affordable housing.

Furthermore, imagine if this were the case for first amendment rights protecting freedom of religion, or fourth amendment rights protecting against illegal search and seizure. I wonder whether those arguing against H.R. 1534 would feel so passionate about protecting the status quo. All Montanans including Montana property owners, deserve equal protection under the Constitution and an equal ability to defend their constitutional rights in Federal court.

The House spoke on behalf of guaranteeing equal protection when it passed this much-needed legislation. I look forward to working with my colleagues further in the hope that the Senate will take up this measure.

TRIBUTE TO W. PETER MCBRIDE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention W. Peter McBride of Franklin Lakes, NJ who is being honored this evening as the ''1997 Man of the Year'' by the Boys and Girls Club of Paterson. This award is presented to Peter in recognition of his outstanding leadership activities throughout the north Jersey area, and his many philanthropic activities in the Greater Paterson community.

Peter was born and lived his early childhood in Paterson. He attended primary school in

Ridgewood and high school at the Delbarton School in Morristown. Peter went to Maryknoll College, a liberal arts college and seminary in Glen Ellen, IL. During college, Peter spent his summers doing community development work in Chicago and Mexico. He graduated in 1967 and opted to continue his education by enrolling in Seton Hall's graduate school of business.

The Vietnam war interrupted Peter's education and he enlisted in the U.S. Army, receiving a commission as second lieutenant. After his tour of duty, Peter entered the family business and has been active, first with his father Nevins and more recently his brother David, leading McBride Enterprises as it developed into one of New Jersey's premier real estate development companies.

McBride Enterprises has built a number of industrial and office parks, including those in Fair Lawn, Glen Rock, Wayne, Totowa, Oakland and Mahwah. Fair Lawn Industrial Park, the first project, became a model for the planned industrial park development. In addition to leading McBride Enterprises, Peter is also president of Urban Farms, Inc., a residential development company which has developed over 2,500 acres in Franklin Lakes and Wayne.

The McBride family roots are in Paterson, established by patriarch John McBride who emigrated from Ireland in 1863. Peter's grandfather, Frank A. McBride, founded a plumbing company in 1898, which, under the leadership of his sons Frank, Nevins, and Joseph, grew to become the F.A. McBride Co., Mechanical Contractors.

The McBride family has continued to maintain an interest in their ancestors' adopted home of Paterson and Passaic County. Several family members have been board members and volunteers at St. Joseph's Hospital, and Peter currently sits on the Board of the Hospital Foundation. Peter is past president and a board member of the Passaic Valley Council of the Boy Scouts of America. He has been one of the organizers of the scouts' annual sports celebrity dinner, which for 15 years has been the major fundraising activity of the council.

Peter is also cochairman of the Annual J. Nevins McBride Golf Outing for Scouting which benefits the youth of Passaic County. His involvement with scouting extends to his family, where his son is a boy scout with Troop 34 in Franklin Lakes. Peter also serves on the Ramapo College Board of Trustees, Most Blessed Sacrament Parish Council, the Archdiocese of Newark Finance Council and the Board of Directors of Hudson United Bank.

Peter lives in Franklin Lakes with his wife, Pam, and children Meredith, Peter, and Annie. Pam is the volunteer architect for ''Woman Raise the Roof,'' a Habitat for Humanity Project in Paterson. Pam and Peter are also mentors for Operation Link-Up at Kennedy High School.

Mr. Speaker, I ask that you join me, our colleagues, Peter's family and friends, and the people of north Jersey in recognizing W. Peter McBride's many outstanding and invaluable contributions to the community and to the Boys and Girls Club of Paterson.

WORLD POPULATION AWARENESS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. GILMAN. Mr. Speaker, this week is World Population Awareness Week. It calls attention to the growing population of mankind and the pressures it puts on the planet. At the current rate, the world's population will double from 5.8 to 11 billion people during our lifetime. Excluding China, 21 million women of childbearing age in the developing world are added each year—equal to the total number of women of childbearing age in California, Texas, New York, and Florida combined.

Population Awareness Week calls attention to our voluntary family planning program. President Nixon launched the U.S. international family planning program in 1969. The program improves the health of mothers and their children by increasing the time between births while reducing unintended pregnancies and abortions. After 30 years, the program helped reduce the average number of children in the developing world from six to four. Modern contraceptive use climbed from 10 to 35 percent. As contraceptive use in countries such as Russia rose from 19 to 24 percent, abortion rates fell from 109 per 1,000 women to 76. It is clear that family planning reduces unintended pregnancies and abortions in many countries. In sum, the Population Council estimates that without family planning programs, there would have been 500 million more people in the world today—almost twice the population of the United States.

The single greatest way to reduce infant mortality is to increase the time between pregnancies. Family planning also helps to reduce abortion. Family planning saves lives and creates greater opportunities for the health, education, and economic future of children.

I want to commend the leaders behind World Population Awareness Week, especially Werner Fornos of the Population Institute. The institute is one of the leading forces in bringing the attention of the Congress to key issues of population, family planning, and the environment.

FRONT-LINE HEALTH CARE WORKERS SHOULDN'T HAVE TO RISK THEIR LIVES TO SAVE LIVES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. STARK. Mr. Speaker, along with over 20 original cosponsors, I am introducing the Health Care Worker Protection Act of 1997. This bill is designed to reduce the risk of health care workers from accidental needlesticks. The legislation would ensure that the necessary tools—better information and better medical devices—are made available to our frontline health care workers in order to reduce the injury and death which may result from accidental needlesticks each year.

Although needlestick injuries are considered to be widely under reported, health care workers report more than 800,000 needlesticks and injuries from sharp products each year. According to the Center for Disease Control and Prevention [CDC] there have been at least 52 actual and 111 possible documented cases of HIV seroconversions among U.S. health care workers resulting from occupational exposures since 1994. Needlestick injuries caused by hollow-bore needles accounted for 86 percent of all reported occupational HIV exposures. Of the needles involved in the reported injuries, 2 percent or roughly 16,000 are likely to be contaminated by the HIV virus.

Imagine what someone must go through when accidentally pricked with a used needle device. Tests must be conducted to determined if the blood on the device contained an infectious agent. If so, the health care worker must undergo tests to see if they have been infected. If the blood contained the HIV virus, one could not be sure for up to 1 year whether an infection occurred.

While you can't put a dollar figure on the psychological toll of a needlestick, if only one employee becomes HIV positive, the direct cost to treat a needlestick injury can average $2,809 even if there is no infection. If an infection occurs, direct and indirect costs can total more than $500,000.

The Health Care Worker Protection Act of 1997 requires hospitals and hospital-owned facilities to use safe and approved hollow-bore needle devices as a condition of participation in the Medicare Program. Hospitals would be required to use safe needle devices as approved by the FDA in consultation with an advisory committee comprised of representatives from consumer groups, frontline health care workers, industry representatives, and technical experts. To enhance compliance, $5,000,000 would be provided for education and training in the use of safety devices.

Support for this bill has come from all quarters: the American Nurses Association, the American Association of Occupational Health Nurses, the Service Employee International Union, American Federation of Teachers, Lynda Arnold's National Campaign for Healthcare Worker Safety, Association of Operating Room Nurses, American Association of Critical-Care Nurses, many product researchers and manufacturers, and most importantly, health care workers. Supporters of the bill share the opinion that this legislation will provide important protections for health care workers in the workplace.

Better information and better devices are the key to reducing injuries from needlesticks. Hospitals must be encouraged to substitute existing needlestick products with products proven to be safe. Nurses, doctors, and other frontline health workers care each day for those individuals we love. They shouldn't have to risk their lives to save lives. I urge my colleagues to support this bill.

CONGRATULATING ST. JOSEPH'S WIC PROGRAM

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate St. Joseph's Hospital and Medical Center in Paterson, NJ, on its excellent system of WIC clinics and the work the clinics

have done on behalf of women and children in my State.

WIC is a proven program that efficiently, effectively, and humanely helps children and families by providing food for pregnant women, breast-feeding women, and young children. Participants meet with a professional nutritionist who assess their nutrition needs, then issues coupons that may be redeemed at local supermarkets for products such as milk, infant formula, baby food, cereal, and other nutritious food. Unlike food stamps, the coupons can be used only for specific products—a coupon for a gallon of milk cannot be used to purchase snack food or candy, for example. The GAO says that for every $1 spent on WIC, America realizes $3.50 in savings on health care costs during the most important formative years of childhood. WIC means healthy mothers and healthy babies. In this, the most technologically advanced nation in the world, we cannot allow children to go to bed hungry.

In addition, WIC is a major Federal program that has endured none of the scandals that have plagued so many programs. It is most efficiently run. Yet this program has come under the threat of cuts repeatedly in recent years. I have had to fight to eliminate a cap on the number of participants and to restore cut funding in the last two Congresses. Further attacks on this program will not be left unanswered. Cutting WIC is literally a matter of taking food out of the mouths of babies.

I had the pleasure of visiting St. Joseph's recently to meet with both professional providers of services and the women who benefit from the program. It is clearly one of the best-run WIC clinics in existence and participants truly appreciate the assistance they receive. It shows that WIC funding is, in fact, well spent.

Founded in 1978, St. Joseph's is the largest WIC program in the State. With 19,000 clients per month, it serves residents of Bergen, Morris, and Passaic counties at 23 facilities across the tricounty area. Sites include hospitals, Health Department offices, community centers, Head Start programs and other social service agencies—locations where low-income mothers are present and able to learn of the services offered by the program. One clinic is located in a Paterson storefront and another is a mobile WIC on Wheels to enhance outreach.

In addition to its wide variety of locations, St. Joseph's takes other steps to make WIC services accessible. The main office in Paterson is open three evenings a week and the storefront office in Paterson is open Saturdays. If funding becomes available, extended hours may be offered at other locations as well. The staff reflects the cultural and ethnic mix of the programs participants, including speakers of Spanish, French, Italian, and Arabic. Outreach programs are conducted with Hispanic and African-American grassroots organizations and an Arab community liaison.

the clinic also promotes breast-feeding with a lactation consultant and two lactation peer counselors who visit new mothers in hospitals and follow up with telephone calls and home visits as necessary. Breast pumps and other supplies are offered at no cost.

The clinic provides a wide variety of other services, including immunization registry and referral; referrals to other health and social services agencies such as substance abuse and food pantries; and special education programs such as dental hygiene, child safety, and parenting. The clinic is also a training site for student nutritionists from Montclair State University and other colleges.

Nationwide, more than 7 million women, infants, and children depend on WIC for nutrition assistance. St. Joseph's is one of the most outstanding centers in that national network. This is one of the most efficient and effective programs our Government has to offer. And it is the type of program the government should offer—real help with real problems for people unable to help themselves. Never let us take the food out of the mouths of babies.

TRIBUTE TO JOHN J. GRADY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to honor the memory of John J. Grady, a constituent, a community leader, and a good friend who passed away this month.

Jack Grady, born in Springfield, IL, came to Washington to attend Catholic University. Although he returned to Illinois briefly, he called Montgomery County home for most of his life, and with his wife Patricia, raised his wonderful family here. He had a distinguished career in government and business, and he contributed to the community life of the entire Washington metropolitan area.

A former FBI agent, Jack also worked for the Foreign Operations Administration, first as the inspections division director and then in recruitment. He later became deputy to the Assistant Air Force Secretary and then deputy director of the International Cooperation Administration.

Jack was twice the recipient of the Air Force Exceptional Civilian Service Award and was presented the prestigious Arthur S. Flemming Award, given to the top 10 government workers under the age of 40. After leaving government service, he served as vice president of Carl M. Freeman Associates and head of its management company. In 1965, he founded Grady Management Inc., a firm that today employs 400 people and manages 12,000 apartments, as well as commercial buildings, in the Washington-Baltimore area.

Jack also served with dedication on the boards of the Apartment Home Council, the Apartment Owners and Builders Association, and the Century National Bank. A member of the John Carroll Society and the Knights of Malta, Jack also contributed his many talents and gifts to the board of trustees of Holy Cross Hospital in Silver Spring.

Above all, Jack was devoted to his friends and especially his family. My husband and I have precious memories of celebrating Pat and Jack's 50th wedding anniversary 4 years ago. The outpouring of love was moving and inspiring. Jack will ''live on in love.''

I offer condolences to his wife Pat, sons Kevin and John III, and his daughters Cheryl and Jan.

Mr. Speaker, I honor the memory of John J. Grady, a man who touched the lives of many people and a man who will be greatly missed by all who knew him.

CONGRATULATIONS TO THE FLORIDA MARLINS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the Florida Marlins for having won the 1997 World Series Championship. Created by Wayne Huizenga, administered by Don Smiley, built by Dave Dombrowski, and managed by Jim Leyland, this young team achieved the top honor, to which 28 teams aspire, in just 5 years. By reaching the World Series in record time, the Florida Marlins is the youngest franchise ever to win the World Series and has thus assured itself a place in history.

Before this reason, the Florida Marlins had never been in the play-offs. Throughout the 1997 division series, however, they never trailed in games won. They initiated their quest by overpowering the San Francisco Giants and then went on to win the National League Championship Series by upsetting the Atlanta Braves. Then, in a dramatic, extra-inning, seventh game, they defeated the Cleveland Indians to become the 1997 World Series champions. Within 5 years, the Florida Marlins attained a monumental goal that has historically taken championship teams decades to accomplish.

The 25 players who achieved this feat are: Kurt Abbott, Moises Alou, Antonio Alfonseca, Alex Arias, Bobby Bonilla, Kevin Brown, John Cangelosi, Jeff Conine, Dennis Cook, Craig Counsell, Darren Daulton, Jim Eisenreich, Alex Fernandez, Cliff Floyd, Felix Heredia, Livan Hernandez, Charles Johnson, Al Leiter, and Greg Zaun.

The Marlins' victory was a victory for all Floridians. In a community as diverse as ours, people from different backgrounds have united in their admiration and pride for our baseball team. I applaud the athletic prowess of these men and commend the dedicated efforts of their coaches and manager. I know that the Florida Marlins will continue to give Floridians as a spirit of unity and strength in years to come and look forward to another championship season in 1998.

TRIBUTE TO BECK MEMORIAL PRESBYTERIAN CHURCH ON ITS 183d ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Beck Memorial Presbyterian Church, a South Bronx landmark that on October 26, 1997, celebrated its 183d anniversary in a worship service. The theme for the service was ''Standing on the Promises.''

Beck Memorial Presbyterian Church was founded in August 31, 1814 as West Farms Presbyterian Church, in the West Farms School House on the west side of Boston Road. The present church, directly opposite the original building, was constructed with a legacy from Charles B. Beck and dedicated on October 29, 1905. Beck has seen the South

Bronx community through times both of glory and of decline. Happily, this venerable institution survives not only to see the renaissance of the Bronx, but to contribute to it.

Mr. Speaker, I ask my colleagues to join me in extending best wishes to the Rev. Victor Aloyo, moderator of the Presbytery of New York and pastor of the Presbyterian Church of the Redeemer, and to the congregation and administration of Beck Memorial Presbyterian Church on the occasion of this momentous celebration.

BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mrs. KELLY. Mr. Speaker, I rise today to commemorate Breast Cancer Awareness Month and to honor those women who are forced to live with this disease and to their families who support them during their time of need.

While we stand here and recognize October as Breast Cancer Awareness Month, I realize that in many families every month is Breast Cancer Awareness Month.

Sometimes because a mother is fighting the disease;

Sometimes because an aunt is in remission from the disease;

Sometimes because a grandmother lost her life to breast cancer;

Or in my case, because my sister is fighting this silent predator.

As if it is not enough that today over 2.5 million women in America are living with breast cancer, we read story after story about the additional hardships these women are made to endure.

Some women are forced out of a hospital 12 hours after a radical mastectomy with tubes left in their back and no one to assist them;

Some women are denied reconstructive surgery following a mastectomy and are told that it is deemed cosmetic—an excuse that masquerades the truth that denying coverage is merely a cost-savings measure;

Some women who have already lost several family members to breast cancer fear they will lose their job or health insurance if they decide to be genetically tested in an attempt to save themselves;

Some women are denied access to the full menu of medical options of breast cancer treatment because their physician has been gagged by the health plan for which he works;

Some women are diagnosed with an advanced stage of breast cancer because of a prior false negative test result and no insurance coverage for a second opinion.

These are real stories of real women who not only had to fight breast cancer, but then had to fight a health care plan which practiced bottom-line medicine instead of patient-first medicine.

Breast cancer survivors must be treated with compassion and dignity, not as an accounting figure. This is why I introduced the Women's Health and Cancer Rights Act of 1997, H.R. 616. This legislation:

Ensures coverage for inpatient hospital care for women following a mastectomy, lumpectomy, or lymph node dissection for a period determined by the physician and patient;

Allows for coverage of second opinions for all cancer diagnosis for men and women, whether negative or positive;

Requires coverage of reconstructive surgery for breast cancer patients—including symmetrical reconstruction; and

Protects physicians from retribution for recommending longer stays.

One breast cancer survivor wrote the following about the Women's Health and Cancer Rights Act; ''It would be a wonderful feeling knowing that until there is a cure for this horrible disease women would at least be able to face breast cancer with dignity and peace of mind knowing that their health care plan would stand with them and not against them.''

The experiences of the thousands of breast cancer survivors have made me realize that we should have no greater priority than empowering those with breast cancer the right and ability to play an active role in the management of their treatment. It is our obligation as leaders to ensure them that their medical treatment is in the hands of physicians, not insurance companies. It is a profound injustice when health care forgets about the patient, yet with regard to mastectomy recovery and breast construction following a mastectomy, that is just what has been done.

Let's put the reality of this disease in perspective. When a woman is told that she has breast cancer, the feeling that immediately follows the initial denial is lack of control. My bill is a patient's bill aimed at providing patients, in consultation with their physicians, a greater degree of autonomy when deciding appropriate medical care and, therefore, taking back control of their lives.

Some people call the Women's Health and Cancer Rights Act a mandate. How is this a mandate when I only ask that patients get what they pay for—health insurance. If health insurance can abandon you, ignore you, or even kill you, it isn't insurance.

Now, to be clear, all insurance companies are not so insensitive as to not provide these basic benefits and, therefore, all will not be affected by this legislation. But we have a responsibility to protect the doctor/patient relationship, ensuring that the medical needs of patients are fully addressed.

The Women's Health and Cancer Rights Act should be the top social issue for the 105th Congress. I ask my colleagues to join me in making that a reality.

Lastly, my heart goes out to the women struggling with this disease, for whom we hold this special order tonight.

BETWEEN PEACE AND TERROR

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to speak about terrorism. The suicide bombings at the pedestrian mall on Ben Yehuda Street in Jerusalem captivated my attention. Just days before the terrorist act, I had been there, in the exact spot of detonation.

In addition to the 3 Palestinian bombers, 4 innocent people died, more than 170 were injured. Three weeks prior, two Hamas members walked into an open-air market in Jerusalem, blew themselves up and killed 15 civilians. The total number of Israelis killed since the signing of the Oslo peace agreement in 1993 now exceeds 250.

While some may speculate on motives, I have come to my own conclusion: Suicide bombings on civilian targets are not meant to fulfill some thoughtful act of persuasion. They are designed to kill people—period.

My mission in Israel was sponsored by the United States—based non-profit American Israel Education Foundation. Five other Members of Congress made up our party. Our meetings with various Israeli and Palestinian leaders and officers, and United States Embassy officials, persuaded me that the Hamas terrorists didn't act alone.

The suicide bombers relied upon considerable help to plan, fund, and execute their terror. The bombings could have and should have been prevented.

My colleagues and I, who studied Israel together fired off a terse letter to Palestinian Chairman Yassir Arafat on September 8. ''As members of the United States Congress who have supported our country's efforts to bring about peace in the Middle East, we are writing to express our collective outrage not only at the latest terrorist attack in Jerusalem, but at the indifference you continue to demonstrate at the brutal murder of innocent Israeli citizens,'' the letter read.

We supported our belief that Arafat had failed to fulfill the most fundamental commitments he had made to the peace agreements at Oslo. Because of that failure to take decisive actions against terrorism, the peace process is now on the verge of collapse. This is certainly not in the best interest of his own people.

Clearly, the peace process is seriously set back, perhaps mortally. By ending security cooperation with Israel and by resorting to inflammatory rhetoric, Yasser Arafat has left himself with only one option at this point: Comply with every term in the agreements he has made.

On her recent visit to the Middle East, Secretary of State Madeline Albright failed to press this point to a sufficient degree. There are plenty of issues upon which to measure the merit of further attempts to maintain Oslo, but the fact remains, that the PLO charter still calls for the destruction of Israel. Senior Palestinian Negotiator, Dr. Saeeb Erekat looked me right in the eyes and assured me the pernicious clause would be removed by now.

If the United States is to ever expect the successful resumption of peace negotiations, it must demand specific responses from Arafat. The Palestinian Covenant must be amended, and the inflammatory rhetoric must end. Full security cooperation must be restored including the transfer to Israel of jailed terrorists accused of murdering Israelis and dramatic reduction of the Palestinian police force in accordance with the 1995 Oslo II agreement.

Moreover, the Palestinian Authority must take concrete steps to arrest and punish terrorists, confiscate their weapons and crush the underground network of support which makes terrorist attacks possible.

Unless the United States can pressure Arafat to honor the terms of past agreements,

there is little cause for optimism. However, America must never confuse its role in the Middle East. We are not a party to the Arab-Israeli conflict and our role is predicated on the desire of both parties to have us work with them to secure peace.

As such, the United States is in a unique position to press for swift compliance, issue by issue, and force Arafat to decide once and for all, between peace and terror.

CONGRATULATING THE ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN) ON THE OCCASION OF ITS 30TH ANNIVERSARY (H.R. 282)

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. GILMAN. Mr. Speaker, I am submitting today a Resolution (H.R. 282) congratulating the Association of South East Asian Nations [ASEAN] on the occasion of their 30th anniversary. ASEAN's emphasis on cooperation and the nonviolent settlement of disputes has fostered peace among its members in a region of the world which has long been wrought with instability and conflict. It is now difficult to visualize armed strife between ASEAN nations.

Since its inception in 1967, ASEAN has grown to become an influential political and economic grouping composed of nine member nations. By tempting the longstanding rivalries among its members, ASEAN helps to foster a stable and secure environment conducive to economic growth and the political development of Southeast Asian nations.

Its efforts to promote the economic, social, and cultural development of the region through cooperative programs; to safeguard the political and economic stability of the region; and to serve as a forum for the resolution of intra-regional differences has made ASEAN a model of regional integration.

The United States has important strategic, economic, and political interests at stake in Southeast Asia. Maintaining stability remains an overriding U.S. security interest in the region. Instability would not only threaten significant U.S. economic interests, but could also undermine important U.S. political relationships. ASEAN's Regional Forum [ARF], the region's only security consultative platform, is a key partner of the United States in maintaining regional stability.

The ASEAN countries provide the United States with significant commercial opportunities. ASEAN, is the fourth largest trading partner of the United States and constitutes a larger market for United States exports than the People's Republic of China, Taiwan, and Hong Kong combined. Despite current difficulties, projections of future ASEAN growth indicate that the Southeast Asian regional market will become even more important to United States economic interests in the future. At the same time, U.S. policymakers hope to see greater trade liberalization among the nations of ASEAN as economic ties deepen.

The Congress rightfully has expressed its concern about the development of human rights and democracy for the nations of ASEAN but is pleased with the flourishing of democracy in Thailand and the Philippines. It is hoped that these examples will encourage progress by the other nations of ASEAN in the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Congress looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the mutual benefit of the people of the United States and the nations of ASEAN.

I call upon my colleagues in the House of Representatives to support this resolution.

H. RES. 282

Whereas 1997 marks the 30th anniversary of the Association of South East Asian Nations (ASEAN);

Whereas the emphasis of ASEAN on cooperation and the nonviolent settlement of disputes has helped to bring peace between the nations of the region which for decades had been characterized by instability and conflict;

Whereas the economies of the member nations of ASEAN have experienced significant economic growth benefiting the lives of many of their people;

Whereas ASEAN as a group is the 4th largest trading partner of the United States and constitutes a larger market for United States exports than the People's Republic of China, Taiwan, and Hong Kong combined;

Whereas ASEAN has successfully fostered a sense of community among its member nations despite differing interests, including the establishment of the region's only security forum, the Association of South East Asian Nations Regional Forum (ARF), and the Association of South East Asian Nations Free Trade Area (AFTA);

Whereas ASEAN has played a pivotal role in international efforts of global and regional concern, including securing the withdrawal of Vietnamese forces from Cambodia and diplomatic efforts to foster a political settlement to the civil war in Cambodia;

Whereas the United States relies on ASEAN as a partner in fostering regional stability, enhancing prosperity, and promoting peace; and

Whereas the 30th anniversary of the formation of ASEAN offers an opportunity for the United States and the nations of ASEAN to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Association of South East Asian Nations (ASEAN) and its member nations on the occasion of its 30th anniversary;

(2) looks forward to a broadening and deepening of friendship and cooperation with ASEAN in the years ahead for the benefit of the people of the United States and the nations of ASEAN;

(3) encourages progress by ASEAN members toward the further development of democracy, respect for human rights, enhancement of the rule of law, and the expansion of market economies; and

(4) recognizes the past achievements of ASEAN and pledges its support to work closely with ASEAN as both the United States and the nations of ASEAN face current and future regional and global challenges.

WHAT HEALTH ANTI-TRUST POLICY?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. STARK. Mr. Speaker, following is an editorial from the October 13, 1997, ''Modern Healthcare.'' I wish I'd said it first.

AS GOVERNMENT CAVES, PROVIDERS MAKE THEIR OWN ANTITRUST POLICY

When the government sets antitrust policy for a particular industry, you would hope the policy is being driven by the concerns of buyers who are wary of the potentially anticompetitive market clout of sellers.

Not so in healthcare.

As evidenced by numerous events over the past several years, it's clear federal antitrust policy as it pertains to healthcare providers is guided by providers themselves and their well-paid lawyers and economists.

In other words, the sellers are setting their own rules of competition with the full acquiescence of federal lawmakers. The providers' sole justification? Trust us, we know what we're doing. We know what's best for patients.

In fact, the provider industry is so brazen and so confident it expects special treatment under the federal antitrust laws.

For a definition of brazen, read Mary Chris Jaklevic's coverage of the deal between the two largest hospitals in Grand Rapids, Mich., which merged despite not having final clearance from the Federal Trade Commission, or Charlotte Snow's story on how the only two acute-care hospitals in Greensboro, N.C., outwitted the FTC and the North Carolina attorney general's office to obtain their monopoly (Oct. 6, pages 2 and 14, respectively). The hospitals in both cases have promised to limit price increases and pass along millions of dollars in economic efficiencies to consumers.

Why shouldn't providers act with such bravado? The government has caved in to virtually all their demands:

In 1993 the FTC and the U.S. Justice Department release the first-ever antitrust enforcement guidelines for providers that created six ''safety zones,'' or categories of business transactions that won't be subject to federal antitrust scrutiny.

In 1994 the two agencies revised the guidelines and added two more safety zones.

In 1996 the agencies released more lenient antitrust standards for reviewing physician networks.

Federal judges have thrown out the agencies' last three antitrust lawsuits against merging hospitals.

In a time when hundreds of deals are being put together, the government has only one pending case against merging hospitals and one against a physician network.

Despite all this, Sen. Orrin Hatch (R–Utah), who heads the Senate Judiciary Committee, recently said special antitrust rules for not-for-profit hospitals may be in order after he heard testimony from hospital executives, their lawyers and their consultants. Earth to Sen. Hatch.

Where are the buyers in this debate? The managed-care plans? The employers? The patients? Somehow, they've largely been left out of the antitrust policy reviews.

At first, newly consolidated hospitals and physicians will find it easy to generate economic efficiencies given the excess capacity and duplicated services in many markets. Only time will tell if they pass those benefits along to the public or use their power to stifle new competition. Let's hope somebody with influence is watching.

HONORING KATHY DI FIORE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise today to thank Kathy DiFiore, of Ramsey, NJ, for the work she is doing on behalf of unwed mothers. Kathy is a dedicated and compassionate community leader who lends support to young women at a trying period in their lives. Her work is well-known across our State and has been supported by figures as prominent as former Gov. Tom Kean and the late Mother Teresa. We need more people like Kathy DiFiore to help with the issue of teen pregnancy.

More than a decade ago, Kathy opened a shelter for unwed mothers in her own, six-bedroom home. Today, she operates Several Sources Shelters, which has five homes for unwed mothers—two in Ramsey plus one each in Mendham, Newark, and Washington Township. Kathy a former Wall Street executive, has given thousands of women the moral and tangible support needed to bring their children into the world.

Even an effort as admirable as a shelter for unwed mothers does not succeed without overcoming obstacles. In 1984, State officials levied a $10,000 fine against Kathy, claiming that her home—at that point a shelter—was being operated as an illegal boardinghouse. Similarly, Ramsey officials said it was unlikely she could be granted a zoning variance necessary to continue operation. The shelter's future was uncertain. Undaunted, Kathy convinced the State legislature to pass a bill allowing her to remain in operation, then-Governor Kean, however, was hesitant to sign the measure.

It was at that point that Kathy contacted Mother Teresa and asked her help. Mother Teresa responded and, in turn, contacted Governor Kean and urged him to sign the bill. Three days later, the legislation was law.

The Several Sources Foundation provides extensive counseling and information for pregnant women seeking an alternative to abortion and ultimately provides free shelter for expectant mothers and their children. The foundation has found that many young women, particularly teenagers, have no place to stay while pregnant. It is, tragically, not uncommon for angry parents to kick out their daughters upon learning that they are pregnant. The shelters allow mothers to stay during pregnancy and up to 1 year after the birth of a child. Each of the five shelters can house up to six mothers and their infants, supervised by an adult house mother.

Women who stay at the shelters are trained in the practical aspects of motherhood, including prenatal care and homemaking. School-age mothers attend high school and are tutored at the shelter during the last weeks of pregnancy. Women who have dropped out of school are assisted in passing their GED and are given classes in practical, employment-related skills such as typing. Some go on to college.

Several sources is a pro-life organization that offers a national telephone hotline for pregnant women. More than 200 women call the hotline each month and Kathy estimates that 15,000 abortions have been avoided since she founded the organization. The group also offers information through a World Wide Web site on the Internet.

None of this could be done without help, of course. Kathy is assisted by a number of caring and dedicated volunteers, such as Donna Jacoby of Ridgewood. Others help the nonprofit, nonsectarian organization through tax-deductible private donations and offerings at area churches.

Mr. Speaker, Kathy DiFiore is a deeply religious woman who has followed through on her Christian convictions. She communicated frequently with Mother Teresa, who served as her religious role model. She likes to say that it's necessary to pray the work. Her efforts might be described as working the prayer.

We need more people of deep conviction and conscience who do more than preach their morality and practice Christian charity in its truest form. Kathy DiFiore has transformed her convictions into action to help these women and children who are in greatest need, not only in daily care but also in educating and inspiring them to improve their lives and provide a promising, hopeful future for their newborn babies.

We all wish her renewed strength and inspiration so that many more might find life through her dedicated and devoted ministry.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. KIND. Mr. Speaker, today I learned that the House Government Reform and Oversight Committee has scheduled a hearing on campaign finance reform for this Thursday, October 30. This is good news. I applaud Chairman BILL THOMAS for allowing this important issue to be given a proper hearing.

However, this is only the first step. Not only should campaign finance reform legislation be given a hearing, it also must come to the floor of the U.S. House of Representatives for a full debate and vote. The people of my district have told me repeatedly that they will not take no for an answer when it comes to changing the current campaign finance system. A hearing is not enough, the full House must be given a chance to vote on this issue.

Last week I joined 168 of my colleagues in signing a discharge petition on campaign finance legislation. It appears the pressure of that petition has forced the leadership of the House to schedule the hearing. I will urge my colleagues not to abandon the discharge effort until we are sure that a fair vote will be allowed on campaign finance reform.

With 2 weeks left before our expected adjournment for the year there is very little time left to consider this issue. I urge you to move quickly to bring a substantial reform bill before the House. I will not take no for an answer.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. RYUN. Mr. Speaker, I was absent on the afternoon of October 23 and October 24 to attend the wedding of my oldest daughter.

I request unanimous consent that the record reflect that had I been present I would have voted ''no'' on rollcall No. 525, ''yes'' on rollcall No. 529 and ''no'' on rollcall No. 531.

HONORING THE RECIPIENTS OF THE 1997 PATHFINDER AWARDS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. EDWARDS. Mr. Speaker, today, I rise to congratulate 17 women from my Texas congressional district for being selected as recipients of the 1997 Pathfinder Award. These specially selected women from Waco and McLennan County have distinguished themselves through their unique service and contribution to the community.

Pathfinders is a special recognition program that honors outstanding women in McLennan County who have distinguished themselves in their chosen fields. Since 1984, the YMCA of Central Texas has honored 214 women with this distinguished tribute.

The women are selected for the honor based on three factors: First, they have served as an exemplary role model, second, they are a strong mentor for others, and third, have impacted lives for the good.

Receiving the 1997 Pathfinder Award are:

Joyce Briehof will be recognized in the area of science/inventions, having been extensively involved with the Green Classroom Project at Kendrick Elementary School in Waco.

Lynn Bulmahn will be recognized in the area of communications. Her coverage of health-related subjects including teenage pregnancy and Alzheimer's disease have earned her numerous awards.

Margie Cintron is the recipient of the Pathfinder Award for public service. She has helped create 24 neighborhood associations in Waco, and provides technical support in accessing city, county, and other governmental services.

Mary Duty will be recognized in the area of business/finance. She recently lobbied the Texas Legislature for passage of a bill to keep tobacco products away from underage children.

Toni Herbert, a member of the Waco City Council, will be recognized in the area of politics. She began the Neighborhood Training Institute, as well as initiating the Neighborhood Development Program for the city of Waco.

Ella Janes McKinney will be recognized in the area of volunteerism. A lifelong member of the Austin Avenue United Methodist Church, she helped organize the Meals on Wheels Program her church operates.

Eugenie Mygdal will receive the Pathfinder Award for the arts. An active volunteer of the Waco Art Center and the Hillcrest Professional Development School, she is also a sculptress and artist.

June Osborne will be recognized in the area of conservation. She is an avid ornithologist has sought to heighten the awareness of children and adults about the importance of nature conservation.

Linda Reasoner, administrator of the Waco Covenant Academy, will be recognized in the area of non-traditional roles. She has also been active in the development of home schooling in Waco.

Pam Smallwood, education director of Planned Parenthood, is the recipient of the Pathfinder Award in health. She is the creator of the nationally recognized program, ''Nobody's Fool: Dating, Love, Sex and AIDS.''

Maretha Smith will be recognized in the area of humanitarian. She is the founder of the youth program, ''Save of our Sons,'' an organization which seeks to provide a positive focus on the African-American male.

Dr. Rosanne Stripling, superintendent of the Waco Independent School District will be recognized in the area of education. Earlier this year, she was named the first female superintendent of the Waco ISD after having served in a number of other capacities as a professional educator.

Helen Thueson, director of victim services for the Waco Police Department will be recognized in the legal area for her efforts to help victims rebuild their lives after a traumatic crime has occurred.

Dr. Nancy Upton, director of the Entrepreneurship Center at Baylor University, will be recognized in the area of entrepreneurial enterprises. She is the only chairwoman of an endowed entrepreneur center in the United States.

Greta Warren Watson will be recognized in the area of civic leadership. A volunteer since in the late 1950's, her numerous activities include the Senate Ladies' Club, the League of Women Voters, and the Big Twelve Task Force.

Ina Mae Wilson will be recognized in the area of volunteerism. She has contributed over 1,900 hours to the Community Hospice Service in Waco, specializing in the area of bereavement.

Patricia Wood is the recipient of the Pathfinder Award in the area of religion. She has opened her home to numerous foreign exchange students in her church. I am proud to say she is my mother-in-law and devoted grandmother to my two sons, John Thomas and Garrison.

In addition, Bobbie Barnes is receiving the Rountree Athena Award for her leadership in the areas of historic research, education, and preservation. Her work will allow the rich history and culture of Waco to be passed on to future generations.

I ask Members to join me in honoring the recipients of these distinguished awards. These women have demonstrated the dedication and exhibited the excellence that make our communities strong and our country great.

TRIBUTE TO BRIG. GEN. SALVATORE ''SAL'' VILLANO, JR.

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Ms. DEGETTE. Mr. Speaker, this November will see the retirement from the Colorado Air National Guard of an individual I wish to commend.

Brig. Gen. Salvatore ''Sal'' Villano, Jr. brought to the National Guard a patriotic commitment to his country. But he also brought a strong desire to involve the Guard in the community it serves.

Sal Villano grew up in the part of my district known as North Denver. Anyone who knows North Denver knows it to be a neighborhood with a long history of strong family and ethnic ties. There Sal learned the value of honest work and spiritual integrity.

These values guided General Villano's rise in the Air National Guard. He saw it as his duty to lead with energy and integrity. But he saw it as his personal mission to have the Guard promote the general welfare while providing for the common defense of the Nation.

General Villano worked hard to bring armories to close-knit Colorado communities. The new Denver armory, conceived by Sal as an armory on the weekend and a neighborhood center during the week, is a good example of his vision to marry the Guard's mission with a community need. He pushed tirelessly to start innovative programs to turn troubled teens around. And, he took seriously his role to keep drugs off Colorado streets.

Mr. Speaker, America and the National Guard can learn a lesson from Gen. Sal Villano, a good kid from North Denver.

BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mrs. LOWEY. Mr. Speaker, we have made progress in the war on breast cancer and the tragedy it causes. Early detection and aggressive treatment have enabled countless women across our Nation to survive this terrible disease.

Yet, so much more remains to be done. Women continue to face a one in eight chance of developing breast cancer during their lifetimes. It remains the most frequent major cancer in women and the second leading cause of cancer deaths among women. Last year, an estimated 182,000 women were diagnosed with breast cancer and nearly 50,000 died of the disease.

The Federal Government's support for breast cancer research has grown significantly in the past 10 years. The grants funded by the National Cancer Institute are on the cutting edge of science and have made important contributions to our understanding of this complex disease and to treatment.

But because of a lack of funding, the National Cancer Institute is able to fund only a small percentage of the outstanding applications for research it receives. An estimated one out of every four grants that has been approved for funding by NCI's expert panels goes unfunded because of budgetary constraints. This is simply unacceptable.

We must increase our investment in breast cancer research. We know very little about how to prevent the disease and treatment options are too few. At least two-thirds of breast cancers occur in women with no known risk factors.

For example, we must gain a better understanding of the genetic basis of breast cancer, including more about the BRCA series of genes in Jewish women and others.

Another important area of research is the link between breast cancer and the environment. We need to know more about so-called endocrine disruptors that are used to make pesticides, and other products.

We also need to improve breast cancer detection. There are promising developments in new detection technologies such as magnetic resonance imaging and ultrasound which could eventually save countless lives.

Each woman affected by breast cancer is a mother or a daughter or a sister or an aunt. And by that standard, breast cancer has torn apart the lives of literally millions in our country.

Promising research remains unfunded and important questions are going unanswered. Yet, breast cancer is the most common cancer in women and the cause of so much anguish.

H.R. 1070, would increase breast cancer funding at the National Cancer Institute from $410 to $590 million, an increase of 40 percent.

This is a bipartisan bill which I introduced with CONNIE MORELLA. We have 57 cosponsors and the list grows every day. The bill is supported by both the American Cancer Society and the National Breast Cancer Coalition.

In addition to the vital work of the National Cancer Institute, the war against breast cancer is being fought by other Federal agencies. The excellent, innovative breast cancer research program at the Defense Department deserves continued congressional support.

We have increased access to and improved the quality and safety of mammography screening. I am pleased that on October 1, the FDA issued its final rules on the Mammography Quality Screening Act, a bill enacted in 1992 with the strong support of the Congressional Women's Caucus. All facilities should now be in compliance with the act and women should no longer need to worry about the quality of their mammogram.

In addition, the Federal Government has provided low-cost breast cancer screening for over 1 million women through the Center for Disease Control's breast and cervical cancer screening program. The budget for this program has increased from $50 million in 1992 to $140 million in 1997. It's now available in all 50 States and is supported by private partners such as Avon and the YWCA. Of course, we need to continue to expand the program and target those women who are the most difficult to reach because of language and cultural barriers. No women in our Nation who needs a mammogram should go without one.

Another important development at the national policy level has been the involvement of breast cancer advocates in decisions about how to allocate precious Federal research funds. Both at NIH and the Defense Department, advocates are adding a fresh perspective to review panels, helping scientists and administrators look at their research portfolios in important new ways. The National Cancer Institute has recently taken a significant step in this regard by involving advocates in its new breast cancer progress review group or PRG.

But we must also turn our attention to legal protections for breast cancer patients and other women who may develop breast cancer. I have introduced a bill, H.R. 2275, with Representative LAZIO to outlaw discrimination by

employers on the basis of genetic discrimination.

LOUISE SLAUGHTER is doing an outstanding job fighting insurance discrimination based on genetic information. Employment discrimination poses another threat to those women who want to be tested for the breast cancer gene but fear that the information will be used against them. Our bill would amend title VII of the Civil Rights Act to permit a cause of action for those who have been discriminated in the workplace on the basis of genetic information.

Congress also needs to act on legislation which would provide a minimal standard of care for women undergoing a mastectomy. The DeLauro bill provides a 48-hour minimal hospital stay. The Eshoo and Kelly bills provide reconstructive surgery. Insurers must not turn women out on the street involuntarily after a major procedure such as a mastectomy and they must not see reconstructive surgery as merely cosmetic surgery. Unfortunately, Congress has yet to hold hearings on any of the bills dealing with this issue and that's simply not acceptable.

Let's applaud the progress we have made in ending the scourge of breast cancer but now turn our attention to the many battles ahead.

IN MEMORY OF MARK WELLS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mark Wells, of Olmsted Township, OH, whose life was tragically ended a year ago on October 28, 1996.

Mr. Wells, 41, had been a mail carrier in North Olmsted and Lorain, OH, since 1987. He was well-liked and respected by his coworkers. Last year, Mr. Wells was on duty, standing behind his mail truck on a quiet Lorain Street, when a man with a history of driving under the influence drove his pickup around the corner and struck him. Mr. Wells died a short time later from multiple injuries.

The unfortunate accident stunned his family and coworkers at the post office. The pickup driver's sentence of 1 month's jail time, a suspended license and a small fine was a second blow. A memorial service will be held in honor of Mr. Wells on the anniversary of his untimely death.

TO AMEND THE CHARTER OF SOUTHEASTERN UNIVERSITY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Ms. NORTON. Mr. Speaker, I rise today to introduce legislation which would remove the provision in the Southeastern University charter requiring that one-third of the board of trustees be Southeastern alumni. Southeastern University President Charlene Drew Jarvis and the board of trustees have asked me to introduce this corrective measure.

Southeastern University was incorporated by act of Congress on August 19, 1937. Its charter contains a provision requiring that one-third of the university's board of trustees be alumni. On September 9, 1997, I received a letter from Southeastern University President Charlene Drew Jarvis asking that I introduce legislation to remove this provision. On September 9, 1997, I also received a letter from Board of Trustees Chair Elizabeth Lisboa-Farrow confirming that the board of trustees had authorized President Jarvis to seek this change. Copies of both letters are attached. The board of trustees would like this provision removed in order to let the university draw from a wider pool of potential board nominees. Because the university was incorporated by an act of Congress, only the Congress can effectuate this change.

Southern University is an important and productive institution which contributes to the economy of the District of Columbia by offering undergraduate and graduate degree programs geared specifically to the needs of working professionals. Under the able leadership of Southeastern's new president, Dr. Charlene Drew Jarvis, the university has begun to rebound from difficult financial circumstances. This legislation will allow Southeastern to expand its fundraising potential to complement these efforts. I urge my colleagues to support this corrective measure.

SOUTHEASTERN UNIVERSITY
OFFICE OF THE PRESIDENT,
Washington, DC, September 9, 1997.

Congresswoman ELEANOR HOLMES NORTON,
U.S. House of Representatives, Longworth Building, Washington, DC.

DEAR CONGRESSWOMAN NORTON: I have been authorized by the Board of Trustees of Southeastern University to write to you to ask that you assist the university in obtaining an alteration of the Congressionally-granted charter of the university.

On Page 697 of the United States Statutes At Large for 1937 (Vol. 50, Part I), an Act of Congress is recorded as Chapter 700. This law, which was approved on August 19, 1937, amended an earlier certificate of incorporation granted within the District of Columbia and officially renamed the institution ''Southeastern University.''

The act also specified in part as follows: ''Sec. 3. That the management of the said corporation shall be vested in a board of trustees consisting of not less than nine nor more than twenty-one in number as determined from time to time by said board of trustees, one-third of whom, at all times, shall be graduates of the said university, of the qualifications prescribed by the board of managers of the Young Men's Christian Association of the city of Washington, a corporation organized and existing under and by virtue of the Act of Congress approved June 28, 1864 (13 Stat. L. 411 and the Acts amendatory thereof), nominated by the alumni of the said university in the manner prescribed by said board of managers, and all of whom shall be elected by said board of managers; . . . so that the term of office of one class shall expire annually.''

The act further specified, in another section: ''Sec. 9. That nothing in this Act contained shall be construed as preventing the Congress from amending, altering, annulling, or repealing the same or any part thereof.''

An Act amending the charter, approved on October 10, 1966, did contain significant changes in the language of Section 3, but it neglected to address the issue we are writing to you about today. Similarly, another Act amending the charter was approved on March 29, 1976, but it did not change the relevant language of that section, either.

Our request is that, under the authority of Section 9 of the Act, Congress now delete the provision within Section 3 of the charter which requires that fully one third of the Board of Trustees of Southeastern University at all times be alumni of the institution.

We seek this change because a new and more broadly-based Board of Trustees would be a more active and vigorous one, able to fund raise throughout the region and the country, unconstrained by restrictions placed upon it at a time when fund-raising was not such a significant aspect of service on university governing boards.

Let me assure you and your colleagues that the Board of Trustees understands that it is an excellent idea for alumni to serve on the governing board of this university. Indeed, our current Secretary of the Board is Dr. Ephraim Okoro, a much valued professor of Public Administration. Dr. Okoro is an outstanding alumnus, holding multiple degrees earned here. Several additional current members of the Board are alumni, as well. Therefore, the governing board certainly shall endeavor to continue to have graduates elected to such positions.

Our request, in conclusion, is that Congress amend Section 3 of the charter, to delete the reference restricting Southeastern University's ability to meet its mandates. The preferred language, based on that contained within the October 10, 1966, act, would be: ''Sec. 3. The management of the said corporation shall be vested in a board of trustees consisting of not less than nine nor more than thirty in number as determined from time to time by said board of trustees. Each trustee shall be elected for a term of office of three years from the date of expiration of the term . . . of such predecessor.''

Thank you very much for helping in this matter. If we at Southeastern University can be of aid as the process of amendment occurs, we would be most happy to provide whatever assistance is requested. Please do not hesitate to call upon us.

Sincerely yours,

CHARLENE DREW JARVIS, Ph.D.
President.

SOUTHEASTERN UNIVERSITY,
BOARD OF TRUSTEES,
Washington, DC, September 9, 1997.

Congresswoman ELEANOR HOLMES NORTON,
Member, U.S. House of Representatives, Longworth Building, Washington, DC.

DEAR CONGRESSWOMAN NORTON: We, the Members of the Board of Trustees of Southeastern University, have authorized our university president, Dr. Charlene Drew Jarvis, to request from you Congressional action in order that the charter granted to us in 1937 by Congress be adjusted slightly.

The change we seek would delete from the charter that provision which requires that fully one third of the members of the Board be drawn from amongst ranks of our alumni. Dr. Jarvis will be writing to you with a citation drawn from our existing charter and the language we request in its place. The reason we seek this change is so that we may draw from a wider pool of potential Board nominees who can do significant fund-raising for the university.

Thank you for assisting us in this pertinent matter. Thank you, also, for your consistent support of the cause of higher education here in Washington.

Sincerely yours,

ELIZABETH LISBOA-FARROW,
Chair.

BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. MENENDEZ. Mr. Speaker, I rise this evening to join the ranks of many of my colleagues who have taken time this month to focus on the terrible disease of breast cancer—its human costs as well as its economic costs; and the steps we are taking to combat it.

While breast cancer can strike both men and women, it is women who are most frequently its victims. Last year, an estimated 182,000 women were diagnosed with breast cancer and 46,000 died of this disease. Breast cancer is the second leading cause of death from cancer for women.

In my State of New Jersey, there are 98,000 women living with breast cancer. Many do not even know that they have the disease. This year alone, 1,600 New Jersey women will die of breast cancer.

Mr. Speaker, breast cancer is an epidemic in our country. Every 3 minutes a woman is diagnosed with it; and every 11 minutes a woman dies from it. It costs our Nation $6 billion every year in medical costs and lost productivity. With these numbers, I am amazed that we are not dedicating more resources to learn more about the causes of breast cancer and to find a cure.

If you do not now know someone who has died from breast cancer or who is presently fighting it, you may be assured that at some point in your life, you will. Breast cancer strikes one in eight women, and is most common in women over age 65.

In 1991, the Medicare Program began covering biennial screening mammograms. However, in 1991–92, only 37 percent of female beneficiaries aged 65 and over received a Medicare-paid mammogram. This year Congress included in the budget expanded Medicare coverage for mammograms with the deductible waived for these screenings. It is imperative that women take advantage of this covered service. Early diagnosis is essential for successful treatment of this disease. Self-examination, and annual mammograms can save lives.

This year, the Pentagon's spending bill includes $160 million for breast cancer research and related treatment. The bulk of this appropriation will go toward the Army's peer-reviewed research program, which focuses on innovation; and encourages new investigators to enter the field of breast cancer research, as well as foster multidisciplinary approaches to this research.

The Health and Human Services appropriations bill presently working its way through the Congress, has a House-passed level of $145 million for breast and cervical cancer screenings.

The bill also contains language urging the National Cancer Institute [NCI] to strengthen its commitment to breast cancer research and to maintain support for the implementation of the National Action Plan on Breast Cancer.

In the House we need to pass legislation which will offer concrete assistance to victims of breast cancer. There are proposals pending in the House which will first, guarantee a minimum hospital stay of 48 hours for a woman having a mastectomy; which will second, guarantee that insurance companies will cover the cost of reconstructive breast surgery resulting from mastectomies for which coverage is already provided; which will third, guarantee that no insurance plan will be allowed to deny coverage to women for annual mammograms for women aged 40 and over. We need to pass these measures. And, most important, we need to increase the amount of money we allocate for breast cancer research in this country.

Mr. Speaker, to borrow from a well-known television commercial, these women are our wives, daughters, mothers, grandmothers, and aunts. We must do everything we possibly can to eliminate this disease, which devastates so many lives and families each year.

ENCRYPTION POLICY—AMERICA'S POLICE OPPOSE THE SAFE ACT (H.R. 695)

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SOLOMON. Mr. Speaker, if you want a perfect example of how the election process can be corrupted by using large amounts of money to enact policy which is detrimental to the interests of the American people, you need only look at H.R. 695, the SAFE Act.

The SAFE Act was drafted by and for the software industry with no consideration to the national security and public safety needs of the American people. I believe a compromise should be reached between industry's desires and the legitimate law enforcement concerns of the American people. However, Bill Gates, who is worth over $40 billion, is asking Congress to ignore the safety of the American people so he will make more money.

Today, police may conduct a search of property or intercept communications only after they prove to a judge that they have probable cause to believe that a crime may occur. We possess the capability to safeguard the status quo in criminal justice by using an encryption process called key recovery. Yet, the sponsors of H.R. 695 are unwilling to accept this compromise. In other words, H.R. 695 eliminates one of our most important law enforcement mechanisms. This is the reason virtually every police and law enforcement organization in the country opposes H.R. 695. The Drug Enforcement Agency, the FBI, the National Security Agency, the National Sheriffs' Association, the District Attorneys Associations and the Association of Chiefs of Police oppose the SAFE Act.

Justice Department officials testifying before the House Judiciary Committee stated that the SAFE Act, ''would severely compromise law enforcement's ability to protect the American people from the threats posed by terrorists, organized crime, child pornographers, and other criminals. It is difficult enough to protect the American people from crime without making criminals' tasks any easier.

In a letter you received from our top law enforcement officials, they state that encryption bills which do not contain key recovery, such as the SAFE Act ''risk great harm to our ability to enforce the laws and protect our citizens.'' They believe key recovery is essential ''to allow police departments, attorney generals, district attorneys, sheriffs, and Federal authorities to continue to use their most effective investigative techniques, with court approval, to fight crime and espionage and prevent terrorism.

INTRODUCTION OF THE KAKE LAND EXCHANGE ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today, I am introducing the Kake Land Exchange Act of 1997. This bill will provide for an exchange of land between Kake Tribal Corp. [KTC], a village corporation formed pursuant to the Alaska Native Claims Settlement Act, and the U.S. Forest Service.

Specifically, the legislation makes possible an exchange in which the corporation transfers approximately 2,427 acres of its ANCSA entitlement lands surrounding the municipal watershed of the city of Kake, for an equal acreage of land managed by the Forest Service in the Saginaw Bay and Hamilton Bay areas. The bill serves two important purposes and enjoys the support of the Governor of Alaska, the city of Kake, Sealaska—the Regional Native Corporation—and the Alaska Federation of Natives, as well as other individuals and groups in southeast Alaska.

The two primary goals of the bill are to protect and preserve the Gunnuk Creek Watershed, which serves as Kake's supply of drinking water, and to enable the shareholders of KTC to realize benefit from its land entitlement in fulfillment of ANCSA's purposes.

The need for the bill was illustrated in the 1970's and 1980's when timber harvesting of the land in the Gunnuk Creek Watershed raised great concern in the community of Kake. To safeguard the watershed, logging activity on these lands halted. However, because the lands are owned essentially by a for-profit corporation, residents of Kake, many of whom are KTC shareholders, do not have total assurance that the watershed can be protected over the long term.

This legislation solves this dilemma simply by allowing KTC to exchange the watershed lands for other timbered lands. The lands transferred to the Forest Service will have long-term protection, while the lands conveyed to KTC can be used for the benefit of its shareholders.

In furtherance of the purposes of this bill, the city of Kake is willing to enter into an agreement with the U.S. Forest Service to manage the watershed property, once the exchange is completed. I believe this is a prudent move, and can be pursued either as part of this legislation or separately.

This exchange is an example of how economic development and protection of water resources can be simultaneously achieved in Southeast.

HONORING GERTRUDE SIMMONS ON HER 100TH BIRTHDAY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. NEY. Mr. Speaker, it is my pleasure to rise today to celebrate the 100th birthday of Gertrude Simmons of Tuscarawas, OH. Gertrude was born October 27, 1897 in Midvale, OH.

Gertrude was a member of the Midvale Methodist Church where she played piano and organ, directed the junior choir, and sang in the adult choir. She is the oldest member of the Midvale Club. After marrying her late husband, Walter, in 1920, Gertrude moved to Tuscarawas. She became a member of the Sharon Moravian Church where she sang in the choir and for weddings, funerals, and community events.

Gertrude is an avid sports fan and she enjoyed cooking, baking, gardening, and oil painting when still in good health. She attributes her longevity to hard work, enjoying life, and taking one day at a time.

Mr. Speaker, I ask that my colleagues join me today in celebrating Gertrude Simmons 100th birthday. I wish Gertrude a very happy birthday.

TRIBUTE TO DOUGLAS K. RUSH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SKELTON. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to Douglas K. Rush, a truly outstanding Naval officer and attorney from St. Louis, MO. After 29 years of exemplary active and reserve service in the U.S. Navy, Captain Rush is retiring from the military.

Doug Rush, a veteran of the Vietnam war and Operation Desert Storm, began his military career in 1968 as a cadet in the U.S. Naval Academy. Following his graduation in 1972, Mr. Rush served in the U.S. Navy through the end of the Vietnam war until 1978. Following his active duty tenure, Mr. Rush joined the Navy Reserves, where he served for 13 years. In 1991, Operation Desert Storm summoned Mr. Rush's reserve unit to active duty, and once again, he was called to serve his country in a foreign war. At the conclusion of Operation Desert Storm, Mr. Rush returned to reserve duty, whereupon he retired in May of this year.

Mr. Rush not only began an outstanding military career at the Naval Academy, but his education there laid the foundation for an outstanding civilian career. Earning a bachelor of science in military and political science from Annapolis in 1972, he went on to study at St. Louis University School of Law. In 1981, Mr. Rush graduated cum laude, earning a juris doctor degree. Mr. Rush worked at the Armstrong, Teasdale, Schiafly, and Davis firm first as a law student, then as an associate upon his graduation. He eventually became a partner and the assistant chairman of the Transportation Law Department. He remained with this firm until 1993, when he joined the Law Offices of C. Marshall Friedman. As a member of this firm, Mr. Rush specializes in trial cases on behalf of injured railroad workers.

Mr. Rush also serves the community of St. Louis as a civic leader. He served for approximately 6 years on the St. Louis School Board, and was elected president of that organization. As a member of the school board, he lobbied for desegregation programs, and concentrated on efforts to raise achievement levels in the St. Louis public schools. Mr. Rush has received awards for his civic achievements, including the Outstanding Civic Leader Award, given by the St. Louis Junior Chamber of Commerce and the Government Achievement Award, given by the East-West Gateway Coordinating Council. Doug also has served as a trustee of the city of St. Louis Mental Health Board since 1992.

Today, we honor his service to this country, and we also honor Douglas Rush for his outstanding civilian achievements in the field of law and the community of St. Louis, MO. I wish him well in the days ahead.

TRIBUTE TO STEPHEN G. RAYMOND

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SAXTON. Mr. Speaker, it is a great privilege for me to recognize and honor Stephen G. Raymond, longtime prosecutor of Burlington County for his many years of devoted public service to the residents of Burlington County.

His journey from youngest prosecutor ever appointed in the State of New Jersey to his service as our State's senior prosecutor has brought him a murder clearance rate which is virtually unmatched.

On the cutting edge of many victims' rights issues, Burlington County was the first in the State to institute a must-arrest policy in domestic violence cases; to open a child advocacy center, the only one in the State which is nationally accredited; to use closed circuit television in child abuse cases, a practice which has been endorsed by the U.S. Supreme Court; and, to institute annual comprehensive 24-hour mandatory training for all police officers in the county.

Through his efforts and leadership, Burlington County received a COPS MORE grant for $2.7 million, one of the largest in the country, awarded due to the unprecedented level of cooperation among all county law enforcement agencies.

The strong working relationships his office has achieved with schools, victims' groups, community groups, and governmental agencies are another significant achievement of his tenure as prosecutor.

I have enjoyed working with Steve Raymond through the years on many issues of concern to our mutual constituents, and I wish him continued success in the future.

JUDICIAL ACTIVISM AT ITS FINEST

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. BARCIA. Mr. Speaker, it is a terrible tragedy when innocent children are neglected or abused, especially if it is by a person they know such as their parent, relative or friend. My heart breaks each time I hear of a needless death or injury to a defenseless child. People who intervene in cases of abuse and neglect are a special breed.

One of my constituents, Judge Karen Tighe, is being honored October 29, 1997, by the Child Abuse and Neglect Council for her continued efforts to resolve these terrible situations and improve the quality of life for many children. The goal of the Child Abuse and Neglect Council is to end the suffering of children throughout Bay County. No one deserves this award more than Judge Karen Tighe for her tireless efforts to end the cycle of abuse and neglect.

A 1972 graduate of the University of Michigan, Judge Tighe pursued a law degree and graduated from the Detroit College of Law in 1976. Her life long commitment to helping abused and neglected children sprung to life when she worked for Neighborhood Legal Services in Detroit. Upon graduation, while many of her classmates took jobs with large firms, she took a full time job with Neighborhood Legal Services where she had volunteered countless hours during law school.

In 1977, Judge Tighe accepted a position as Assistant Prosecutor in Bay County. Shortly thereafter, she accepted the Assistant Friend of the Court position and in 1983 she started hearing domestic relations matters as a referee. Named Acting Circuit Court Administrator by her colleagues in 1990, Judge Tighe continued to defend the rights of children while overseeing the 40 employee court. Judge Tighe was elected Probate Judge in 1994.

While protecting the rights of children as an attorney and judge, she found time to further her goal to end family violence. Judge Tighe spent 5 years as a board member of the Bay County Women's Center and 4 years as President of the Bay County League of Democratic Women and Men. She was appointed to serve 2 years by the Governor on the Michigan board of Psychology. Judge Tighe also spent 2 years as Instructor of Family Law at Delta College and 2 years as Vice-Chair of the Michigan Family Support Council.

She could not have dedicated so much time and effort without the love and support of her husband, Thomas E. Bock, a local attorney and former City Commissioner and their 12-year-old daughter Sarah.

Mr. Speaker, if we want citizens who are absolutely driven by the concept of community and family, then we must continue to recognize individuals like Judge Karen Tighe. I ask you and all of our colleagues to join me in wishing Judge Tighe good fortune in all her future endeavors.

BREAST CANCER AWARENESS MONTH

SPEECH OF

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

Mr. ROTHMAN. Mr. Speaker, I am proud to rise today and join my colleagues in recognition of October as Breast Cancer Awareness Month. We have all heard the figures: Last year, 182,000 women were diagnosed with breast cancer, 46,000 died of it, and currently 2.6 million women are living with it.

These staggeringly high numbers are one of the reasons why some of the first bills I put my name on as a cosponsor when I came to Congress last January were breast cancer related. One bill would guarantee a minimum hospital stay of 48 hours for a woman having a mastectomy. Another would require health insurance companies that provide coverage for mastectomies to cover reconstructive breast surgery that results from a mastectomy. Still another would require insurance plans to cover annual mammograms for women ages 40 and above who choose to have the test.

These are important bills, and I hope they will move quickly through their respective committees and that the leadership will bring them to the floor so we can pass them and have them signed into law. However, as helpful as these bills may be, I wish that they were unnecessary. I wish we did not need to worry how to best treat the disease, or to create guidelines for hospital stays and insurance coverage. I wish that someday, someday very soon, breast cancer will be a thing of the past.

The medical community has made huge advances in detecting and treating cancerous tumors, and I applaud their accomplishments. Thanks to numerous studies, no one will dispute that early detection is a key component to surviving this devastating illness. In addition, Congress helped with the passage of the Balanced Budget Act which provided Federal funding for annual screening mammograms for women over the age of 39. With newer forms of treatment available, early detection almost ensures survival.

Even with all that has been done, however, we still know very little about how to prevent breast cancer. More research needs to be done. Since at least two-thirds of breast cancer occurs in women with no known risk factors, we must work to find why these women acquired the disease. To do this we must continue to support researchers so they are able to find a cure.

Women who battle breast cancer are heroes. They survive and endure pain and treatment that no person should have to suffer. However, we need them to continue to be heroes in other aspects of life. We need them to continue to be mothers, wives, and daughters, teachers, workers, and full contributors to society. Some 2.6 million women have breast cancer. This number is unacceptably high, and will always be until it reaches zero. Let's continue to work together until breast cancer is a crisis of the past.

Tuesday, October 28, 1997

Daily Digest

HIGHLIGHTS

Senate agreed to Interior Appropriations Conference Report.

The House agreed to the Conference report on H.R. 1119, Department of Defense Authorization Act.

Senate

Chamber Action

Routine Proceedings, pages S11245–S11303

Measures Introduced: Eight bills were introduced, as follows: S. 1321–1328. **Pages S11289–90**

Measures Reported: Reports were made as follows:

S. 940, to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, with an amendment in the nature of a substitute. (S. Rept. No. 105–114)

H.R. 765, to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore, with an amendment in the nature of a substitute. (S. Rept. No. 105–115)

Special Report on Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998. (S. Rept. No. 105–116) **Page S11289**

Department of the Interior Appropriations Conference Report: By 84 yeas to 14 nays (Vote No. 283), Senate agreed to the conference report on H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, clearing the measure for the President. **Pages S11253–75**

ISTEA Authorizations—Cloture Vote: By 52 yeas to 48 nays (Vote No. 282), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected a motion to close further debate on the modified committee amendment to S. 1173, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs. **Page S11250**

Nomination—Agreement: A unanimous-consent time-agreement was reached providing for the consideration of the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission on Wednesday, October 29, 1997, with a vote to occur thereon. **Pages S11302–03**

Nominations Confirmed: Senate confirmed the following nominations:

Harold W. Furchtgott-Roth, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1995.

John C. Angell, of Maryland, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

Ernest J. Moniz, of Massachusetts, to be Under Secretary of Energy.

Michael K. Powell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1997.

Michael Telson, of the District of Columbia, to be Chief Financial Officer, Department of Energy.

Dan Reicher, of Maryland, to be an Assistant Secretary of Energy (Energy, Efficiency, and Renewable Energy).

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Policy, Planning, and Program Evaluation).

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 1998.

Gloria Tristani, of New Mexico, to be a Member of the Federal Communications Commission for a term of five years from July 1, 1998.

M. John Berry, of Maryland, to be an Assistant Secretary of the Interior. **Pages S11302–03**

Nominations Received: Senate received the following nominations:

Katherine L. Archuleta, of Colorado, to be a Member of the Institute of American Indian and Alaska Native Culture and Arts Development for the remainder of the term expiring May 19, 2000.

Joseph Robert Brame, III, of Virginia, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 1999.

Sallyanne Harper, of Virgina, to be Chief Financial Officer, Environmental Protection Agency.

Hank Brown, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring April 6, 2000.

Penne Percy Korth, of Texas, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2000.

Susanne T. Marshall, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2004. **Page S11303**

Messages From the House: **Page S11289**

Communications: **Page S11289**

Statements on Introduced Bills: **Pages S11290–99**

Additional Cosponsors: **Pages S11299–S11300**

Authority for Committees: **Pages S11300–01**

Additional Statements: **Pages S11301–02**

Record Votes: Two record votes were taken today. (Total—283) **Pages S11250, S11275**

Quorum Calls: One quorum call was taken today. (Total—6) **Page S11250**

Adjournment: Senate convened at 9 a.m., and adjourned at 7:19 p.m., until 11 a.m., on Wednesday, October 29, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S11302–03.)

Committee Meetings

(Committees not listed did not meet)

ELECTRONIC COMMERCE

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Services and Technology concluded hearings to examine issues with regard to the electronic commerce infrastructure, focusing on proposals to establish uniform national standards for the use of electronic authentication technology by financial institutions, including digital signatures, after receiving testimony from Massachusetts Deputy General Counsel Daniel Greenwood, Boston; Ira H. Parker, Alston and Bird, Alfred M. Pollard, Bankers Roundtable, and Robert D. Kramer, Bank of America, NT&SA, on behalf of the Electronic Commerce Working Group and the Coalition of Service Industries, all of Washington, D.C.; J. Scott Lowry, Digital Signature Trust Company, Salt Lake City, Utah; P. Michael Nugent, Citibank, New York, New York; and Richard Mossburg, Ford Motor Credit Company, Dearborn, Michigan, on behalf of the Electronic Commerce Forum.

EDUCATION

Committee on the Budget: Committee held hearings to examine the current state of the national education system, receiving testimony from Richard W. Riley, Secretary, and Pascal D. Forgione, Jr., Commissioner of Education Statistics, both of the Department of Education; and William J. Bennett, Empower America, Washington, D.C., former Secretary of Education.

Hearings were recessed subject to call.

AIRLINE COMPETITION

Committee on Commerce, Science, and Transportation: Committee held hearings to examine air service problems affecting certain communities since the deregulation of the airline industry, and proposed legislation to remove certain barriers to promote competition in the domestic airline industry, receiving testimony from Senators Warner and Robb; Representatives Slaughter and Moran; Patrick V. Murphy, Deputy Assistant Secretary of Transportation for Aviation and International Affairs; Gerald Dillingham, Associate Director, Transportation Issues, Resources, Community, and Economic Development Division, General Accounting Office; David T. Ralston, Jr., Metropolitan Washington Airports Authority, Alexandria, Virginia; J. Randolph Babbitt, Air Line Pilots Association, International, and Edward P. Faberman, Air Carrier Association of America, both of Washington, D.C.; Charles M. Goodwin, Greater Rochester Metro Chamber of Commerce, Inc., Rochester, New York; Thomas G. Tait, Nevada Commission on Tourism, Carson City, on behalf of the Western States Tourism Policy Council; Lawrence M. Nagin, US Airways, Arlington, Virginia; Cyril Murphy, United Air Lines, Inc., Chicago, Illinois; and Bob Rowen, Reno Air, Inc., Reno, Nevada.

Hearings were recessed subject to call.

EPA REGIONAL HAZE RULE

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings to examine the potential impacts on, and additional responsibilities for, federal land managers imposed by the Environmental Protection Agency's Notice of Proposed Rulemaking on regional haze regulations implementing certain provisions of the Clean Air Act, after receiving testimony from Robert C. Joslin, Deputy Chief, National Forest System, Forest Service, Department of Agriculture; Michael Soukup, Associate Director, Natural Resource Stewardship and Science, National Park Service, Department of the Interior; John S. Seitz,

Director, Office of Air Quality Planning and Standards Division, Office of Air and Radiation, Environmental Protection Agency; Utah Governor Michael O. Leavitt, Salt Lake City; Anne E. Smith, Decision Focus Incorporated, and Marcia Frenz, National Parks and Conservation Association, both of Washington, D.C.; Greg E. Walcher, CLUB 20, Grand Junction, Colorado; Robert L. Pearson, Radian International, Denver, Colorado; and L. Bruce Hill, Appalachian Mountain Club, Gorham, New Hampshire.

NOMINATION

Committee on Environment and Public Works: Committee concluded hearings on the nomination of Kenneth R. Wykle, of Virginia, to be Administrator of the Federal Highway Administration, Department of Transportation, after the nominee, who was introduced by Representative Rahall, testified and answered questions in his own behalf.

NATO ENLARGEMENT

Committee on Foreign Relations: Committee concluded hearings to examine the costs, benefits, burdensharing and military implications of the proposal to grant NATO membership to Poland, Hungary, and the Czech Republic, after receiving testimony from Walter B. Slocombe, Under Secretary of Defense for Policy; Richard Kugler, Institute for National Strategic Studies/National Defense University, Fort McNair, Ivan Eland, CATO Institute, and Stephen Hadley, Shea and Gardner, all of Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Richard Frank Celeste, of Ohio, to be Ambassador to India, Shaun Edward Donnelly, of Indiana, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, Edward M. Gabriel, of the District of Columbia, to be Ambassador to the Kingdom of Morocco, Cameron R. Hume, of New York, to be Ambassador to the Democratic and Popular Republic of Algeria, Daniel Charles Kurtzer, of Maryland, to be Ambassador to the Arab Republic of Egypt, James A. Larocco, of Virginia, to be Ambassador to the State of Kuwait, and Edward S. Walker, Jr., of Maryland, to be Ambassador to Israel. Mr. Celeste was introduced by Senators DeWine and Glenn, and Mr. Gabriel was introduced by Senators Domenici and Ford.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Stanley Marcus, of Florida, to be United States Circuit Judge for the Eleventh Circuit, Ann L. Aiken, to be United States District Judge for the District of Oregon, Jerome B. Friedman, to be United States District Judge for the Eastern District of Virginia, Norman K. Moon, to be United States District Judge for the Western District of Virginia, and Rodney W. Sippel, to be United States District Judge for the Eastern and Western Districts of Missouri, after the nominees testified and answered questions in their own behalf. Mr. Marcus was introduced by Senators Mack and Graham, Ms. Aiken was introduced by Senators Gordon Smith and Wyden, Messrs. Friedman and Moon were introduced by Senators Warner and Robb, and Mr. Sippel was introduced by Senators Bond and Ashcroft.

CONFIDENTIAL MEDICAL INFORMATION

Committee on Labor and Human Resources: Committee concluded hearings on the Administration's proposal to protect the privacy of individually identifiable medical information and establish strong penalties for those who disclose such information, after receiving testimony from Senators Leahy, Bennett, and Snowe; Wanda Walker, Louisville, Kentucky, on behalf of the Consortium for Citizens with Disabilities; John Glaser, Partners HealthCare System, Inc., and A.G. Breitenstein, JRI Health Law Institute, both of Boston, Massachusetts; John T. Nielsen, Intermountain Health Care, Salt Lake City, Utah, on behalf of the American Association of Health Plans; Donald J. Palmisano, New Orleans, Louisiana, on behalf of the American Medical Association; Spencer Foreman, Montefiore Medical Center, Bronx, New York, on behalf of the American Hospital Association; Elizabeth B. Andrews, Glaxo-Wellcome, Research Triangle Park, North Carolina, on behalf of the Healthcare Leadership Council.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 2746–2756; and 5 resolutions, H.J. Res. 98, H. Con. Res. 178–179, and H. Res. 282–285, were introduced.

Pages H9613–14

Reports Filed: Reports were filed as follows:

H. Res. 139, expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms, amended (H. Rept. 105–349);

Conference report on S. 858, to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 105–350);

H.R. 948, to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe (H. Rept. 105–351);

H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission, amended (H. Rept. 105–352);

H.R. 2402, to make technical and clarifying amendments to improve management of water-related facilities in the Western United States, amended (H. Rept. 105–353);

H. Res. 283, providing for consideration of H.R. 1270, to amend the Nuclear Waste Policy Act of 1982 (H. Rept. 105–354); and

H. Res. 284, providing for consideration of H.R. 2493, to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands (H. Rept. 105–355).

Page H9613

Recess: The House recessed at 11:14 a.m. and reconvened at 12:00 noon. **Page H9565**

Suspension—Treatment of Investment Managers under ERISA: The House agreed to suspend the rules and pass S. 1227, to amend title I of the Employee Retirement Income Security Act of 1974 to clarify treatment of investment managers under such title—clearing the measure for the President.

Pages H9575–76

Suspensions—Pending: The House completed debate on motions to suspend the rules and pass the following measures:

Dollars to Classrooms: H. Res. 139, amended, expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms; **Pages H9567–75**

J. Roy Rowland Federal Courthouse: H.R. 1484, amended, to redesignate the Dublin Federal Courthouse building located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse; and

Pages H9576–78

David W. Dyer Federal Courthouse: H.R. 1479, amended, to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Courthouse." **Page H9578**

Recess: The House recessed at 1:25 p.m. and reconvened at 5:00 p.m. **Page H9578**

Motion to Adjourn: Rejected the Ensign motion to adjourn by a yea and nay vote of 52 yeas to 359 nays with 1 voting "present", Roll No. 532. Later, rejected the Ensign motion to adjourn by a voice vote. **Page H9579**

DOD Authorization Conference Report: By a yea and nay vote of 286 yeas to 123 nays, Roll No. 534, the House agreed to the conference report on H.R. 1119, to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces. **Pages H9600–10**

Earlier, the House agreed to H. Res. 278, the rule waiving points of order against the conference report by a yea and nay vote of 353 yeas to 59 nays, Roll No. 533. **Pages H9579–86, H9595–H9600**

Senate Messages: Message transmitted to the Clerk on October 27 appears on page H9567.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H9615–16.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H9579, H9599–H9600, and H9609–10. There were no quorum calls.

Adjournment: Met at 10:30 a.m. and adjourned at 9:12 p.m. in memory of the late Honorable Walter H. Capps of California.

Committee Meetings

PATIENT ACCESS TO RESPONSIBLE CARE ACT; HEALTH INSURANCE BILL OF RIGHTS ACT

Committee on Commerce: Subcommittee on Health and Environment held a hearing on the following bills: H.R. 1415, Patient Access to Responsible Care Act of 1997; and H.R. 820, Health Insurance Bill of Rights Act of 1997. Testimony was heard from John Eisenberg, M.D., Administrator, Agency for Health Care Policy Research, Department of Health and Human Services and public witnesses.

IRS'S SUSPENSION—AFFIRMATIVE ACTION PROGRAM

Committee on Government Reform and Oversight: Subcommittee on Civil Service held a hearing on IRS' Suspension of Its Affirmative Action Program. Testimony was heard from Charles D. Fowler, III, National Director, Equal Employment Opportunity and Diversity, IRS, Department of the Treasury.

U.S. PERSONNEL OVERSEAS—SECURITY STATUS

Committee on Government Reform and Oversight: Subcommittee on National Security, International Affairs and Criminal Justice met in executive session to hold a hearing on the Security Status of U.S. Personnel Overseas. Testimony was heard from the following officials of the Department of Defense: Maj. Gen. James C. King, USA, Director, Intelligence, Joints Chiefs of Staff; H. Allen Holmes, Assistant Secretary, Special Operations and Low-Intensity Conflict; Brig. Gen. James T. Conway, USMC, Deputy Director, Combating Terrorism, Joints Chiefs of Staff; and the following officials from the Department of State; J. Eric Boswell, Assistant Secretary, Diplomatic Security; Jacquelyn L. Williams-Bridgers, Inspector General; and Mark Gebicke, Director, Military Operations and Capabilities Issues, National Security and International Affairs Division, GAO.

U.S./CHINA RELATIONS AND HUMAN RIGHTS

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on U.S./China Relations and Human Rights: Is Constructive Engagement Working? Testimony was heard from public witnesses.

AMENDMENT—RESTORING RELIGIOUS FREEDOM

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action amended H.J. Res 78, proposing an amendment to the Constitution of the United States restoring religious freedom.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Forest and Forest Health held a hearing on the following bills: H.R. 1659, Mount St. Helens National Volcanic Monument Completion Act; H.R. 2416, to provide for the transfer of certain rights and property to the United States Forest Service in exchange for a payment to the occupant of such property; and H.R. 2574, to consolidate certain mineral interest in the National grasslands in Billings County, ND, through the exchange of Federal and private mineral interest to enhance land management capabilities and environmental and wildlife protection. Testimony was heard from Senator Dorgan; Representative Earl Pomeroy; the following officials of the Forest Service, USDA: Sandra Key, Associate Deputy Chief, Programs and Legislation; and Paul Tittman, Chief Appraiser; Bob Anderson, Deputy Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management, Department of the Interior and public witnesses.

FORAGE IMPROVEMENT ACT

Committee on Rules: Granted by voice vote, a modified open rule on H.R. 2493, Forage Improvement Act of 1997, providing one hour of general debate with 30 minutes equally divided between the chairman and ranking minority member of the Committee on Resources and 30 minutes equally divided between the chairman and ranking minority member of the Committee on Agriculture. The rule limits the amendment process to three hours. The rule makes in order the Resources Committee amendment in the nature of a substitute as an original bill for the purpose of amendment. The rule makes in order, before the consideration of any other amendment, a manager's amendment offered by Representative Smith of Oregon or his designee, which is printed in the Rules Committee report, is debatable for 10 minutes equally divided between the proponent and an opponent, is not subject to a demand for a division of the question, and if adopted will be considered as part of the base text. The rule provides priority recognition to members who pre-print their amendments in the Congressional Record. The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Smith of Oregon, Chenoweth, and Vento.

NUCLEAR WASTE POLICY ACT OF 1997

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 1270, Nuclear Waste Policy Act of 1997, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce and twenty minutes of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule waives points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1974 (requiring provisions in the jurisdiction of the Committee of the Budget to be referred to or reported by the Committee on the Budget). The rule provides for consideration of the bill for amendment under the five minute rule. The rule provides for the consideration of the amendment in the nature of a substitute recommended by the Committee on Commerce as an original bill for the purpose of amendment. The rule waives points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI (prohibiting appropriations in authorization measures) and section 306 of the Congressional Budget Act of 1974 (requiring provisions in the jurisdiction of the Committee of the Budget to be referred to or reported by the Committee on the Budget). The rule also provides, notwithstanding clause 5(c) of rule XXIII (relating to motions to strike unfunded mandates), for consideration of only those amendments printed in the report of the Committee on Rules and that these amendments may only be offered in the order listed in the report and only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives points of order against the last amendment printed in the Rules Committee report for failure to comply with clause 5(a) of rule XXI (prohibiting appropriations in authorization measures) and section 306 of the Congressional Budget Act of 1974 (requiring provisions in the jurisdiction of the Committee of the Budget to be referred to or reported by the Committee on the Budget). The rule allows the Chairman of the Committee of the Whole to reduce the voting time on any postponed question to five minutes provided that that vote follows a fifteen minute vote. The rule provides that after a motion that the Committee rise has been rejected on a day, the Chairman may entertain another such motion on that day only if offered by the Majority Leader or his designee. The rule also provides that after the motion to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) has been rejected, the Chairman may not entertain another such motion during the further consideration of the bill. The rule provides one motion to recommit with or without instructions. Further, the rule waives points of order against consideration in the House of S. 104 for failure to comply with section 306 of the Congressional Budget Act of 1974 (requiring provisions in the jurisdiction of the Committee of the Budget to be referred to or reported by the Committee on the Budget). The rule provides for the consideration of a motion to strike all after the enacting clause of S. 104 and to insert in lieu thereof the provisions of H.R. 1270, as passed by the House. Finally, the rule provides that upon the adoption of the motion and the Senate bill as amended, it is in order to move that the House insist on its amendment to S. 104 and request a conference thereon.

SIGNATURES IN A DIGITAL AGE

Committee on Science: Subcommittee on Technology held a hearing on Do You Know Who You Are Doing Business With? Signatures In a Digital Age. Testimony was heard from Andrew J. Pincus, General Counsel, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Public Buildings and Grounds approved for full Committee action the following: H.R. 623, to amend the Public Buildings Act of 1959 concerning the calculation of public building transactions; H.R. 2118, amended, Ban on Smoking in Federal Buildings Act; General Services Administration Improvement Act of 1997; 10 leasing resolutions; three amendments to previously approved resolutions; and one repair and alteration resolution.

IMPACTS OF SUBSTANCE ABUSE—FAMILIES RECEIVING WELFARE

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on protecting children from the Impacts of Substance Abuse on Families Receiving Welfare. Testimony was heard from Representative Rangel; Jane Ross, Director, Income Security Issues, GAO; and public witnesses.

EMPOWERMENT ZONE—ENTERPRISE COMMUNITY PROGRAM

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the performance of the Empowerment Zone/Enterprise Community Program. Testimony was heard from Representatives

Rangel and Hinchey; John Karl Scholz, Deputy Assistant Secretary, Tax Analysis, Department of the Treasury; Howard Glaser, Acting General Counsel and Deputy General Counsel, Department of Housing and Urban Development; Stanley J. Czerwinski, Associate Director, Housing and Community Development, GAO; Dick Posthumus, member, Senate, State of Michigan; Karl Schmoke, Mayor, Baltimore, Maryland; Paul D. Fraim, Mayor, Norfolk, Virginia; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 29, 1997

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Energy and Water Development, to hold hearings to examine the maintenance of the U.S. nuclear weapons stockpile without testing, 2:30 p.m., SD–124.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Securities, to hold oversight hearings on securities litigation abuses, 10 a.m., SD–538.

Committee on the Budget, to hold hearings to examine U.S. policy implications for NATO enlargement, European Union expansion and the European Monetary Union, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation, Subcommittee on Oceans and Fisheries, to hold hearings to examine the future of the National Oceanic and Atmospheric Administration Corps, and S. 877, to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers, 9:30 a.m., SR–253.

Full Committee, to hold hearings on S. 943 and H.R. 2005, bills to revise Federal aviation law to declare that nothing in such law or in the Death on the High Seas Act shall affect any remedy existing at common law or under State law with respect to any injury or death arising out of any aviation incident occurring on or after January 1, 1995, 2 p.m., SR–253.

Committee on Energy and Natural Resources, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 638, to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the monument, 2 p.m., SD–366.

Committee on Environment and Public Works, business meeting, to consider pending calendar and committee business, 9:30 a.m., SD–406.

Committee on Finance, to hold hearings on the nominations of David L. Aaron, of New York, to be Under Secretary of Commerce for International Trade, Mary Ann Cohen, of California, to be a Judge of the United States Tax Court, Margaret Ann Hamburg, of New York, to be an Assistant Secretary of Health and Human Services, Stanford G. Ross, of the District of Columbia, to be a Member of the Social Security Advisory Board, Social Security Administration, and David W. Wilcox, of Virginia, to be an Assistant Secretary of the Treasury, 10 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on the nominations of Amy L. Bondurant, of the District of Columbia, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, Terrence J. Brown, of Virginia, to be Assistant Administrator for Management, Thomas H. Fox, of the District of Columbia, to be an Assistant Administrator for Policy and Program Coordination, and Harriet C. Babbitt, of Arizona, to be Deputy Administrator, all of the Agency for International Development, and Kirk K. Robertson, of Virginia, to be Executive Vice President of the Overseas Private Investment Corporation, all of the Department of State, 11 a.m., SD–419.

Full Committee, to hold hearings on the nominations of Joseph A. Presel, of Rhode Island, to be Ambassador to the Republic of Uzbekistan, Stanley Tuemler Escudero, of Florida, to be Ambassador to the Republic of Azerbaijan, B. Lynn Pascoe, of Virginia, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh, Steven Karl Pifer, of California, to be Ambassador to Ukraine, Kathryn Linda Haycock Proffitt, of Arizona, to be Ambassador to the Republic of Malta, James Catherwood Hormel, of California, to be Ambassador to Luxembourg, David B. Hermelin, of Michigan, to be Ambassador to Norway, Lyndon Lowell Olson, Jr., of Texas, to be Ambassador to Sweden, and Gerald S. McGowan, of Virginia, to be Ambassador to the Republic of Portugal, 2 p.m., SD–419.

Full Committee, to hold joint hearings with the United States Senate Caucus on International Narcotics Control, to examine United States-Mexican cooperation in efforts to combat drugs, 2 p.m., SD–106.

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 Antitrust, Business Rights, and Competition, to hold hearings to examine antitrust implications of the proposed settlement between the State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, 10 a.m., SD–226.

Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

Committee on Indian Affairs, to hold hearings on S. 1077, to amend the Indian Gaming Regulatory Act, 9:30 a.m., SD–106.

House

Committee on Agriculture, hearing on H.R. 2534, Agricultural Research Extension and Education Reauthorization Act of 1997, 9:30 a.m., 1300 Longworth.

Subcommittee on Risk Management and Specialty Crops, hearing on the Review of the Commodity Futures Trading Commission's Government Performance Results Act Report, 1 p.m., 1302 Longworth.

Committee on Appropriations, Subcommittee on Interior, hearing on Park Service Housing and Construction, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, hearing on Child Health, 10:00 a.m., and 1:30 p.m., 2358 Rayburn.

Committee on Commerce, Subcommittee on Oversight and Investigations, hearing on Medicare Home Health, 10:30 a.m., 2322 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, hearing and markup of H.R. 2691, National Highway Traffic Safety Administration Reauthorization Act of 1997; and to markup H.R. 2369, Wireless Privacy Enhancement Act of 1997, 10:30 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, hearing on the American Worker at a Crossroads Project, ''Future of Work in America'', 10:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Human Resources, will meet to consider an oversight report on Persian Gulf War veterans' illnesses, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on Recent Developments in Europe, 10 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, to markup the following measures: a resolution Congratulating the Association of Southeast Asian Nations (ASEAN) on the occasion of its 30th Anniversary; H. Con. Res. 172, expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia; H. Res. 231, urging the President to make clear to the Government of the Socialist Republic of Vietnam the commitment of the American people in support of democracy and religious and economic freedom for the people of the Socialist Republic of Vietnam; a resolution relating to the recent developments toward normalization of relations between India and Pakistan; and H. Con. Res. 156, expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, to markup the following: H.R. 1023, Ricky Ray Hemophilia Relief Fund Act of 1997; H.R. 1753, to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000; H.R. 2460, Wireless Telephone Protection Act; H.R. 429, NATO Special Immigration Amendments of 1997; H.J. Res. 91, granting the consent of Congress to the Apalachicola-Chattahoocee-Flint River Basin Compact; H.J. Res. 92, granting the consent of Congress to the Alabama-Cossa Tallapoose River Basin Compact; H.J. Res 95, granting the consent of Congress to the Chickasaw Trail Economic Development Compact; H.J. Res 96, granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact; and private immigration bills, 10 a.m., 2141 Rayburn.

Committee on Resources, hearing on the following bills: H.R. 100, Guam Commonwealth Act; H.R. 2370, Guam Judicial Empowerment Act of 1997; and S. 210, to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 2616 Charter Schools Amendments Act of 1997 and H.R. 2746, Helping Empower Low-income Parents (HELP) Scholarships Amendments of 1997, 1:30 p.m., H–313 Capitol.

Committee on Science, hearing on Science, Math, Engineering, and Technology Education (SMET) in America—Collaboration and Coordination of Federal Agency Efforts in SMET K–12 Education, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on SBA implementation of the Results Act, 11 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, to markup the following: H.R. 2626, to make clarifications to the Pilot Records Improvement Act of 1996; H.R. 2476, to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers; Water Resources Survey Resolution; and impending GSA resolutions, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on superfund reauthorization and reform proposals, 1 p.m., 2167 Rayburn.

Joint Meetings

Joint Economic Committee, to hold hearings to examine the role of monetary policy in a healthy economic expansion, 10 a.m., SD–G50.

Next Meeting of the SENATE

11 a.m., Wednesday, October 29

Senate Chamber

Program for Wednesday: Senate will consider the nomination of William E. Kennard, of California, to be a Member of the Federal Communications Commission, with a vote to occur thereon, following which Senate may consider the conference report on H.R. 1119, National Defense Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 29

House Chamber

Program for Wednesday: Consideration of H.R. 1270, Nuclear Waste Policy Act (structured rule, 1 hour and 20 minutes of general debate);

Motion to instruct conferees on H.R. 2267, Commerce, Justice, State, Judiciary Appropriations Act;

Consideration of H.R. 2493, Forage Improvement Act (modified open rule, 1 hour of general debate); and

Vote on suspensions debated on Tuesday, October 28.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E2098
Barcia, James A., Mich., E2109
Combest, Larry, Tex., E2099
Davis, Thomas M., Va., E2099
DeGette, Diana, Colo., E2106
Dellums, Ronald V., Calif., E2098
Deutsch, Peter, Fla., E2102
Edwards, Chet, Tex., E2105
Frank, Barney, Mass., E2098
Gilman, Benjamin A., N.Y., E2101, E2104
Hill, Rick, Mont., E2100
Kelly, Sue W., N.Y., E2103
Kind, Ron, Wisc., E2105
Kucinich, Dennis J., Ohio, E2107
Lowey, Nita M., N.Y., E2106
Menendez, Robert, N.J., E2108
Morella, Constance A., Md., E2102
Ney, Robert W., Ohio, E2109
Norton, Eleanor Holmes, D.C., E2107
Pascrell, Bill, Jr., N.J., E2097, E2100
Rangel, Charles B., N.Y., E2099
Ros-Lehtinen, Ileana, Fla., E2100
Rothman, Steve R., N.J., E2110
Roukema, Marge, N.J., E2101, E2105
Ryun, Jim, Kans., E2105
Saxton, Jim, N.J., E2109
Schaffer, Bob, Colo., E2103
Serrano, José E., N.Y., E2102
Skelton, Ike, Mo., E2109
Solomon, Gerald B.H., N.Y., E2108
Stark, Fortney Pete, Calif., E2097, E2101, E2104
Talent, James M., Mo., E2099
Young, Don, Alaska, E2108

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