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Senate

The Senate met at 10 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:

Loving Heavenly Father, to know You is life's ultimate purpose; to trust You is our only peace; to serve You is our true joy. We praise You for the privilege of friendship with You. We humbly acknowledge that any good we have done, any progress we have made, and any accomplishments we have achieved are all because of Your indefatigable inspiration. There is no limit to the blessings You pour out on those who give You the glory. You have been the source of every creative thought, all crucial legislation, and any constructive compromise that has blended the best points of view. You are the source of unity in diversity and mutual trust that triumphs over competitive party spirit. When we are fearful, You give us courage; when we are under pressure, You flood our hearts with peace.

Thank You dear God for continuing to bless America, as You persist in empowering the women and men of this Senate to lead with vision. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will be in a period of morning business until 11 a.m. It is hoped that during today's session the Senate will be able to complete its business for the 1st session of the 105th Congress. I just talked to the Democratic leader and we agreed to push to accomplish that today. In fact, I read over the weekend a quote from General Eisenhower. When he was President he said, ''There are many problems in Washington, but one of the main reasons is we have too long been away from home.'' So I'm hoping that we will honor his admonition and go home at the close of business today for the balance of the year to be with our constituents.

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All materials for insertion must be signed by the Member and delivered to the respective offices responsible for the Record in the House or Senate between the hours of 9 a.m. and 5 p.m., Monday through Friday (until the 10th day after adjournment). House Members should deliver statements to the Office of Floor Reporters (Room HT–60 of the Capitol) and Senate Members to the Office of Official Reporters of Debate (S–123 in the Capitol).

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Along with signed statements, House Members are requested, whenever possible, to submit revised statements or extensions of remarks and other materials related to House Floor debate on diskette in electronic form in ASCII, WordPerfect or MicroSoft Word format. Disks must be labeled with Members' names and the filename on the disk. All disks will be returned to Member offices via inside mail.

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By order of the Joint Committee on Printing.

JOHN WARNER, *Chairman.*

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

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As Members are aware, the House passed both the District of Columbia appropriations bill and the foreign operations conference reports last night. It is hoped that the Senate can voice vote those bills during today's session as we await House action on the Commerce, State, Justice appropriations conference report, and I expect them to accomplish that before late in the afternoon. In fact, I expect it to be in the early afternoon.

If a voice vote is not possible, then Members will be notified as to when we might have a rollcall vote or votes. Again, I think it would be in the best interests of the Senate at this time if we could do this with a voice vote. The so-called controversial positions in the District of Columbia bill and the foreign operations conference reports have been removed, and I believe an agreement has been reached with the administration on Commerce, State, and Justice with regard to items in that bill, as well as the provisions with regard to census.

If there are rollcall votes, I emphasize we will try to notify Members with at least a 4-hour advance notice and the time span that that vote might occur in. If we can't complete today with just voice votes then there is a possibility that we would have to go over until tomorrow if there is going to be a rollcall vote because I do think Members are entitled to significant advance notice so they can be sure to be here. Or, if we can't get it done in a reasonable way today or tomorrow, there is always next week, which would really begin to stretch what President Eisenhower had warned us against. In order to avoid that, we are going to need a very good attitude and a lot of cooperation. I think that is possible.

We are still working on the few remaining Executive Calendar items. There are only 15 or so nominations left on the calendar. We are hoping to clear some of those today, and then those that would require some debate or recorded votes would be scheduled early in the session when we come back next year.

Again, we need cooperation of the Senators that are here today, and between the leadership on both sides of the aisle so we can complete action. We accomplished a great deal over the weekend by voice vote and in our wrap-up. We passed a lot of really good bills. We still have a chance to get a conference report from the House on Amtrak, with only one major change, as I understand it—one I think the Senate could live with. That is the makeup of the board of Amtrak.

I remind our colleagues that we did pass and send to the President a fix with regard to the ISTEA transportation bill, that we did pass and send to the President the FDA reform package, as well as the foster care and adoption bill, and earlier had sent the Labor-HHS and education appropriations bill. So we are down, really, to these three final bills. There could be a fourth bill sent separately that would include the State Department reorganization, U.N. arrearage, IMF funds, as well as some language with regard to the Mexico City population control issue. If that bill could not be brought up or was objected to or filibustered, of course, we would not be able to get to a final vote on that. But the three key bills we need to bring up today are the three appropriations conference reports and we will notify Members when we will act on those and if any recorded votes are necessary.

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

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

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an executive business meeting during the session of the Senate on Thursday, November 13, 1997, at 10 a.m. in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, on behalf of my colleagues on the Judiciary Committee, I object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

Mr. DASCHLE. Mr. President, on behalf of my colleagues on the Judiciary Committee, on that, too, I must object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2607) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 2607) entitled ''An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.'', with the following amendments:

(1) On page 1, line 1, strike all through line 7

(2) On page 1, line 8, strike [The] and insert: *That the*

(3) On page 2, line 2, strike all from ''to'' through ''Act,'' on line 3

(4) On page 11, line 20, after the word ''fund'' insert: *described in section 172 of this Act*

(5) On page 12, line 8, strike [all]

(6) On page 34, line 16, after ''or'' insert: *previously*

(7) On page 44, line 15, before the period, insert:

, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects

(8) On page 46, after line 9, insert:

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1997, the District of Columbia Financial Responsibility and Management Assistance Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

(9) On page 47, line 21, strike [$5,000,000] and insert: *$12,000,000*

(10) On page 59, line 11, strike [(f)] and insert: *(e)*

(11) On page 77, line 17, strike all through page 78, line 2

(12) On page 78, after line 2, insert the following:

SEC. 166. Notwithstanding any other provision of Federal or District of Columbia law applicable to a reemployed annuitant's entitlement to retirement or pension benefits, the Director of the Office of Personnel Management may waive the provisions of section 8344 of title 5 of the United States Code for any reemployed annuitants appointed heretofore or hereafter as a Trustee under section 11202 or 11232 of the National Capital Revitalization and Self-Government Improvement Act of 1997, or, at the request of such a Trustee, for any employee of such Trustee.

SEC. 167. Section 2203(i)(2)(A) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 3009–504; D.C. Code 31–2853.13(i)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—

''(i) ANNUAL LIMIT.—Subject to subparagraph (B) and clause (ii), during calendar year 1997, and during each subsequent calendar year, each eligible chartering authority shall not approve more than 10 petitions to establish a public charter school under this subtitle.

''(ii) TIMETABLE.—Any petition approved under clause (i) shall be approved during an application approval period that terminates on April 1 of each year. Such an approval period may commence before or after January 1 of the

calendar year in which it terminates, except that any petition approved at any time during such an approval period shall count, for purposes of clause (i), against the total number of petitions approved during the calendar year in which the approval period terminates.''.

SEC. 168. Section 2205(a) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–122; D.C. Code 31–2853.15(a)) is amended by striking ''7,'' and inserting ''15,''.

SEC. 169. Section 2214(g) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–133; D.C. Code 31–2853.24(g)) is amended by inserting ''to the Board'' after ''appropriated''.

SEC. 170. Section 2401(b)(3)(B) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)(B)) is amended—

(1) in clause (i), by striking ''or'';

(2) in clause (ii), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) to whom the school provides room and board in a residential setting.''.

SEC. 171. Section 2401(b)(3) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–137; D.C. Code 31–2853.41(b)(3)) is amended by adding at the end the following:

''(C) ADJUSTMENT FOR FACILITIES COSTS.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment for a public charter school to take into account leases or purchases of, or improvements to, real property, if the school, not later than April 1 of the fiscal year preceding the payment, requests such an adjustment.''.

SEC. 172. (a) PAYMENTS TO NEW CHARTER SCHOOLS.—Section 2403(b) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; 110 Stat. 1321–140; D.C. Code 31–2853.43(b)) is amended to read as follows:

''(b) PAYMENTS TO NEW SCHOOLS.—

''(1) ESTABLISHMENT OF FUND.—There is established in the general fund of the District of Columbia a fund to be known as the 'New Charter School Fund'.

''(2) CONTENTS OF FUND.—The New Charter School Fund shall consist of—

''(A) unexpended and unobligated amounts appropriated from local funds for public charter schools for fiscal year 1997 and subsequent fiscal years that reverted to the general fund of the District of Columbia;

''(B) amounts credited to the fund in accordance with this subsection upon the receipt by a public charter school described in paragraph (5) of its first initial payment under subsection (a)(2)(A) or its first final payment under subsection (a)(2)(B); and

''(C) any interest earned on such amounts.

''(3) EXPENDITURES FROM FUND.—

''(A) IN GENERAL.—Not later than June 1, 1998, and not later than June 1 of each year thereafter, the Chief Financial Officer of the District of Columbia shall pay, from the New Charter School Fund, to each public charter school described in paragraph (5), an amount equal to 25 percent of the amount yielded by multiplying the uniform dollar amount used in the formula established under section 2401(b) by the total anticipated enrollment as set forth in the petition to establish the public charter school.

''(B) PRO RATA REDUCTION.—If the amounts in the New Charter School Fund for any year are insufficient to pay the full amount that each public charter school described in paragraph (5) is eligible to receive under this subsection for such year, the Chief Financial Officer of the District of Columbia shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

''(C) FORM OF PAYMENT.—Payments under this subsection shall be made by electronic funds transfer from the New Charter School Fund to a bank designated by a public charter school.

''(4) CREDITS TO FUND.—Upon the receipt by a public charter school described in paragraph (5) of—

''(A) its first initial payment under subsection (a)(2)(A), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 75 percent of the amount paid to the school under paragraph (3); and

''(B) its first final payment under subsection (a)(2)(B), the Chief Financial Officer of the District of Columbia shall credit the New Charter School Fund with 25 percent of the amount paid to the school under paragraph (3).

''(5) SCHOOLS DESCRIBED.—A public charter school described in this paragraph is a public charter school that—

''(A) did not enroll any students during any portion of the fiscal year preceding the most recent fiscal year for which funds are appropriated to carry out this subsection; and

''(B) operated as a public charter school during the most recent fiscal year for which funds are appropriated to carry out this subsection.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Chief Financial Officer of the District of Columbia such sums as may be necessary to carry out this subsection for each fiscal year.''.

(b) REDUCTION OF ANNUAL PAYMENT.—

(1) INITIAL PAYMENT.—Section 2403(a)(2)(A) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(A)) is amended to read as follows:

''(A) INITIAL PAYMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

''(ii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).''.

(2) FINAL PAYMENT.—Section 2403(a)(2)(B) of the District of Columbia School Reform Act (Public Law 104–134; 110 Stat. 1321–139; D.C. Code 31–2853.43(a)(2)(B)) is amended—

(A) in clause (i)—

(i) by inserting ''IN GENERAL.—'' before ''Except''; and

(ii) by striking ''clause (ii),'' and inserting ''clauses (ii) and (iii),'';

(B) in clause (ii), by inserting ''ADJUSTMENT FOR ENROLLMENT.—'' before ''Not later than March 15, 1997,''; and

(C) by adding at the end the following:

''(iii) REDUCTION IN CASE OF NEW SCHOOL.—In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).''.

This title may be cited as the ''District of Columbia Appropriations Act, 1998''.

(13) On page 99, line 22, strike all through line 23

(14) On page 100, line 1, strike all through page 708, line 7

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate concur in the House amendments to the Senate amendments, and, further, that the Senate recede from its amendment to the title.

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

Mr. LOTT. Mr. President, this is the first of the three remaining appropriations items that the Senate must complete prior to adjournment.

I thank all Members on both sides of the aisle for their cooperation as we cleared this first appropriations bill.

I yield the floor.

I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

FEDERAL ADVISORY COMMITTEE ACT AMENDMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2977, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GLENN. Mr. President, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997.

H.R. 2977 properly excludes the National Academy of Science [NAS] and the National Academy of Public Administration [NAPA] from the Federal Advisory Committee Act [FACA], while at the same time ensuring that certain public sunshine and accountability measures apply to NAS and NAPA committees. Since the legislation did not have the benefit of a committee report in either the House of Senate, as ranking member of the Committee on Governmental Affairs, the committee of jurisdiction over FACA, I would like to make the following clarifications regarding the bill's provisions.

Section 15 of the bill establishes procedures with which NAS and NAPA must comply as part of agreements with Federal agencies on work to be performed. I want to be clear that both NAS and NAPA should apply these procedures to standing committees in their future work for Federal agencies in addition to future committees that may be created, either temporarily or on a standing basis, to complete a specific project or projects under an agreement with an agency. In particular, it

should be noted that any replacement or new member added to a standing committee should be done so in accordance with the provisions of section 15(b)(1).

Even though the requirements of section 15(b) of the bill are effective on the date of enactment, NAS has indicated in a letter that they would make reasonable and practicable efforts, to the fullest extent, to apply those requirements to committees that began work as part of an agency agreement prior to the date of enactment. I ask unanimous consent that the NAS letter be made part of the RECORD at the conclusion of my remarks.

Section 15(b) provides that public notice be given for a number of committee activities. Traditionally, under FACA, public notice constitutes notice in the Federal Register. However, FACA was written over 20 years ago prior to advent of the information technology revolution. Therefore, I believe that public notice under this bill could include the use of the Internet, including notice and information timely posted on their home pages, by the NAS and NAPA as a means to satisfy the bill's public notice procedures.

Regarding the NAS, I understand that they will establish a reading room, free and open to the general public, to make available information required to be made public under section 15(b). I concur with this approach. Furthermore, the legislation provides that a reasonable charge may be imposed by the NAS for distribution of written materials. I believe that this charge should be as minimal as possible and should not exceed the costs of copying, paper, printing, and mailing—if needed. My preference would be that future agreements between the Federal agencies and NAS include sufficient funds for copying and distribution of relevant materials so that there would be no charge to the public, particularly if the request for written materials is a narrow or limited one. I would also encourage both academies to use the Internet here as well.

I also want to clarify that the provisions of this bill do not apply to NAS or NAPA committees that are self-funded or funded through a non-Federal source. However, if Federal funds are added to such a committee pursuant to an agreement with an agency and the respective academy, then the committee must comply with the provisions of this bill.

Finally, Federal agencies should take note that we have vested discretion to the NAS and NAPA regarding implementation of the requirements of section 15(b). Agencies should not seek to manage or control the specific procedures each academy will adopt in order to comply with the requirements of the bill. A certification from the academies at the time the final report is to be submitted shall suffice. Agencies should not interpret section 15(b)(1) as implying that the conflict of interest provisions under the Ethics in Government Act are the de facto standard to be employed. That act requires extensive financial disclosure and other requirements that are not appropriate in this instance.

I ask unanimous consent that the text of a letter from the National Academy of Sciences be printed in the RECORD.

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

NATIONAL ACADEMY OF SCIENCES,
OFFICE OF THE PRESIDENT,
Washington, DC, November 9, 1997.

Hon. JOHN GLENN,
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: I am writing on behalf of the National Academy of Sciences to explain how the Academy intends to apply the requirements of the Federal Advisory Committee Act of 1997 to Academy committees that are currently working on contracts or agreements with federal agencies.

Under the Act, the Academy is not required to apply the procedures of section 15 to committees that are currently underway. This makes sense, because the appointment provisions of section 15 could not be applied retroactively to committees whose members have already been appointed. There are, however, some provisions of section 15 that depending upon the stage of a committee's work could be reasonably applied to ongoing committees. For example, if a committee has not yet concluded its data gathering process, the requirement that data gathering meetings be open to the public could be followed by the committee.

On behalf of the Academy, you have my assurance that the Academy will apply the procedures set forth in section 15 to committees that are currently underway to the fullest extent that is reasonable and practicable.

Sincerely,

BRUCE ALBERTS,
President, National Academy of Sciences.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 2977) was passed.

OCEAN AND COASTAL RESEARCH REVITALIZATION ACT OF 1997

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 287, S. 927.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 927) to reauthorize the Sea Grant Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1636

(Purpose: To reauthorize the Sea Grant Program)

Mr. LOTT. Senator SNOWE has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Ms. SNOWE, proposes an amendment numbered 1636.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. SNOWE. Mr. President, I am offering a manager's amendment with Senator HOLLINGS and Senator CHAFEE to S. 1213, the Oceans Act of 1997. The year 1998 has been declared the International Year of the Ocean by the United Nations, and around the world scientists, governments, nongovernmental organizations, and private citizens are preparing activities that recognize the importance of the oceans to all of humanity as well as the planet. Passage of the Oceans Act today would serve as a very fitting contribution to the Year of the Ocean, signifying that the United States is at the forefront of ocean policy, and that we as a nation are continuing to strive for the conservation and sustainable use of our ocean resources.

S. 1213, which I cosponsored with Senators HOLLINGS, MCCAIN, KERRY, STEVENS, and others is intended to address current and future problems related to the oceans, coasts, and Great Lakes, and to ensure that we have a national oceans policy capable of meeting these challenges.

The bill would create a commission to analyze the full range of ocean policy issues facing the Nation, and the way in which the Federal Government is currently responding to them through its agencies and programs. After completing its analysis, the commission would provide recommendations to the President and the Congress on the development of a comprehensive, cost-effective policy to address these issues.

It also requires the President to create an interagency council to help improve coordination and cooperation, and eliminate duplication of effort among Federal agencies.

This legislation is based on a law enacted in 1966 which created a similar commission known as the Stratton Commission. That commission led to the creation of NOAA in 1970, and it helped to shape our public policies on these issues in the succeeding years. But the times have changed over the past 30 years, and the problems that we face in the marine environment have changed as well.

The manager's amendment which I am proposing today embodies virtually all of S. 1213 are reported by the Commerce Committee, but it also addresses the concerns of some Senators about the establishment of the interagency National Oceans Council. Over the last few days, I have worked closely with Senators CHAFEE, HOLLINGS, and MCCAIN on modifications to help ensure that the Council has an appropriate role within the administration. It is intended to assist the commission

with its work, providing information from the appropriate Federal agencies as necessary, and to help the President implement the national ocean policy that he is charged with developing under the bill. The changes that we have agreed to and that are contained in the manager's amendment clarify the role of the Council, and establish a sunset provision requiring the Council to disband 1 year after the commission issues its report. The amendment also makes clear that the Council cannot supersede any other existing administration coordination mechanisms, or interfere with ongoing Federal activities under existing law.

Mr. President, this is a very good bipartisan bill that is supported by the leaders of both the Commerce and Environment and Public Works Committees. It will give the United States very important guidance on how to prepare for the ocean-related challenges that will face the Nation in the 21st century. I urge my colleagues to support the amendment and the bill as amended.

Mr. HOLLINGS. Mr. President, I rise in support of S. 927, a bill to reauthorize the National Sea Grant College Program. First, I offer my thanks to Senator SNOWE, the primary sponsor of the bill.

Sea Grant is a results-oriented program that builds bridges among Government, academia, and industry, putting information and technology from research laboratories into the hands of the people who can really use it. The National Sea Grant Program serves as a successful model for multidisciplinary research directed at scientific advancement and economic development. Sea Grant has improved the competitiveness of the Nation's coastal and marine economy by increasing the pool of skilled manpower, fostering scientific achievement, facilitating technology transfer, and educating the public on critical resource and environmental issues.

Mr. President, the 1966 Stratton Commission outlined a seminal vision for the benefits this Nation could derive from the oceans and coasts. The Sea Grant Program has played a vital part in realizing that vision. Today, Sea Grant researchers are examining important problems affecting our marine resources. This research is not just being put on a shelf. It is being used to improve aquaculture, market new technologies, develop pharmaceuticals, educate our young people, manage fisheries, and much more. This legislation, S. 927, will carry Sea Grant into its next 30 years by strengthening the Sea Grant Program, improving the procedures by which it operates, clarifying the respective roles of the Federal Government and the universities that participate in the program, and reducing administrative costs. I urge all of my colleagues to join me in supporting this important program and the passage of the bill.

Mr. LEAHY. Mr. President, I rise today in support of S. 927, the Ocean and Coastal Research Revitalization Act of 1997. Last year, Congress passed the National Invasive Species Act. S. 927 will enable colleges and universities across the country to address the goals of the National Invasive Species Act and will foster research on our marine and coastal resources. My amendment to include Lake Champlain as one of the Great lakes will allow Vermont colleges and universities to join the Sea Grant College Program and increase research on the many environmental threats to Lake Champlain.

A recent study shows that the zebra mussels have spread from 4 States in 1988 to 20 States this year. The zebra mussel is a prime example of what can happen when an exotic species is introduced into an environment where it has no natural predators. The zebra mussel, having hitchhiked over from Europe, is invading the far reaches of Lake Champlain at an alarming rate.

We Vermonters have come to think of it as great for many reasons though: Lake Champlain is vital both environmentally and economically to Vermont. Lake Champlain supports a watershed of over 8,200 square miles and an economy of over $9 billion in the region. In addition, the importance of Lake Champlain spreads throughout the Northeast, since residents of New England and the mid-Atlantic States cherish the lake and its resources for its recreational, ecological, and scenic values. Although Vermonters have always considered Lake Champlain the sixth Great Lake, this legislation will now officially recognize Lake Champlain as the sixth Great Lake under the Sea Grant Program.

This designation will allow colleges and universities in the Lake Champlain basin to become a Sea Grant college, enabling them to conduct vital research on the many invasive species threatening Lake Champlain, including zebra mussels, sea lampreys, Eurasian watermilfoil, and water chestnut. Inclusion in the National Sea Grant College Program would allow Vermont schools to focus greater attention on invasive species, but also would help Vermont and New York implement a number of the priorities identified in the Lake Champlain Basin Plan signed by our Governors this winter.

As the economic importance of the lake and the population of the Champlain Valley has grown, so have the environmental problems of Lake Champlain. One of the main environmental issues facing the lake is controlling pollution that flows into the lake. In particular, increases in the levels of phosphorus have turned parts of Lake Champlain green with algae. Runoff from farms and urban streets and treated water from sewage plants have caused this increase.

Historically, scientific efforts on Lake Champlain have lagged behind other regions with coastal waters of national significance. Although the University of Vermont was one of the original land grant colleges, it did not receive Sea Grant college status during the initial selections because the Sea Grant Program has been focused on areas with marine research needs. Since that time, several new Sea Grant designations were made to address critical issues facing the Great Lakes.

Lake Champlain plays an important role in the Great Lakes system, connected by hydrologic, geologic, and biological origins. The issues facing Lake Champlain represent the emerging issues facing the Great Lakes, such as nutrient enrichment, toxic contamination, habitat destruction, and fisheries issues. Allowing Vermont to participate in the Sea Grant Program would provide an opportunity for the State's scientists to compete for badly needed Federal dollars to support lake research.

The University of Vermont and other Vermont colleges are ideally situated to attain Sea Grant college status to work on Lake Champlain research. These researchers have been participating in lake research projects over the past several years, pulling together limited funding from numerous sources. Designation as a Sea Grant college will remedy this situation. Vermont will be able to improve the long-term water quality and biological monitoring on Lake Champlain. This monitoring is critical to determine the success of management actions outlined in the Lake Champlain Basin Plan. The Sea Grant Program would enable Vermont to track toxic substances in the water, sediment, air and biota and invasive species.

I want to thank my colleague from Maine, Senator SNOWE, and her staff for their assistance in increasing attention to the environmental issues in Lake Champlain.

Mr. BREAUX. Mr. President, this legislation reflects an effort to reach a compromise within the international ocean shipping industry. It reflects a middle ground among the somewhat dissimilar interests of the ocean carriers and shippers and shipping intermediaries, as well as the interests of U.S. ports and post-related labor interests such as longshoremen and truckers. I have worked with Senators HUTCHISON, LOTT, and GORTON to craft a compromise allowing us to move forward with legislation. I had hoped to be able to move forward with floor consideration before we adjourn, but it appears now that we ran out of time on this bill. I look forward to taking this bill up early in the next session of Congress. It has been very difficult to balance the competing considerations affected by this bill. In fact, I would liken it to squeezing Jell-O, you push in one direction and objections would ooze out in the other direction. However, I feel certain that we are close to achieving a workable agreement that all parties can support.

It is safe to say that our ocean shipping industry affects all of us in the United States since 96 percent of our international trade is carried by ships,

but very few of us fully understand the ocean shipping industry. International ocean shipping is a half-a-trillion-dollar annual industry that is inextricably linked to our fortunes in international trade. It is a unique industry, in that international maritime trade is regulated by more than just the policies of the United States. In fact, it is regulated by every nation capable of accepting vessels that are navigated on the seven seas. It is a complex industry to understand because of the multinational nature of trade, and its regulation is different from any of our domestic transportation industries such as trucking, rail, or aviation.

The ocean shipping industry provides the most open and pure form of trade in international transportation. For instance, trucks and railroads are only allowed to operate on a domestic basis, and foreign trucks and railroads are required to stop at border locations, with cargo for points further inland transported by U.S. firms. International aviation is subject to restrictions imposed and a result of bilateral trade agreements, that is, foreign airlines can only come into the United States if bilateral trade agreements provide access into the United States. However, international maritime trade is not restricted at all, and treaties of friendship, commerce, and navigation guarantee the right of vessels from anywhere in the world to deliver cargo to any point in the United States that is capable of accommodating the navigation of foreign vessels.

The Federal Maritime Commission [FMC] is charged with regulating the international ocean shipping liner industry. The ocean shipping liner industry consists of those vessels that provide regularly scheduled services to U.S. ports from points abroad. In large part, the trade consists of containerized cargo that is capable of international movement. The FMC does not regulate the practices of ocean shipping vessels that are not on regularly scheduled services, such as vessels chartered to carry oil, chemicals, bulk grain, or coal carriers. One might ask why regulate the ocean liner industry, and not the bulk shipping industry? The answer is that the ocean liner industry enjoys a worldwide exemption from the application of U.S. antitrust laws and foreign competition policies. Also, the ocean liner industry is required to provide a system of common carriage, that is, our law requires carriers to provide service to any importer or exporter on a fair, and nondiscriminatory basis.

The international ocean shipping liner industry is not a healthy industry. In general, it is riddled with trade-distorting practices, chronic overcapacity, and fiercely competitive carriers. In fact, rates have plunged in the transpacific trade to the degree that importers and exporters are expressing concerns about the overall health of the shipping industry. The primary cause of liner shipping overcapacity is the presence of policies designed to promote national-flag carriers and also to ensure strong shipbuilding capacity in the interest of national security. These policies which are not necessarily economically effective include subsidies to purchase ships and to operate ships, tax advantages to lower costs, cargo reservation schemes, and national control of shipyards and shipping companies. A prime example of policies that promote and subsidize a national-flag carrier is one of the largest shipping companies in the world, the China Overseas Shipping Company [COSCO]. It is operated by the Government of China, much in the way the United States Government controls the Navy and is not constrained by considerations that plague private sector companies.

Historically, ocean shipping liner companies attempted to combat rate wars resulting from overcapacity by establishing shipping conferences to coordinate the practices and pricing policies of liner shipping companies. The first shipping conference was established in 1875, but it was not until 1916 that the U.S. Government reviewed the conference system. The Alexander Committee—named after the then-chairman of the House Committee on Merchant Marine and Fisheries—recommended continuing the conference system in order to avoid ruinous rate wars and trade instability, but also determined that conference practices should be regulated to ensure that their practices did not adversely impact shippers. All other maritime nations allow shipping conferences to exist without the constraints of antitrust or competition laws, and presently no nation is considering changes to their shipping regulatory policies.

In the past, U.S. efforts to apply antitrust principles to the ocean shipping liner industry were met with great difficulty. Understandably, foreign governments objected to applying U.S. antitrust laws instead of their own laws on competition policy to their shipping companies. Many nations have enacted blocking statutes to expressly prevent the application of U.S. antitrust laws to the practices of their shipping companies. As a result of these blocking statutes, U.S. antitrust laws would only be able to reach U.S. companies and would destroy their ability to compete with foreign companies. With the difficulties in applying our antitrust laws, U.S. ocean shipping policy has endeavored to regulate ocean shipping practices to ensure that the grant of antitrust immunity is not abused and that our regulatory structure does not contradict the regulatory practices of foreign nations.

The current regulatory statute that governs the practices of the ocean liner shipping industry is the Shipping Act of 1984. The Shipping Act of 1984 was enacted in response to changing trends in the ocean shipping industry. The advent of intermodalism and containerization of cargo drastically changed the face of ocean shipping, and nearly all liner operations are now containerized. Prior to the Shipping Act of 1984, uncertainty existed as to whether intermodal agreements were within the scope of antitrust immunity granted to carriers. In addition, carrier agreements were subject to lengthy regulatory scrutiny under a public interest-type of standard. Dissatisfaction with the regulatory structure led to hearings and legislative review in the late 1970's and early 1980's. In the wake of passage of legislation deregulating the trucking and railroad industry, deregulation of the ocean shipping industry was accomplished with the enactment of the Shipping Act of 1984.

The Shipping Act of 1984 continues antitrust immunity for agreements unless the FMC seeks an injunction against any agreement it finds ''is likely, by a reduction of competition, to produce an unreasonable reduction in transportation service or an unreasonable increase in transportation cost.'' The act also clarifies that agreements can be filed covering intermodal movements, thus allowing ocean carriers to more fully coordinate ocean shipping services with shore-side services and surface transportation.

The Shipping Act of 1984 attempts to harmonize the twin objectives of facilitating an efficient ocean transportation system while controlling the potential abuses and disadvantages inherent in the conference system. The Act maintains the requirement that all carriers publish tariffs and provide rates and services to all shippers without unjust discrimination, thus continuing the obligations of common carriage. In order to provide shippers with a means of limiting conference power, the Shipping Act of 1984 made three major changes: First, it allowed shippers to utilize service contracts, but required the essential terms of the contract to be filed and allowed similarly situated shippers the right to enter similar contracts; second, it allowed shippers the right to set up shippers associations, in order to allow collective cargo interests to negotiate service contracts; and third, it mandated that all conference carriers had the right to act independently of the conference in pricing or service options upon 10 days' notice to the conference.

Amendments to the Merchant Marine Act, 1920, and the passage of the Foreign Shipping Practices Act of 1988, strengthened the FMC's oversight of foreign shipping practices and the practices of foreign governments that adversely impact conditions facing U.S. carriers and shippers in foreign trade. The FMC effectively utilized its trade authorities to challenge restrictive port practices in Japan, and after a tense showdown convinced the Japanese to alter their practices that restrict the opportunity of carriers to operate their own marine terminals. The changes that will be required to be implemented under this agreement will

save consumers of imports and exporters trading to Japan, millions of dollars, and the FMC deserves praise for hanging tough in what was undeniably a tense situation.

While we were not able to address all concerns about our new ocean shipping deregulation proposal I would like to elaborate on the progress that has been made toward ultimate Senate passage of legislation. I would also like to thank Senators HUTCHISON, LOTT and GORTON for their efforts on this bill. Additionally, the following staffers spent many hours meeting with the affected members of the shipping public and listening to their concerns about our proposal and I would like to personally thank Jim Sartucci and Carl Bentzel of the Commerce Committee staff, Carl Biersack of Senator LOTT's staff, Jeanne Bumpus of Senator GORTON's staff, Amy Henderson of Senator HUTCHISON's staff as well as my own staffers, Mark Ashby and Paul DeVeau.

S. 414, the Ocean Shipping Reform Act, and the proposed amendment to the committee reported bill, attempt to balance the competing interests of those affected by international ocean shipping practices. One of the major obstacles to change in this area was the need to provide additional service contract flexibility and confidentiality, while balancing the need to continue oversight of contract practices to ensure against anti-competitive practices immunized from our antitrust laws. I think the contracting proposal embodied in S. 414 adequately balances these competing considerations. The bill transfers the requirements of providing service and price information to the private sector, and will allow the private sector to perform functions that had heretofore been provided by the Government. The bill broadens the authority of the FMC to provide statutory exemptions, and reforms the licensing and bonding requirements for ocean shipping intermediaries.

Importantly, the bill does not change the structure of the Federal Maritime Commission. The FMC is a small agency with a annual budget of about $14 million. When you subtract penalties and fines collected over the past 7 years, the annual cost of agency operations is less than $7 million. All told, the agency is a bargain to the U.S. taxpayer as it oversees the shipping practices of over $500 billion in maritime trade. The U.S. public accrues an added benefit when the FMC is able to break down trade barriers that cost importers and exporters millions in additional costs, as recently occurred when the FMC challenged restrictive Japanese port practices.

The FMC is an independent regulatory agency that is not accountable to the direction of the administration. Independence allows the FMC to maintain a more aggressive and objective posture when it comes to the consideration of eliminating foreign trade barriers.

S. 414 also provides some additional protection to longshoremen who work at U.S. ports. The concerns expressed by U.S. ports and port-related labor interests revolved around reductions in the transparency afforded to shipping contracts, and the potential abuse that could occur as a result of carrier antitrust immune contract actions. In order to address the concerns of longshoremen who have contracts for longshore and stevedoring services, S. 414 sets up a mechanism to allow the longshoremen to request information relevant to the enforcement of collective bargaining agreements.

It is my feeling that we have before us a package of needed shipping reforms that will allow us to move ahead, and I look forward to passing this bill in the next session of Congress.

Mr. LOTT. I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended, the motion to reconsider be laid upon the table and that any statements related to the bill be printed in the RECORD.

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

The amendment (No. 1636) was agreed to.

The bill (S. 927), as amended, was passed.

DOCUMENTATION OF THE VESSEL ''PRINCE NOVA''

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 1349 and that the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1349) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prince Nova*, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid on the table, and that any statements related thereto be printed in the RECORD.

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

The bill (S. 1349) was passed, as follows:

S. 1349

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

SECTION 1. DOCUMENTATION OF THE VESSEL PRINCE NOVA.

(a) DOCUMENTATION AUTHORIZED.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 U.S.C. App. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel PRINCE NOVA (Canadian registration number 320804).

(b) EXPIRATION OF CERTIFICATE.—A certificate of documentation issued for the vessel under subsection (a) shall expire unless—

(1) the vessel undergoes conversion, reconstruction, repair, rebuilding, or retrofitting in a shipyard located in the United States;

(2) the cost of that conversion, reconstruction, repair, rebuilding, or retrofitting is not less than the greater of—

(A) 3 times the purchase value of the vessel before the conversion, reconstruction, repair, rebuilding, or retrofitting; or

(B) $4,200,000; and

(3) not less than an average of $1,000,000 is spent annually in a shipyard located in the United States for conversion, reconstruction, repair, rebuilding, or retrofitting of the vessel until the total amount of the cost required under paragraph (2) is spent.

Mr. LOTT. Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each.

NATIONAL VETERANS CEMETERY

Mr. NICKLES. Mr. President, I rise to express my profound disappointment in the action the President took on November 1 of this year when he used his veto pen to line-item veto $900,000 from the VA-HUD appropriations bill. This money was set aside for the final planning and design of a new national veterans cemetery to be built at Fort Sill in Lawton, OK. While I am disappointed, I know my disappointment pales in comparison to the shock and frustration that the veterans of Oklahoma and their families have expressed to me and my staff regarding the President's action.

The shock and frustration expressed by veterans living in Oklahoma who have selflessly served our country and their families comes because the President's veto will further delay a national cemetery that has been in one stage of planning or another since 1987 when the Department of Veteran Affairs stated its intention to build a new national cemetery in Oklahoma.

I hope my colleagues will bear with me as I review what the veterans of Oklahoma and their families have gone through over the past 10 years.

Efforts to establish a national veterans cemetery in central Oklahoma date back to 1987. That year the Department of Veterans Affairs, in a report to Congress, identified central Oklahoma as an area in need of a national veterans cemetery because of Oklahoma's large veterans population and an official acknowledgment that the Fort Gibson cemetery in eastern Oklahoma would soon be full. The Oklahoma congressional delegation did not make this determination, Oklahoma's large veteran

population did not make this determination the VA made this determination.

The VA then embarked on a 4-year selection process and narrowed the potential cemetery sites to three: Fort Reno, Edmond, and Guthrie. The Congress, in accordance with the 1987 report, appropriated $250,000 in fiscal year 1991 for the purpose of conducting an environmental impact statement on these three sites to determine which site best met the needs of our veterans and was suitable for construction of a cemetery.

In late 1993, the VA officially announced Fort Reno as its preferred site, and Congress, in 1994, appropriated another $250,000 for the initial planning and design stages of the cemetery. Unfortunately, in that same year a land dispute arose over the Fort Reno site. After a year of trying to work out an agreement on the property at Fort Reno no resolution could be found.

On January 23, 1995, the VA issued a press release announcing that it was no longer committed to the Fort Reno site because the land dispute could not be resolved. In that same press release Jesse Brown, the Secretary of Veterans Affairs, made the following statement:

> I am reiterating VA's commitment to provide a new national cemetery for the veterans of this region. We will look for other potential sites and expedite the selection decision.

Thankfully, another piece of property was soon found at Fort Sill that could be used for a cemetery, and true to Secretary Brown's statement the process was expedited.

The VA, using money left over from the initial environmental impact statement, conducted another study of the piece of property identified as a potential cemetery site at Fort Sill. The second environmental impact statement was completed on the property at Fort Sill and it was deemed suitable for a cemetery.

Again, acting on the VA's commitment of 1987 to build a national veterans cemetery which was reiterated in January 1995, by Secretary Brown, the Congress adopted an amendment that I offered to the fiscal year 1997 Defense authorization bill that called for the transfer of that property at Fort Sill for the establishment of a new national veterans cemetery.

I recently spoke to the Army and was informed that this land transfer is progressing very well and ought to be complete by mid-January of 1998—that's about two months away.

This year I worked with my good friend, Senator BOND, chairman of the VA–HUD appropriations subcommittee, to include $900,000 for the final planning and design of the cemetery. It was included in the bill that was passed by the Senate and included in the conference report.

As I stated earlier, about a week ago, the President used his veto pen to line-item veto this project. This project was the only VA project that was line-tem vetoed this year.

Besides being disappointed at the President's action, I don't understand it. The cemetery project is completely within the budget agreement that was hammered out this year. The cemetery project was identified by the VA as a project it wanted.

I do want to let the administration and the veterans of Oklahoma know that I am committed to this project and I intend to work with the administration and the VA to see that the veterans of Oklahoma get a new national veterans cemetery in a timely fashion. Ten years has already been a long time to wait. The veterans of Oklahoma and their families have endured much as they served our country, I intend to see to it that the establishment of a new national veterans cemetery does not become yet another test of that endurance.

Mr. President, I believe the President made a mistake. He made a mistake in several items that were vetoed in the MilCon bill and he made a mistake in this case. The VA had made a commitment to build this cemetery. The veterans who served our country so well are entitled to be buried in a national veterans' cemetery. The Veterans' Department said maybe the new cemetery in Oklahoma should be a State cemetery. However, the veterans of Oklahoma have stated they want to be buried in a national veterans' cemetery, and I am committed to that. I know the veterans of Oklahoma are committed to that. We have had a commitment from this administration and this administration should not renege on it. They should not go back on their word to the veterans of Oklahoma, as evidenced by the President's veto. I think it was a mistake.

It just so happens the President does not have a Secretary of Veterans' Affairs. I will be meeting with the Acting Secretary and the President's nominee to be Secretary and hopefully we will come to an understanding very quickly that this is a commitment that will be completed. We need to uphold the commitment we made to the veterans of Oklahoma that we will have a national cemetery built.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2159

Mr. NICKLES. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of the conference report to accompany H.R. 2159, the foreign operations bill. I further ask consent there be 30 minutes of debate equally divided in the usual form, and immediately following that debate or yielding back of time the conference report be considered as adopted and the motion to reconsider be laid upon the table.

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

EXTENSION OF MORNING BUSINESS

Mr. NICKLES. Mr. President, I ask unanimous consent that morning business be extended until 12 noon under the same terms as previously agreed to.

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

FAST TRACK

Mr. DORGAN. Mr. President, because the proposal for fast-track trade authority was not adopted, there have been a good many columns and commentators evaluating why fast track failed. I wanted to comment about that just a bit today. It is interesting. Even though the political pathologists for this legislation—the journalists, and the beltway insiders—have picked the fast track carcass clean, they still missed the cause of death.

The eulogies I read have no relationship to the deceased. Fast track didn't die because of unions and union opposition to fast track. Fast track didn't die because the President didn't have the strength to get it through the Congress. Fast track didn't die because our country doesn't want to engage in international trade. Fast track died because this country is deeply divided on trade issues. There is not a consensus in this country at this point on the issue of international trade. Instead of a national dialogue on trade we have at least a half dozen or more monologues on trade.

What people miss when they evaluate what happened to fast track is the deep concern that this country has not done well in international trade, especially in our trade agreements. This did not matter very much during the first 25 years after the Second World War. We could make virtually any agreement with anybody and provide significant concessions under the guise of foreign policy and we could still win the trade competition with one hand tied behind our backs. We could do that because we were bigger, better, stronger, better prepared, and better able. Thus, trade policy was largely foreign policy.

During the first 25 years after the Second World War, our incomes continued to rise in this country despite the fact that our trade policy was largely foreign policy. However, the second 25 years have told a different story, and we now face tougher and shrewder competition from countries that are very able to compete with us. And our trade policy must be more realistic and must be a trade policy that recognizes more the needs of this country.

Will Rogers said something, probably 70 years ago, that speaks to our trade policy concerns. I gave an approximate quote of that here on the floor the other day. He describes the concern people have about trade, yes, even

today. Let me tell you what he said. Speaking of the United States, he said,

> We have never lost a war and we have never won a conference. I believe that we could, without any degree of egotism, single-handedly lick any nation in the world. But we can't even confer with Costa Rica and come home with our shirts on.

A lot of people still feel this way about our country. We could lick any nation in the world but we can't confer with Costa Rica and come home with our shirts on. ''We have never lost a war and never won a conference,'' Will Rogers said.

What are the various interests here that cause all of this angst and anxiety? There is the interest of the corporations, particularly the very large corporations. They have an interest of profit. Their interest is to go somewhere else in the world and produce a product as cheaply as they can produce it and send it back to sell in America. That provides a profit. That is in their interest. It is a legitimate interest on behalf of their stockholders, but it is their interest. Is it parallel to the national interest?

Economists: their interest is seeing this in theory in terms of the doctrine of comparative advantage. Now this was first preached at a time when there weren't corporations, only nations. This is the notion that each nation should do what it is best prepared and equipped to do and then trade with others for that which it is least able to do.

Consumers: consumers have an interest, in some cases, of trying to buy the cheapest or least expensive product available.

Workers: workers want to keep their jobs and want to have good jobs and want to have a future and an opportunity for a job that pays well, with decent benefits.

Then there are the big thinkers. Those are the people who think they know more than all the rest of us. They understand that trade policy is simply called trade policy. Actually, they still want it to be foreign policy. Incidentally, some of those big thinkers were around last week. When the real debate about fast track got going, who rushed to Capitol Hill? The Secretary of State, and U.S. Ambassador to the United Nations, came here because we still have some of those big thinkers who believe trade policy must inevitably be foreign policy in our country.

Oliver Wendell Holmes once said, ''The question is not where you stand but in what direction are you moving?'' You must always move, you must not drift or lie at anchor.

The question is, now that fast track has failed, what direction are we moving? What is our interest in trade? What can spark a national consensus on trade issues? What are the new goals?

First of all, I think most Americans would understand that we want our country to be a leader in trade. Our country should lead in the area of expanding world trade. Yet the real question is, how do we lead and where do we lead?

I think the starting point is this. We have the largest trade deficits in this country's history. Most Americans viscerally understand that. We have the largest trade deficits in our country's history, and they are getting worse, not better. We must do something about it.

We have specific and vexing trade problems that go unresolved. I have mentioned many times on the floor of the Senate the trade problem with Canada, which is not the largest problem we have. Yet, it is a huge problem for the people that it affects. I am talking about the flood of unfairly traded Canadian grain that is undercutting our farmers' interests.

I just got off the phone with a farmer an hour ago. He was calling from North Dakota. He said the price of grain is down, way down. He's trying to compete with terribly unfair imports coming in through his back door from a state trading enterprise which would be illegal in this country and are sold at secret prices.

Trade problems which go unresolved fester and infect, and that is what causes many in this country to have a sour feeling about this country's trade policy. Because of a range of these problems, this country does not have a consensus on trade policy, at least not a consensus that Congress should pass fast track.

Last weekend and early this week when fast track failed to get the needed votes to pass the Congress, there were people who almost had apoplectic seizures here in Washington, DC. They were falling over themselves, saying, ''Woe is America. What on Earth is going happen?''

Then we had countries in South America get into the act. I read in the paper that one of the countries in South America said, ''You know, if the United States can't have fast-track trade authority then we are going to have to negotiate with somebody else.''

Oh, really? Who are you going to negotiate with? Have you found a substitute for the American marketplace anywhere on the globe? Is there anywhere on Earth that a substitute for the American marketplace exists? Maybe you want to negotiate with Nigeria? How about Zambia? Zambia has a lower gross national product than the partners of Goldman Sachs have income. So go negotiate with Zambia.

Would our trading partners do us a favor, and not think the world is coming apart because we have not passed fast track? They need to understand that we want expanded trade. In the debate about trade we want to have embedded some notion about responsibilities. These are the responsibilities that we have as a country to decide that our trade policy must also reflect our values. These values are about the environment, about safe workplaces, about children working, about food safety and, yes, about human rights.

Does that mean we want to impose our values, imprint them, stamp them in every circumstance around the globe for a condition of trade? No. It does mean there is a bar at some point that we establish that says this minimum represents the set of values that we care about with respect to our trade relations.

Do we care if another country allows firms to hire 12-year-old kids, work them 12 hours a day and pay them 12 cents an hour and then ships these products to Pittsburgh, Los Angeles and Fargo? Yes, the consumer gets a cheaper product, but do we want 12-year-old kids working somewhere to produce it? Do we care that they compete with a company in this country that is unable to hire kids because this country is unwilling to let companies hire kids? We also say to these companies that they cannot dump chemicals into the air and into the water. We require a safe workplace. We require that a living wage be paid. At least we have minimum wage conditions.

We need to answer those questions. What really is fair trade? In whose interests do we fight for the set of values that we want for our future in our trade policies?

As we seek a new consensus on trade in this country, I hope that consensus will include the following goals:

First, it would be in this country's interest to end its chronic trade deficits. For 21 years in a row we have had chronic, nagging, growing trade deficits. I hope that as a goal we will decide that it is in this country's interest to end these trade deficits. Hopefully we would do it by increasing net exports from this country.

Second, we want more and better jobs in this country. That means our trade agreements ought to be designed to foster and improve job conditions in this country and living standards. As a part of that we need to require that our values are reflected in our trade policies, including our concerns about others who do not respect the rights of children and the environment.

Third, we need mandatory enforcement of trade agreements. Let us finally enforce the trade agreements we have made in the past. There are too many agreements that our trading partners are not abiding by. Let us not consign American producers and American workers to some wilderness out there facing vexing trade problems that cannot and will not be solved. Let's decide as a country, if an agreement is worth making, it is worth enforcing. Let us stand up to Canada, Mexico, China, and Japan and others and say, ''If you are going to have trade agreements with us, this country insists on its behalf and on behalf of its farmers, workers and employers that we are going to enforce trade agreements.''

Fourth, let us end the currency trap doors in trade agreements. When we make a trade agreement with some country and they devalue their currency, all the benefits of that trade

agreement, and much, much more, are swept away in an instant.

Fifth, all trade agreements should relate to the question of whether they contribute to this country's national security.

These are the values that I think make sense for this country to discuss and consider as it tries to seek a new consensus on trade policy.

Once again, those who do the autopsies on failed public policies, including fast track during this last week, should not miss the cause of death. The reason fast track failed was because, as President Wilson once said, the murmur of public policy in this country comes not from this Chamber and not from the seats of learning in this town, but it comes from the factories and the farms and from the hills and the valleys of this country and from the homes of people who care about what happens to the economy of this country, and the economy of their State and their community.

They are the ones who evaluate whether public policy is in their interest or in this country's interest. They are the ones, after all, who decide what happens in this Chamber, because they are the ones who sent us here and the ones who asked us to provide the kind of leadership toward a system of trade and economic policy that will result in a better country.

Finally, Mr. President, I hope that as we discuss trade in the days ahead, it will be in a thoughtful, and not thoughtless, way. We do not need a discussion by those who say, ''Well, fast track is dead, the protectionists win.'' That is not what the vote was about. It is not what the issue was about, and it is not the way I think we will confront trade policies in the future.

I will conclude with one additional point. There is an op-ed piece in the New York Times today which I found most interesting. I ask unanimous consent to have this op-ed piece printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. DORGAN. Mr. President, this is an op-ed piece by Thomas Friedman. I commend it to my colleagues. He talks about the new American politics and especially about fast-track trade authority. He said we have a trade debate among people divided into four categories:

The Integrationists: ''These are people who believe freer trade and integration are either inevitable or good, and they want to promote more trade agreements and Internet connections from one end of the world to the other, 24 hours a day.''

There are the Social Safety-Netters. ''These are people who believe that we need to package global integration with programs that will assist the 'know-nots' and 'have-nots.' ''

Then there are the Let-Them-Eat-Cakers. ''These are people who believe that globalization is winner-take-all, loser-take-care-of-yourself.

He provides an interesting statement of where he thinks all of the current key players in the debate find themselves.

Now everyone in the fast-track debate is in my matrix: Bill Clinton is an Integrationist-Social-Safety-Netter. Newt Gingrich is an Integrationist-Let-Them-Eat-Caker. Dick Gephardt is a Separatist-Social-Safety-Netter and Ross Perot is a Separatist-Let-Them-Eat-Caker.

If that piques your interest, I encourage you to look at this particular piece by Thomas Friedman in which he describes his interesting matrix of trade policy and the need to build a new consensus.

Finally, I want to say that what this country needs most at this point is to understand there is not now a consensus on trade policy. I say to the President and I say to the corporations and labor unions and the people in this country that it is time to develop a new consensus. I am interested, for one, in finding a way to bridge the gaps among all of the competing interests in trade to see if we might be able to weave a quilt of public policy that represents this country's best interest in advancing our economy and our American values.

Mr. President, I yield the floor.

EXHIBIT 1

[From the New York Times, Nov. 13, 1997]

THE NEW AMERICAN POLITICS

(By Thomas L. Friedman)

Well, I guess it's official now: America has a four-party system.

That's the most important lesson to come out of Monday's decision by Congressional Democrats to reject President Clinton's request for ''fast track'' authority to sign more international free-trade agreements. I see a silver lining in what Congress did, even though it was harebrained. Maybe now at least the American public, and the business community, will fully understand what politics is increasingly about in this country, and will focus on which of America's four parties they want to join.

Me, I'm an Integrationist-Social-Safety-Netter. How about you?

To figure out which party you're in let me again offer the Friedman matrix of globalization politics. Take a piece of paper and draw a line across the middle from east to west. This is the globalization line, where you locate how you feel about the way in which technology and open markets are combining to integrate more and more of the world. At the far right end of this line are the Integrationists. These are people who believe that freer trade and integration are either inevitable or good; they want to promote more trade agreements and Internet connections from one end of the world to the other, 24 hours a day.

Next go to the far left end of this line. These are the Separatists. These are people who believe free trade and technological integration are neither good nor inevitable; they want to stop them in their tracks. So first locate yourself somewhere on this line between Separatists and Integrationists.

Now draw another line from north to south through the middle of the globalization line. This is the distribution line. It defines what you believe should go along with globalization to cushion its worst social, economic and environmental impacts. At the southern end of this line are the Social-Safety-Netters. These are people who believe that we need to package global integration with programs that will assist the ''know-nots'' and ''have-nots,'' who lack the skills to take advantage of the new economy or who get caught up in the job-churning that goes with globalization and are unemployed or driven into poorer-paying jobs. The Safety-Netters also want programs to improve labor and environmental standards in developing countries rushing headlong into the global economy.

At the northern tip of this distribution line are the Let-Them-Eat-Cakers. These are people who believe that globalization is winner-take-all, loser-take-care-of-yourself.

Now everyone in the fast-track debate is my matrix: Bill Clinton is an Integrationist-Social-Safety-Netter. Newt Gingrich is an Integrationist-Let-Them-Eat-Caker. Dick Gephardt is a Separatist-Social-Safety-Netter and Ross Perot is a Separatist-Let-Them-Eat-Caker. That's why Mr. Clinton and Mr. Gingrich are allies on free trade but opponents on social welfare, and why Mr. Gephardt and Mr. Perot are allies against more free trade, but opponents on social welfare.

As I said, I'm an Integrationist-Social-Safety-Netter. I believe that the technologies weaving the world more tightly together cannot be stopped and the integration of markets can only be reversed at a very, very high cost. Bill Clinton is right about that and Dick Gephardt and the unions are wrong.

But Mr. Gephardt and the unions are right that globalization is as creatively destructive as the earlier versions of capitalism, which destroyed feudalism and Communism. With all its positives, globalization does churn new jobs and destroy old ones, it does widen gaps between those with knowledge skills and those without them, it does weaken bonds of community. And the Clinton team, the business community and all the workers already benefiting from the information economy never took these dark sides seriously enough.

One hopes they now realize that this is one of the most fundamental issues—maybe the most fundamental issue—in American politics. You can't just give a speech about it one month before they vote, you can't just have your company buy an ad supporting it the day before you vote, you can't just summon a constituency for it on the eve of the vote. You have to build a real politics of Integrationist-Social-Safety-Nettism—a politics that can show people the power and potential of global integration, while taking seriously their needs for safety nets to protect them along the way. Build it and they will come.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

VETERANS DAY

Mr. GLENN. Mr. President, earlier this week, we celebrated a national holiday, Veterans Day. We were not in session on that day, November 11, so I want to make a few comments about that day and what it means to our country.

Veterans Day comes from the Armistice Day that ended World War I in 1918. The armistice was signed that day at 11 o'clock in the morning with the hope that that would be the war to end all wars. As we look back on what has happened since that time, we know

that that is not what happened, however, that is the way World War I was billed at that time.

Later, Armistice Day was changed to Veterans Day to better represent all the conflicts that this country has ever participated in. I think it is good that we have a day where we can reflect on, and commemorate those who took part in those wars.

However, sometimes on that day, we are reminded that appreciation for the military, and for their sacrifices, does not get its proper attention. I am reminded of the old Kipling poem where he talks about how the lack of appreciation for our military occurs, or seems to occur, in those time periods when they are most needed.

Kipling was British, and in Britain, GI's were called tommies. In his famous poem Kipling wrote:

It's Tommy this, an' Tommy that,
an' ''Chuck him out, the brute!''
But it's ''Savior of 'is country''
when the guns begin to shoot.

We tend to forget about the sacrifices our military personnel when peace breaks out. History shows us that over the last 100 years or so, we have had approximately 17-year cycles of war and peace. It is amazing, almost uncanny, how our military buildups and downgrades fit into that 17-year cycle. In fact, the only conflict that occurred outside of that pattern was World War II, which was only about 4 years off the 17-year cycle. I can only hope that our current period of peace will break that 17-year cycle.

On Veterans Day, we recognize those who have gone through these cycles before us. It is a time to point out some of the sacrifices they made, the devotion to duty that they were required to perform, and the courage that they exhibited. It is a time to say, ''The professionalism of our military saved lives.''

Veterans themselves, do not need a special day, because they remember their own experiences in the military. They do not need a special day because those times are forever etched in their memories. They remember the people that they were associated with, their friends, people of all walks of life. They remember the rich, the poor, the advantaged, the disadvantaged; all tossed together, rubbing elbows, in what is the finest military in the world. They remember the places where they were stationed, their training, and they certainly remember their days in combat, which is forever etched on their memory, like nothing else out of their past.

Some survived and some did not. Veterans Day is a time to go back and remember those people. It is time, not just for veterans, but for all Americans, to remember that this country was built on the sacrifices of the brave men and women who served in the military, and protected our country. It is a day to remember and appreciate what made this country, the greatest nation in the world.

Mr. President, another important day occurred early this week and I would like to make a few remarks about it also.

THE MARINE CORPS' 222D BIRTHDAY

Mr. GLENN. Mr. President, Monday, November 10, was the 222d birthday of the U.S. Marine Corps. That day is celebrated by marines, and former marines, wherever they are, wherever they may go.

Last year, on the Marine Corps birthday, I was on a plane with our minority leader and several other Senators, on a trip to the Far East. We were on our way to visit Ho Chi Minh City, Hong Kong, and Taiwan. We had just left Japan, and I was sitting there with my wife, Annie, when I remembered that it was the Marine Corps birthday. Because it is a ritual for marines to celebrate their birthday, no matter where they are, I told Annie that I was going back to the galley to get something to be our Marine Corps birthday cake. I know this may sound silly to some people, but to marines, it does not sound silly at all.

So, right as I was getting ready to head back to the galley, other people on the flight started gathering around where we were sitting. It turned out that they also had remembered how important this day was to me, and my fellow marines. Not only did they know what the 10th of November was, they had brought a cake along with them. It was a beautiful cake and was decorated with the Marine Corps emblem. So probably like a lot of other isolated marines in the world, we had our own party. It was a very memorable celebration.

This year I had the chance to participate in the Marine Corps birthday ball here in Washington, at the Marine Barracks. Once again, we had a wonderful celebration.

The corps remains proud of the role it has played in the history of our country—as the 911 force, the emergency force that is always available when requirements dictate that the most best is needed now.

The Marine Corps remains unique to the other services, in the respect that it has all elements of supporting arms in one unit. It has supplies for 60 days of combat. It has infantry, air, armor, and artillery. It has all the elements wrapped up in one unit, necessary to go in and be a very tough, hard-hitting organization for a short period of time.

This was vividly illustrated in the Persian Gulf during Desert Storm. The Marine Corps came in with two divisions, completely equipped, and set up a blocking position, to give our other forces time to build up—a build up that over a several-month period came to number over 520,000 Americans.

This was typical of the role that the U.S. Marine Corps has played as the ready force. And there isn't a Marine unit in existence that does not have some of its expeditionary gear, some of its combat equipment boxed and ready to go now and move within hours. If the Marine Corps ever loses that kind of readiness, I believe it will have lost its reason for being.

So in their 222d year of existence, the marines continue to celebrate the traditions of the Marine Corps. They honor and remember the sacrifices of marines who fought in places like Belleau Wood, Guadalcanal, Tarawa, Bougainville, Iwo Jima, Pork Chop Hill and the Chosen Reservoir, and Khe Sanh.

One thing that has remained the same though out the Marines history, and something that I am proud of, is in the way in that the Marine Corps recruits people. The Marine Corps recruits people to serve. They do not recruit on a promise of ''Here's what is good for you, or here's what you'll get out of it yourself'', they recruit by asking the question, ''Are you good enough to serve your country?'' And it is here, and later where they are trained, that the attitudes required to prepare them for battle, are instilled. It calls for each person to devote themselves to a purpose bigger than themselves, a purpose to each other, a purpose to the unit, a purpose to the corps, and a purpose to this country of ours.

This was well spelled out in a Parade magazine article last Sunday, November 9. This article said so much about the training that is going on in the Marine Corps today, training that continues to be updated from one war to the next.

This article was not written by some Marine Corps public relations person, it was written by Thomas E. Ricks, a writer for the Wall Street Journal. Mr Ricks starts out in the first part of this article by saying, ''What is it about the Marine Corps that makes it so successful in transforming teenage boys and girls into responsible, confident men and women? He goes on to show how ordinary ''Beavises and Butt-heads'' can be molded into effective leaders. And he says of himself, ''I majored in English literature at Yale, and, like everybody with whom I grew up and went to school with, I have no military experience. Yet I learned things at Parris Island that fascinated me.''

He talks about ''Lessons From Parris Island'' that are instilled into these young people coming into the Marine Corps which are—first, ''Tell the truth;'' second, ''Do your best, no matter how trivial the task;'' third, ''Choose the difficult right over the easy wrong;'' fourth, ''Look out for the group before you look out for yourself;'' fifth, ''Don't whine or make excuses;'' and, sixth, ''Judge others by their actions and not their race.''

By my way of thinking, those are some pretty good objectives for anybody in our society to follow. And they are the building blocks that are instilled in all U.S. Marines as they go through boot camp.

Mr. President, I will not read this whole article this morning. I ask unanimous consent that this article be printed in the RECORD.

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

A FEW GOOD TRUTHS

(By Thomas E. Ricks)

WHAT WE CAN LEARN FROM THEM

On a hot night in 1992, on my first deployment as a Pentagon reporter, I went on patrol in Mogadishu, Somalia, with a squad of Marines led by a 22-year-old corporal. Red and green tracer bullets cut arcs across the dark sky. It was a confusing and difficult time. Yet the corporal led the patrol with a confidence that was contagious.

Ever since that night, I had wanted to see how the Marine Corps turns teenage Americans into self-confident leaders. At a time when the nation seems distrustful of its teenage males—when young black men especially, and wrongly, are figures of fear for many—the military is different. It isn't just that it has done a better job than the larger society in dealing with drug abuse and racial tension—even though that is true. It also seems to be doing a better job of teaching teenagers the right away to live than does, say, the average American high school. And it thrives while drawing most of its personnel from the bottom half of our society, the half that isn't surfing the information superhighway.

I wanted to see how the Marines could turn an undereducated, cynical teenager into that young soldier, who, on his second night in Africa, could lead a file of men through the dark and dangerous city. How could a kid we would not trust to run the copier by himself back in my office in Washington become the squad leader addressing questions that could alter national policy: Do I shoot at this threatening mob in a Third World city? Do I fire when a local police officer points his weapon in my direction? If I am performing a limited peacekeeping mission, do I stop a rape when it occurs 50 yards in front of my position?

To find out how the Marines give young Americans the values and self-confidence to make those decisions, I decided to go to Marine boot camp. I went not as a recruit but as an observer. I come from the post-draft generation. I majored in English literature at Yale, and, like everybody with whom I grew up and went to school, I have no military experience. Yet I learned things at Parris Island that fascinated me—and should interest anyone who cares about where our youth are going. In a society that seems to have trouble transmitting healthy values, the Marines stand out as a successful institution that unabashedly teaches those values to the Beavises and Butt-heads of America.

I met Platoon 3086 on a foggy late winter night in 1995 when its bus arrived on Parris Island, S.C. I followed the recruits intermittently for their 11 weeks on the island, then during their first two years in the Marine Corps.

The recruits arrived steeped in the popular American culture of consumerism and individualism. To a surprising degree, before joining the Corps, they had been living part-time lives—working part-time, going to community college part-time (and getting lousy grades) and staying dazed on drugs and alcohol part-time. When they arrived on Parris Island, all that was taken away from them. They were stripped of the usual distractions, from television and music to cars and candy. They even lost the right to refer to themselves as ''I'' or ''me.'' When one confused recruit did so during the first week of boot camp, Sgt. Darren Carey, the platoon's ''heavy hat'' disciplinarian, stomped his foot on the cement floor and shouted, ''You got on the wrong bus, cause there ain't no I, me, my's or I's here!''

On Parris Island, for every waking moment during the next 11 weeks, they were immersed in a new, very different world. For the first time in their lives, many encountered absolute standards: Tell the truth. Don't give up. Don't whine. Look out for the group before you look out for yourself. Always do your best—even if you are just mopping the floor, you owe it to yourself and your comrades to strive to be the best mopper at this moment in the Corps. Judge others by their actions, not their words or their race.

The drill instructors weren't interested in excuses. Every day, they transmitted the lesson taught centuries ago by the ancient Greek, philosophers: Don't pursue happiness; pursue excellence. Make a habit of that, and you can have a fulfilling life.

These aren't complex ideas, but to persuade a cynical teenager to follow them, they must be painstakingly pursued every day—lived as well as preached. I have seen few people work as hard as did Platoon 3086's drill instructors in the first few weeks they led the platoon. Sergeant Carey, an intense young reconnaissance specialist from Long Island, routinely put in 17 hours a day, six and half days a week. His ability to drive himself at full speed all day long awed and inspired his charges. Recruit Paul Bourassa said of his drill instructor. ''When you're gone 16 hours, and you're wiped out, and you see him motoring, you say to yourself, 'I've go to tap into whatever he has.'''

Sergeant Carey clearly wasn't doing it for the money. He was paid $1775 a month—a figure that worked out to about the minimum wage. Of course, the wages were nearly irrelevant. The recruits learned that money isn't the measure of a man, that a person's real wealth is in his character. One of the funniest moments I saw in boot camp came when Sergeant Carey was lecturing the platoon on the importance of knowledge.

''Knowledge is what?'' he bellowed.

''Power, sir,'' responded the platoon.

''Power is what?'' he then asked.

That puzzled the platoon. Faces scrunched up in thought. Eventually one recruit hazarded a guess: ''Money?''

Sergenat Carey was dumbfounded to find such a civilian attitude persisting is his platoon. ''No!'' he shouted. ''Power is VICTORY!'' (Then, in a whispered aside, he added, ''I swear, I'm dealing with aliens.'')

The drill instructors didn't try to make their recruits happy. They tried to push the members of the platoon harder than they'd ever been pushed, to make them go beyond their own self-imposed limits. Nearly all the members of the platoon cried at one time or another. Yet by the end of 11 weeks almost all had been transformed by the experience—and were more fulfilled than they had ever been. They had subordinated their needs to those of the group, yet almost all emerged with a stronger sense of self. They unembarrassedly used words like ''integrity.''

I learned more than I expected. One of my favorite moments came when Sergeant Carey ordered a white supremacist from Alabama to share a tent in the woods with a black gang member from Washington, D.C. The drill instructor's message to the recruits was clear: If you two are going to be in the Marine Corps, you are going to have to learn to live with each other. Recruits Jonathan Prish and Earnest Winston Jr. became friends during that bivouac. ''We stuck up for each other after that,'' Prish said.

The recruits generally seemed to find race relations less of an issue at boot camp than in the neighborhoods they'd left behind. If America were more like the Marines, argued Luis Polanco-Medina, a recruit from New Jersey, ''there would be less crime, less racial tension among people, because Marine Corps discipline is also about brotherhood.''

Two other things surprised me. I didn't hear a lot of profanity. Once notoriously foul-mouthed, today's drill instructors generally are forbidden to use obscenities. Also, I saw very little brutality. ''I expected it to be tougher,'' said recruit Edward Linsky, in a typical comment as he sat on his footlocker.

Platoon 3086 graduated into the Marine Corps in May 1995 and became part of a family that includes 174,000 active-duty members and 2.1 million veterans (there really is no such thing as an ''ex-Marine''). Over the last two years, members of the platoon have experienced some disappointments. But as Paul Bourassa concluded a year after graduating from boot camp, ''It pretty much is a band of brothers.''

What I think the Marine Corps represents is counterculture, but the Marines are rebels with a cause. With their emphasis on honor, courage and commitment, they offer a powerful alternative to the loneliness and distrust that seem so widespread, especially among our youth.

Any American—young or old, pro- or anti-military—can learn something from today's Corps. That goes for the corporation as well as the individual. Just listen to Maj. Stephen Davis describe his approach to leadership: ''Concentrate on doing a single task as simply as you can, execute it flawlessly, take care of your people and go home.'' Those steps offer an efficient way to run any organization.

I took away a lot from boot camp myself. I don't talk to my own kids like a drill instructor (and neither do thoughtful drill instructors). But I was struck by the importance of the example the DIs provided: Kids want values, but they are rightly suspicious of talk without action. So while you need to talk to kids about values, your words will be meaningless unless you live them as well. Also, of all the things that can motivate people, the pursuit of excellence is one of the most effective—and one of the least used in our society.

None of this is a revelation. Lots of families live by these standards. But few of our public institutions seem to. ''You'd see the drill instructors teach kids who barely made it through high school that they weren't stupid that they could do things if they had the right can-do attitude,'' summarized Charles Lees of Platoon 3086. ''It was all the things you should learn growing up but, for some reason, society de-emphasizes.''

The white supremacist and the black gang member who were thrown together in boot camp both went on to happy careers in the Corps. Earnest Winston Jr., the D.C. gangbanger, became a specialist in the recovery of aircraft making emergency landings and was posted to Japan. ''It's beautiful,'' he told me. ''Not a lot of people on my block get to go places like these.'' His friend Jonathan Prish, the Alabaman, became a guard near the American Embassy in London, Prish had his racist tattoos covered. ''I've left all that behind,'' he said. ''You go out and see the world, and you see there are cool people in all colors.''

LESSONS FROM PARRIS ISLAND

Tell the truth.

Do your best, no matter how trivial the task.

Choose the difficult right over the easy wrong.

Look out for the group before you look out for yourself.

Don't whine or make excuses.

Judge others by their actions not their race.

TRIBUTE TO FRED PANG

Mr. GLENN. Mr. President, a man who worked with me very closely on the Armed Services Committee, Fred Pang, a man who rose to become the Assistant Secretary of Defense for Force Management Policy, will retire from almost 40 years of service to our Government, on November 16.

During these 40 years he has always kept one principle paramount in his service—that principle has been the welfare of the troops. Over his entire period of service, and especially during the past 3 years, he has constantly worked to improve the quality of life for our men and women in uniform and their families.

Mr. Pang's long and productive association with the military of the United States dates back to his earliest days. Growing up in Hawaii, his father was a shipyard worker at Pearl Harbor and a survivor of the Japanese attack on December 7, 1941. Perhaps growing up in Hawaii during World War II helped shape Mr. Pang's propensity for public service, his fervent patriotism, and his penchant to participate in the defense of our Nation. In high school, Mr. Pang was a member of the Army Junior Reserve Officer Training Corps program at McKinley High School. Next, he joined the Naval Reserves, and following boot camp in San Diego, he served aboard two destroyers. While pursuing his bachelor's degree at the University of Hawaii, he enrolled in the Air Force Reserve Officer Training Corps program, and upon graduation, he was commissioned a second lieutenant in the U.S. Air Force. Thus, began his long and illustrious active affiliation with the Department of Defense.

His 27-year Air Force career included a variety of manpower and personnel assignments, including a tour in Vietnam in 1968–69. Before retiring as a colonel in 1986, he was the Director Of Officer and Enlisted Personnel Management and the Director of Compensation in the Office of the Assistant Secretary of Defense for Force Management and Personnel—two of the most important and demanding personnel jobs in the entire Department of Defense for an active duty officer. During his stint in these jobs, he worked on many critically important projects with long-term implications for the professional personnel management of uniformed personnel. Most noteworthy was the research and analysis he did in support of the Defense Officer Personnel Management Act [DOPMA] of 1981. While this act was obviously the result of much hard work by many people and was, in the final analysis, a work of the Congress, the work done by Mr. Pang in the Department of Defense contributed immeasurably to its success. The fact that DOPMA has remained in tact for over 16 years as the governing law for all Department of Defense officer personnel stands in tribute to the work done by then-Colonel Pang and all others who contributed to its development.

Upon his retirement from the Air Force, and after a very short, 6 months, time in the private sector, Mr. Pang again answered the call of his country and went to work as a professional staff member on the Senate Armed Services Committee [SASC]. As the majority staffer on the Personnel Subcommittee of the SASC, Mr. Pang was recognized as one of the leading experts and most influential people in the entire Government when it came to matters relating to the management of U.S. military personnel. Although his accomplishments on the SASC are far too numerous to list here, there is one facet of his service with the committee, which deserves mention. Following the end of the cold war, the Department of Defense was faced with the unprecedented task of drawing down an All-Volunteer military. Having lived through the post-Vietnam war drawdown, which was something less than successful, Mr. Pang was determined that we would not return to hollow military of the mid- to late-1970's. Working tirelessly, he developed a package of downsizing incentives including the voluntary separation incentive [VSI], special separation benefit [SSB], and temporary early retirement authority [TERA]. These programs have proven themselves to be extraordinarily effective in helping reshape our military as it was reduced by some 33 percent. The results speak for themselves. Today, we have a military that is of higher quality in terms of education and aptitude scores than ever before in history. The force was drawndown in a well-balanced manner so that today our service men and women are more experienced and capable than ever before. Additionally, when the drawdown began, many feared that minorities and women would be disproportionately affected. So good were the tools provided by Congress, developed mostly by Mr. Pang and so skillful was the execution of the drawdown that the military force of today is more richly diverse than ever before.

Working with his committee chairman, Senator Sam Nunn of Georgia, Mr. Pang recognized that the true peace dividend coming out of the cold war was the incredible number of high quality men and women coming out of the military and returning to civilian life. He conceived and developed an innovative and effective package of transition benefit programs that have proved to be successful beyond anyone's wildest dreams. Literally millions of service men and women have separated from the military since the drawdown began. Transition counseling packages written into law along with brilliant and innovative programs such as Troops to Teachers and Troops to Cops have ensured that not only have our recent veterans found meaningful and rewarding employment, but that their skills, developed in the military, are now being utilized to the fullest in the civilian sector. A great deal of anecdotal evidence exists that these transition programs have worked exceedingly well. However, as overall evidence of the effectiveness of the transition programs developed by Mr. Pang, notwithstanding the huge number of people separating from the military during the downsizing, the amount of money, as a percent of the budget, that the Department of Defense has paid out in unemployment compensation has not increased at all. People are finding jobs in the private sector, and they are finding good jobs. Through job fairs and transition bulletin boards, private sector employers have acquired new employees who have a great work ethic, who understand the concept of mission, and who are drug free. And society has acquired former service members who are outstanding role models for the youth of America. Much of the credit for this truly American success story has got to go to Mr. Fred Pang.

During his tenure as Assistant Secretary of the Navy for Manpower and Reserve Affairs and as Assistant Secretary of Defense, Force Management Policy, Mr. Pang has continued and focused his leadership in the area of military and civilian personnel management and equal opportunity. Hard to put into words, but clearly evident from the accomplishments of the organizations that he has so skillfully led over the past 4 years, is the ''can do'', positive attitude that he inspires as a leader. During his tenure as Assistant Secretary of the Navy for Manpower and Reserve Affairs, he dealt with some of the thorniest issues facing the Navy in many years such as the Tailhook scandal and the U.S. Naval Academy cheating scandal. Mr. Pang's integrity and commonsense approach to problemsolving did much to put the Navy on the correct course in dealing with these very difficult issues. As the Assistant Secretary of Defense, Force Management Policy, he completely revised and made right the Department of Defense Directive on officer promotion and nomination procedures. In the aftermath of Tailhook and other highly publicized officer promotion and nomination problems, the new directive, written under Mr. Pang's leadership, has not only put the processing of these critical actions back on an efficient and timely track, but has restored the faith and confidence of the Senate Armed Services Committee and of the American public in the officer promotion and nomination process. One of the major efforts of former Secretary of Defense William Perry was improving the quality of life of service and family members. He placed Mr. Pang in charge of this effort and appointed him as the chairman of the Department of Defense Executive Committee on Quality of Life. Under Dr. Perry's guidance and Mr. Pang's leadership, the Quality of Life Executive Committee has made major accomplishments in improving the quality of life of our service and family members, and, for the first time, we have established a series of measurements and

standards for all quality of life services. Because of these efforts, the lives of service and family members worldwide have been improved and enriched.

Mr. Pang has led the Force Management Policy organization to new heights of efficiency and accomplishment across the spectrum of civilian and military personnel management; personnel support, families and education; equal opportunity; morale welfare and recreation and resale activities; and women in the military. He is leaving a legacy of service to the Department of Defense and our Nation, and most importantly, to our men and women serving in uniform, of dedicated service and lasting contributions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that morning business be extended until 12:30 under the same terms as previously agreed to.

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

ADOPTION AND SAFE FAMILIES ACT OF 1997

Mr. CHAFEE. Mr. President, I would like to express my strong support for legislation that will be considered by the Senate and has been considered by the House this morning. This legislation is the Adoption and Safe Families Act of 1997. This bill, which is a compromise version of legislation that I introduced originally now has as supporters and sponsors: Senator ROCKEFELLER, Senator CRAIG, Senator BOND, Senator DEWINE, Senator COATS, Senator JEFFORDS, Senator LANDRIEU, Senator LEVIN, Senator KERREY, Senator DORGAN, Senator MOYNIHAN, Senator MOSELEY-BRAUN, and Senator JOHNSON. Mr. President, this legislation will make some critical changes to the child welfare system—changes that will vastly improve the lives of hundreds of thousands of children currently in foster care and waiting for adoptive homes. I am very hopeful that the President, who has indicated his support for this legislation, will sign this measure promptly.

Mr. President, just yesterday, there was yet another story in the newspapers about a young girl, 9 years old, who was found dead from severe abuse in her sister's Bronx apartment. The tragic story of young Sabrina Green's short life is harrowing, and it is all too reminiscent of the cases we read and hear about, unfortunately, every single day. Each time I read about a case like Sabrina Green's, I feel outrage and frustration with a system that cannot take care of the most vulnerable members of our society. Now, Mr. President, we cannot bring Sabrina Green back to life, nor can we bring back any of the hundreds of children who have died under similar circumstances; but we can take action to prevent such deaths in the future, and that is what we are doing today.

The bill that will come over to us shortly, Mr. President, will put the safety and health of the child first. That is a significant change in the law. Under this legislation, the safety and health of the child will come first. We will not continue the current system of always putting the needs and rights of the biological parents first. While we still believe that family reunification is a worthy goal, it's time we recognize that some families simply cannot and should not be kept together. Children who have suffered severe abuse or whose parents have committed violent crimes should be moved out of those homes rapidly and into adoptive homes. Our bill does that. Children who are in foster care for over 15 months deserve to have a decision made about their future. Our legislation does both of those things.

It is also time we put a stop to children lingering in foster care for years. There are currently half a million children in this country—500,000 children in the United States of America—who have been removed from their abusive or neglectful parents and are living in foster care. In my State, there are 1,500 of these children in foster care. Nationally, each of these children in foster care will remain so for an average of 3 years before a decision is made about their future, and many of them will wait much longer. The average is 3 years. Some have stayed for years and years in foster care. Today, we are sending those half a million children a message of hope. Under this legislation, their time in foster care will be shortened. States will be required to make a permanent plan for these children after a year, and if a child has been in foster care for more than 15 months—1 year and 3 months—the State will be required to take the first steps toward terminating parental rights and finding an adoptive home.

Terminating parental rights is the critical first step in moving children into permanent placements, but it is not enough. We also must promote adoption of these children, and our bill does that. Our bill removes geographic barriers to adoption. There are no limitations under this bill about children in one State having to be adopted in that State. We remove these geographic barriers to adoption and require States to document efforts to move children into safe adoptive homes. We also provide financial bonuses to States that increase their adoption rights. There is money here for States that increase the rate of adoption in their States.

There are legal and procedural barriers to adoption, and there are also financial barriers. Lack of medical coverage is one such barrier to families who want to adopt special needs children. What is a special needs child? It is a child who has medical problems or physical problems, or a child of such an age, maybe 15 or 16, in a foster home. Adoptive parents are very reluctant to take on a child of that age. Many of these children have significant physical and mental health problems due to years of abuse and neglect and foster care. Many of these children have been shuttled from foster parent to foster parent. So the adoptive parents are taking a huge financial risk in adopting these children if the parents are not guaranteed that there will be health insurance for these special needs children. Our bill ensures that special needs children who are going to be adopted will have medical coverage. We also ensure that children whose adoptive parents die or whose adoptions disrupt or terminate for some reason, they will continue to receive Federal subsidies when they are adopted by new parents.

Mr. President, I am very proud of this legislation. The Senate and House sponsors have worked tirelessly for many months to come to an agreement. Our shared commitment to improving the lives of these children brought us together. In closing, I want to especially thank my good friend, Senator JAY ROCKEFELLER, who has spent years devoting his time and attention to these children. I also thank Senator CRAIG, who brought his own personal experiences and dedication to this effort, and Senator DEWINE, who brought so much expertise and professional experience to this initiative. I also want to thank the other members of the coalition, those Senators that I mentioned earlier, and I will repeat their names—Senator BOND, Senator COATS, Senator JEFFORDS, Senator LANDRIEU, Senator LEVIN, Senator KERREY, Senator DORGAN, Senator MOYNIHAN, Senator MOSELEY-BRAUN, and Senator JOHNSON.

I also want to congratulate the House sponsors who worked so hard on this—Congressman CAMP and Congresswoman KENNELLY.

I thank our staffs for the extraordinary efforts they devoted to achieving passage of this legislation. Particularly, I salute Laurie Rubiner, of my staff, and Barbara Pryor, of Senator ROCKEFELLER's staff. All of these individuals that are mentioned, and others, have been so helpful in achieving passage of this legislation, which I think has just now passed the House and will be coming here. We look for rapid action here.

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

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

FOREIGN OPERATIONS FISCAL YEAR 1998 APPROPRIATIONS—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, under the previous order, I submit a report of the committee of conference on the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2159) have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate will proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of November 12, 1997.)

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I am pleased the Senate is taking up this afternoon H.R. 2159, the foreign operations, export financing and related programs for fiscal year 1998. As is the case every year, it was not easy getting to this point partly because this bill is very different than the bills we passed in the last several years.

First and foremost, we have increased our commitment to America's global leadership by nearly $1 billion. We have provided $12.8 billion for the 1998 foreign assistance programs and an additional $359 million in arrears we have owed to multilateral institutions, bringing the grand total to $13.1 billion, a shade under the administration's request.

Let me review the important contributions this bill will make to stability and security around the world.

First, Mr. President, we have substantially increased our commitment to the New Independent States of the former Soviet Union over last year's levels; $770 million for the region has been provided, including earmarks of $225 million for Ukraine, $92.5 million for Georgia, and $87.5 million for Armenia. Funds for Georgia and Armenia, along with resources to assist the victims of the Nagorno-Karabakh and Abkhaz conflicts are included within a new $250 million regional Caucasus fund. Congressman CALLAHAN, my counterpart in the House, deserves credit for the idea to create this fund, believing it would provide incentive to achieve a peace agreement between Armenia and Azerbaijan.

In an effort to assure balance to our regional approach and promote American energy security interests, we have ended the confusion over the impact of section 907 and clearly authorized OPIC, Ex-Im, TDA, and the Foreign Commercial Service support for American businesses operating in Azerbaijan and the Caspian.

I believe we have served our clear interest in securing stability and economic growth in the New Independent States with these earmarks and the overall level of funding for that area. I also think we have served both our principles and security interests with two Senate provisions which were included in the conference report.

The first addresses the issue of Russian cooperation with Iran on its nuclear and ballistic missile program. I have repeatedly expressed my disappointment with the administration's reluctance to leverage U.S. assistance to secure an end to this lethal cooperation. Let me remind my colleagues that we have provided more than $4 billion in aid to Russia—more than any we have provided to any combination of other countries.

For the past several years, the Senate has carried a provision suspending aid unless the Russians stopped their training, technology transfer and support for the Iranian nuclear program. Each year a waiver has been added in conference because of a threat of veto and the President has in fact exercised the waiver. Each time he has done so the Iranians have moved closer to acquiring and testing a ballistic missile. This year, instead of a blanket waiver, the President will have to prove the Russians have taken specific steps to curtail the nuclear cooperation. While it is not as tough as I would have liked, it is a vast improvement over the broad waiver we have given him in the past.

I also want to draw attention to the efforts of Senator BENNETT and Senator GORDON SMITH who worked hard to assure inclusion of a provision conditioning assistance on Russia's protection of religious freedom. There is no freedom more fundamental than the right to worship in a church of one's choice. The legislation President Yeltsin signed into law appears to have a chilling effect on religious freedom, a problem we have addressed by requiring the President to certify that the government has not enforced or implemented laws which would discriminate against religious groups or religious communities.

Now, Mr. President, beyond the NIS, I think the bill clearly serves our national security interests in the Middle East by sustaining our past earmarks for Israel and Egypt and expanding and earmarking support to Jordan. At a time when the foreign aid request increased by nearly $1 billion, I was disappointed the administration only asked for $70 million for Jordan.

An increase was a very high priority for me, and I am pleased to report the conference agreement provides $225 million in economic and security assistance as recognition for King Hussein's contribution and determination to achieve a durable peace and regional stability.

Let me once again note my concern about Egypt's role in the peace process. For more than a decade, the bill has consistently stated that resources are provided as a measure of the recipient's commitment and support for peace. For the past 18 months, there is no question that Cairo has not faithfully served that key interest. Just this week, Mr. President, Egyptian officials announced they would not send representatives to an economic summit designed to restore relations and rebuild confidence. This is not an isolated example of problems in our relations with Egypt. In particular, Cairo's international campaign to remove sanctions against Libya is inexcusable. I expect that the bill's provision to withhold 5 percent of the aid to any country failing to enforce the sanctions may affect Egypt's assistance, notwithstanding the earmark. Let me put everyone on notice that if this persists, once again, next year as I did this year, I will not be including an earmark for Egypt in the chairman's mark as we begin the process of developing the appropriations bill for foreign operations for next year.

Turning to other areas, the bill also reflects the Senate's commitment to strengthen our economic interests by increasing over the President's request our support for the Export-Import Bank. The Bank provides crucial support to U.S. exporters, creating jobs and income. I did not think the President's request was adequate to meet America's commercial interests. Consistent with the Senate's decision, we provide $51 million more than the request for a total of $683 million.

This support comes with a word of caution for the board. I share my colleagues' concerns about the substantial funding that has been made available to Gazprom by the Bank, given Gazprom's announced plans to develop Iranian gas fields. The Bank must suspend support for Gazprom until the problem can be resolved. Complementing support for the Bank, we have provided the full request and authorization language for OPIC and $41.5 million for the Trade Development Agency. Both are consistent with Senate positions.

Mr. President, in Asia, important priorities were sustained in the conference report. The Senate's position increasing aid to supporters of democracy in Burma, restricting assistance to the Hun Sen Government in Cambodia, and funding for the Korean Energy Development Organization was included. With regard to KEDO—that is the Korean Energy Development Organization—the conference agreed to our effort to reduce the costs of purchasing oil on the spot market by fully funding the 1998 costs and providing $10 million in back debt if other donors contribute sufficient funds to clear the balance.

After much negotiation and some modifications, we also preserved the

Senate's interests in conditioning aid to governments in the Balkans which refuse to cooperate in the extradition of war criminals. It is absolutely clear that inclusion of tough provisions in the original chairman's mark produced immediate results in U.S. efforts to secure cooperation. I intend to closely watch the situation to assure the administration continues to press for the transfer and prosecution of war criminals. There will be no long-term peace or stability in Bosnia or, for that matter, in the region if we fail in this effort to bring about a moral reconciliation.

Finally, Mr. President, let me mention the multilateral financial institutions. We have fully funded the International Development Association and met our commitments at the other regional banks and made a substantial downpayment on clearing all outstanding arrears. Senator DOMENICI deserves recognition for establishing the guidelines allowing us to solve this vexing problem without compromising current programs.

Unfortunately, in trying to resolve the matter of funding for family planning, the administration chose to pay a very high price and agreed to abandon efforts to fund the IMF's New Arrangements for Borrowing. Events in the Asian markets make clear the need for the NAB, a facility which would assure a multilateral effort to ease currency in economic crises. I support this burdensharing institution and will continue to work with the administration to find a vehicle to provide this vital line of credit.

I thank my friend and colleague, Senator LEAHY, for his good advice and exceptional cooperation in achieving passage of this bill. He played a key role in assuring full funding for the multilateral institutions and the development assistance programs. In particular, he deserves recognition for looking ahead to a major threat facing this country and successfully fighting to expand U.S. efforts to combat infectious diseases. Senator LEAHY is ably assisted in this effort by Tim Reiser, who has been a patient and persistent staff director for the minority.

I also wish to thank Chairman STEVENS and his staff director, Steve Cortese, for their active engagement and support at key points as we worked to secure passage. Senator STEVENS is the model of a good chairman. He is always there with good ideas when you need him. Let me also thank Jay Kimmitt for his invaluable assistance in putting together the bill and the report.

I ask unanimous consent that Members be permitted to submit statements prior to passage and that staff be able to make technical corrections.

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

Mr. MCCONNELL. Further, Mr. President, let me thank my long-time foreign policy adviser, Robin Cleveland, who sits here to my right, for her invaluable assistance in developing this package and for her tenacity in sticking with it all the way to the end, which has been a tortuous path and difficult to predict from moment to moment over the last month. Robin's done that with intelligence and good humor when that was required and toughness when that was required. It is always a pleasure to work with her. I have immensely enjoyed doing that over the last 13 years. And to her right, Billy Piper, who also makes an important contribution to this debate every year. Billy has been a pleasure to work with over the course of this legislation . And also Robin's assistant on the committee, Will Smith. I appreciate the important contribution that he has made.

Mr. President, with that, I see my friend and colleague is here, and I will yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, I am pleased to say that we have finally completed action on the fiscal year 1998 foreign operations conference report. I want to thank the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member, Senator BYRD, for their support throughout this process, and the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, for his leadership and bipartisanship. The Appropriations Committee is an extraordinary group of people who work together, Republicans and Democrats, like no other committee, and it is a privilege to be part of it.

The conference report that we are adopting as part of this package today is the product of a year's work and many sleepless nights. Although we finished our conference on all but two issues several weeks ago, it would be an understatement to say that resolving those open issues, especially funding for international family planning, has not been easy.

There were times when I did not think we would get here. As I have said before, I long for the time when we set aside a day or two each year to debate and vote on abortion—once, twice, 50 times if necessary. It would consume that day or two, but it would be worth it. Then we would not have to revisit the issue time and time again, as we do now for no apparent purpose, only to repeat what has already been said or voted on innumerable times before. It would save a great deal of time, it would give everyone ample opportunity to be counted, and we could spend the rest of the year on other pressing business. I offer that as a suggestion, for what it is worth.

The agreement we have reached on family planning is not everything that I would like, but that is to be expected. An issue as divisive as this is not going to be resolved in a way that anyone is happy about. The agreement would freeze funding for these programs at last year's level, and limit disbursement to a rate of 8.34 percent per month over the 1998 fiscal year. I would have far preferred the Senate funding level of $435 million, but the cut was part of the price of keeping Mexico City language out of the bill and avoiding a veto.

The American people should also be aware that the pro-Mexico City faction in the House exacted a heavy price on the administration for its refusal to accept the Mexico City language. The price was that the U.S. contribution to the IMF's New Arrangements to Borrow, the previously agreed upon down payment on U.S. arrears to the United Nations, and the authorization for the State Department reorganization, are no longer included. Although these last two are not foreign operations matters, it is outrageous that they were linked to the family planning issue in the first place. There are sound foreign policy reasons for paying our U.N. arrears especially when just yesterday we were petitioning the United Nations for support for sanctions against Iraq. This is the American people's loss, as much as it is the State Department's loss, and I find it incredible that the House leadership would permit this result. It is shortsighted, it is vindictive, and it severely undercuts U.S. leadership around the world. There should be no mistake about who bears responsibility. We have a Secretary of State who is deeply respected and admired around the world. She needs our support. It is tragic and inexplicable that because a few dozen House Members did not get their way on an unrelated issue, they have denied her the tools to do her job. I intend to do whatever I can to see that this is corrected at the earliest possible date next year.

Mr. President, I hope we can avoid repeating again next year the tortuous process that got us here. As long as President Clinton is in the White House, the Mexico City policy is not going to become law. It is time that people in the House accepted that and saved us all the headache of refighting this pointless battle.

Now that the conference report has been completed I want to take this opportunity to speak on a number of other provisions in it.

I am very pleased that we have fully funded our commitments, including arrearages, to the World Bank. I will have a separate statement on that because I believe it so important that the World Bank's management and the Treasury Department understand the importance we give to U.S. leadership in the international financial institutions, and our intention that our influence be exerted to achieve significant reforms in a number of critical areas.

One of the provisions I am especially proud of in the conference report is entitled ''Limitation on Assistance to Security Forces,'' which has also become known as the Leahy law. This provision expands on current law, which seeks to ensure that U.S. assistance does not go to individuals who abuse

human rights. I want to thank Congressman GILMAN for his support for this provision. Despite an initial misunderstanding about how the current provision was being applied, I am convinced that he too wants to do everything possible to ensure that in our efforts to support foreign security forces that respect human rights, we also prevent those who abuse human rights from receiving our assistance.

In order to implement this provision, the State Department has required recipients of our assistance to enter into end-use monitoring agreements, and to ensure that if there is credible evidence that a security force unit that has received our assistance has abused human rights, effective measures are being taken to bring the responsible individuals to justice. These agreements should be routine whether or not the Leahy law were in effect. The kind of measures we expect a foreign government to take to bring those responsible to justice are discussed in the joint statement of the managers accompanying the conference report. We also make clear that we expect our own Government to do everything it can to assist in that effort.

Mr. President, before I leave this subject I want to mention that while we have seen a decrease in abuses by the Colombian Army, there has been an alarming increase in atrocities attributed to paramilitary forces in that country. We have seen this pattern in other Latin American countries where the armed forces, either actively or passively, supported the clandestine activities of paramilitary forces. I want it to be known that as the author of the Leahy law, I believe it is incumbent on the Colombian Army to demonstrate that it is not acting in collusion with the paramilitary groups, or standing by idly as they do their dirty deeds.

Mr. President, to turn to another subject, the international community rapidly responded with sanctions in the aftermath of the July 1997 coup in Cambodia. According to reports, the suspension of foreign assistance, which constitutes nearly two-thirds of Cambodia's annual revenue, sent a strong message to Hun Sen and his supporters.

The conference report prohibits most bilateral aid to the Cambodian Government and instructs United States executive directors of the international financial institutions to vote in opposition to loans to Cambodia. The joint statement of the managers also expresses the hope that Hun Sen's political opponents will be allowed to return to Cambodia and safely participate in free and fair elections.

These measures and others like them have been instituted around the world against the perpetrators of the coup. They are a necessary and important response to those who stand in the way of democracy. Nevertheless, the sanctions directed against Hun Sen and his supporters have also fallen heavily on the shoulders of the Cambodian people. Therefore, the conference report permits humanitarian, demining, and electoral assistance to go forward. One item Congressman Callahan and I had agreed upon but because of an oversight neglected to include in the joint statement of the managers, was a statement that the prohibition on assistance to Cambodia is not intended to preclude basic education programs as long as they are conducted at the local level and not through the central government. During the Khmer Rouge regime most of the country's teachers were killed or forced into exile. A large percentage of the population is illiterate, and we want to continue basic education activities as part of our effort to help the Cambodian people overcome that tragic period.

Finally, I want to make clear that while we do permit electoral assistance, I would not support significant expenditures in this area unless Hun Sen is demonstrating his commitment to free and fair elections, to the prosecution of individuals implicated in the U.N. human rights investigation of the July 1997 coup, and then only if Hun Sen has made an unequivocal statement that if defeated in a free and fair election he would relinquish power.

Mr. President, another initiative I am very proud of seeks to enhance U.S. leadership in the global effort to combat the spread of infectious diseases, which also poses a direct threat to the health and welfare of Americans. We include in the conference report sufficient funds to provide an additional $50,000,000 for these activities. The Senate and House foreign operations reports, as well as the joint statement of the managers, describe the rationale for this initiative and the purposes for which we are making these additional funds available. I also intend to solicit the recommendations of AID, the World Health Organization, the Center for Disease Control, the National Institute of Health, and other agencies, organizations and distinguished individuals, regarding how we can most effectively use these funds to buttress existing efforts in surveillance and control of infectious diseases.

The Leahy war victims fund has been assisting war victims in over a dozen countries since 1989. I am pleased that the joint statement of the managers recommends up to $7,500,000 for these programs in fiscal year 1998, a $2,500,000 increase over the current level. The fund has been primarily used to assist victims of landmine explosions, a problem that has attracted increasing world attention, but it is also available to support other types of assistance to disabled war victims. This is consistent with the President's September 17 announcement that the administration intends to devote considerably more resources to demining and to assist landmine victims.

Over the years, the Congress has passed numerous resolutions on the situation in East Timor. Despite international pressure, the Indonesian Government has refused to withdraw its thousands of troops from the island. The situation has remained tense since the 1990 Dili massacre, the anniversary of which coincidentally was yesterday, and arbitrary arrests and disappearances of East Timorese are common.

Indonesia is the world's fourth most populous country and enjoys close economic and security relations with the United States. I would like to see that relationship flourish. But we cannot ignore what happened this past June when supporters of democracy were arrested and killed by Indonesian soldiers, and the main political opponent of the Suharto regime was forced to withdraw from the election, notwithstanding that the election was rigged from the start. Nor can we ignore the abuses in East Timor. I had the honor of meeting East Timorese Bishop Bello earlier this year, and I believe that while we should encourage close relations with Indonesia, we should also do what we can to ensure that we are not contributing to the problems in East Timor. For that reason, a provision I authored was included in the conference report which is designed to prevent United States lethal equipment or helicopters from being used in East Timor. This provision is intended to expand on the administration's current policy of not providing small arms, crowd control items, or armored personnel carriers to Indonesia. It is also consistent with actions taken recently by the British Government.

There is a provision in the conference report which makes funds available for reconstruction and remedial activities relating to the consequences of conflicts within the Caucasus region. These funds, which will be made available through nongovernmental and international organizations, are very important. Contrary to what some have suggested, we are not providing direct assistance to the authorities in the conflict areas because we do not want to become embroiled in the issues of sovereignty and control that remain unresolved there. However, there are needy people in Nagorno Karabakh and Abkhazia who we want to help recover from the ravages of war.

Mr. President, I want to mention a couple of other items. The Senate report encourages AID to establish a program of physicians exchanges with the countries of the former Soviet Union, with a focus on the diseases that are major contributors to excess morbidity and mortality and where effective medical intervention is possible. I strongly support this idea and look forward to hearing AID's reactions.

Also in the Senate report we discuss the alarming incidence of violence against women in Russia. The administration has taken some steps in this area in response to congressional concerns, but I am convinced that far

more could be done to tap the experience and knowledge of U.S. police officers and prosecutors who have developed procedures for dealing with domestic violence here. We have requested the State Department, in consultation with the Justice Department, to submit a report on future plans in this area and I strongly encourage them to pursue training programs that bring U.S. and Russian police officers together, preferably in Russia, to address these issues.

Finally, the conference report requires the Department of Defense, in consultation with the Department of State, to submit a report to the Appropriations Committees describing potential alternative technologies and tactics, and a plan for the development of such alternatives, to protect antitank landmines from tampering in a manner consistent with the Ottawa Treaty, which bans antipersonnel mines. This is very important because if we are ever going to join that treaty, as I believe we must, we need to solve this problem. I am convinced it can be solved. Informed people in the Pentagon say it boils down to preventing tampering with antitank mines that are aerially delivered at remote distances, and then only for a period of 30 minutes which is the difference in time it takes an enemy soldier to disarm or remove an anti-tank mine alone, and one that is protected with antipersonnel mines. Unfortunately, there is an institutional inertia at the Pentagon that stands in the way of solving it. There is little inclination to do so absent an order from above. This report, which we expect to be objective and thorough, is intended to set the stage for such an effort.

Mr. President, I believe this is among the better foreign operations bills to have passed the Congress in several years. I am disappointed that the U.S. contribution to the IMF's New Arrangements to Borrow fell victim to the Mexico City issue, but I am confident that it will be passed on a supplemental appropriations bill next year. It does not score against the budget, and in fact would reduce the burden on the U.S. Treasury in the event the U.S. is needed to help prevent harm to the U.S. economy from an international financial crisis. Why the House did not want that is beyond me.

THE WORLD BANK

Mr. President, the fiscal year 1998 foreign operations conference report contains full funding for the International Development Association [IDA], the concessional lending window of the World Bank. It also fully funds our past commitments to IDA. With this appropriation we will be current, for the first time in several years, in our payments to IDA. This is an important milestone, and I appreciate the support of the chairman of the Appropriations Committee, Senator STEVENS, the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, the chairman of the Budget Committee, Senator DOMENCICI, and others, who also supported this funding, because it reaffirms U.S. leadership at the World Bank and our intention to exert that leadership to promote significant reforms in the institution. As one who played a role in obtaining this funding, I can say with confidence that the Congress is sending two important messages by approving the conference report.

First, we recognize that in order to exert leadership in the multilateral development banks we need to meet our financial commitments. We have been in the ludicrous position of having an American, Jim Wolfensohn, at the helm of the World Bank, but our representative on the Board of Directors has been at the sidelines, unable to even vote on some loans. Why? The U.S. sank so far into arrears to IDA—nearly $1 billion at one point—that some of our voting privileges were revoked. Now, with the passage of this legislation we are paying off the last bit of arrearages, $235 million, plus our current obligations.

Second, we are sending the message that we expect this investment to yield results. We are fortunate that World Bank President Wolfensohn is a dynamic and reform-minded leader who is taking steps to shake up the bureaucracy, get rid of dead wood and demand high standards of performance. His reform plan, the strategic compact, promises development results in 2 years. Frankly, I am concerned that despite his best intentions, the Bank bureaucracy continues to put up fierce resistance and may in the end succeed in thwarting many of his reforms. That is why this reaffirmation of U.S. leadership is so important.

Reform at the World Bank is moving forward, but there is a long way to go. Not all member countries have the same vision for change that we have. I want to take this opportunity to briefly discuss what I believe the Congress needs to see, at a minimum, from the Bank's reform efforts in order to continue to support the institution. We expect the Treasury Department and the U.S. Executive Director to work closely with the Congress to achieve these reforms.

One of the issues that has received increased attention in recent years is the Bank's role in fostering good governance. I think this is critical. While the Bank needs to avoid becoming embroiled in the domestic politics of borrowing countries, when systems are corrupt and on the take the Bank cannot look the other way. When governments are undemocratic, when they abuse human rights, the World Bank as a public institution must not collude. The Bank has made strides in attacking corruption, but stronger action is needed. In addition, the Bank needs to ensure that it is not the handmaiden of borrowing governments that trample on the needs and rights of people in the pursuit of economic prosperity.

A related issue, because of its importance to the quality of Bank lending and borrowing governments' responsibility to their people, is consultation with local people. The Foreign Operations Conference Report calls on the Bank to systematically consult with local communities on the potential impact of loans as part of the normal lending process, and to expand the participation of affected peoples and nongovernmental organizations in decisions on the selection, design and implementation of projects and economic reform programs. This is common sense. It is also vitally important. Private corporations do not launch products or services without market surveys and the knowledge that there is a demand for what they have to offer. Public institutions, like the World Bank, also need to know about the people they are serving. This does not mean just interacting more with affected communities, it means letting them wield influence and responding to their concerns.

The Bank has taken steps in this direction. It is decentralizing and hiring staff for its Resident Missions that are concerned with the well-being of affected communities. We want to know whether the intended beneficiaries of Bank-financed projects want these projects and whether they have a say in designing them. Too often, local people are not involved in a project until the implementation stage, when it is too late to have a real influence. Efforts at headquarters and in the regions need considerably more resources to work with borrowers to reach out to affected communities.

The Bank's loan portfolio has a low level of sustainable projects. Studies show that in recent years, only two-thirds have succeeded during implementation. Only 44 percent have been sustained after completion. Social assessments are now performed on less than ten percent of projects, despite the fact that every project has a social impact. We want the Bank to deliver on the promise of its strategic compact to substantially increase this percentage in 2 years. Over and over again, the Bank's own studies show that projects with good social assessment seldom fail. And we do not want social assessments limited to projects in the social sectors. They are just as essential for lending for structural adjustment, financial sector reform, energy, and industry as they are for education and health loans. In addition, we want these assessments to address the needs of the most vulnerable people. As we all know, powerful interest groups can represent themselves.

It is not enough to do environmental impact assessments [EIA's] and social assessments. They need to be acted on. EIA's are often shelved and do not influence project design. That is a waste of money, it does environmental damage and betrays the people involved.

We would not want the Army Corps of Engineers to ignore these kinds of assessments, and the World Bank should not either.

The World Bank is a bank as well as a development institution. We understand the pressure to keep loan volumes at certain levels. We also understand that to be competitive, the Bank needs to serve its client governments in a timely and efficient way. However, some of the reform efforts are going overboard in this direction. Careful project preparation with quality checks should not be sacrificed on the altar of speed and efficiency. I know Mr. Wolfensohn shares our concerns about this. The Bank needs to provide management with much stronger incentives to maintain quality in the face of pressures for volume and speed.

For participation in Bank-supported lending operations to be meaningful, people need information. In 1992, the Bank adopted an information disclosure policy, largely in response to pressure from Congress. It has made gradual progress in implementing that policy. Much more needs to be done in terms of making the information available in borrowing countries in local languages, and providing information in a timely way at early stages of lending operations. The Project Information Document, which describes plans for operations, is often provided late, incomplete, and only in English.

We want to see progress in providing the full text of Project Concept Documents as well as draft copies of technical papers that assess feasibility, and information from Country Assistance Strategies.

A Country Assistance Strategy is the Bank's master plan for lending to each borrower country, and it describes the Bank's framework for all operations and priority investments. More needs to be done to include social development analyses in the these documents. In addition, the bulk of their contents should be available to the public. Parliaments and citizens have a right to information about the Bank's lending plans. I recognize that some of the Country Assistance Strategy contents are confidential, but the essentials certainly should not be. Nonetheless, Bank management has opposed proposals to release these and other documents containing their projected lending plans. That is unacceptable.

We also need to see greater openness between the World Bank management and the Board of Directors. During late 1996 and 1997, the Bank conducted a substantial review of its portfolio. It reviewed 150 projects in 14 sectors at a cost of $800,000. For reasons that I find inexplicable, some Board members have been unable to obtain these studies.

We do not want our dollars contributing to bloated state bureaucracies and systems in which the private sector is crowded out by state controls. On the other hand, there is obviously a role for governments, as the Bank's most recent World Development Report describes, and for public-private partnerships. The Bank is doing more today to promote such partnerships than it ever has. I welcome that.

But promoting the private sector must not come at the expense of normal precautions about financial, technical, social and environmental risks. Public inducements to investment, such as guarantees against political risks, must not distort the feasibility analyses of project viability. To insure that this does not happen, Mr. Wolfensohn has said he wants to harmonize the World Bank Group's activities under one set of social and environmental policies. At the present time, there are different standards in the World Bank Group. For instance, the International Finance Corp., the Bank's affiliate that deals with the private sector, has lower standards with respect to information disclosure, protection of the environment and of the rights of indigenous peoples.

The answer is not to abolish or weaken sound policies and standards. It is essential that harmonization not result in a retreat from current policies to a lowest common denominator. I am concerned that Bank management is under pressure to do that. Congress helped to create some of these global standards. They need to be respected and built upon by the Bank Group, including the IFC and Multilateral Investment Guarantee Agency. There is language on the IFC in the Foreign Operations Conference Report which aims to make progress in this area.

Currently, the World Bank stresses lending to countries which adopt sound macroeconomic policies. That makes sense, but the Bank should also give priority in lending to governments which listen to their people, involve them in development activities, and demonstrate a commitment to reducing poverty.

The World Bank says its primary purpose is to reduce poverty, but it is falling short in building the political will among member governments to achieve this goal. The rift between rhetoric and reality remains wide. IDA resources must do more than reach poor countries. They must reach and benefit poor and marginalized people in those countries. In 1995, an evaluation showed that just 10 percent of World Bank projects launched in the mid-1980's contained poverty reduction components, and many of those fell short of thier goals.

Surveys of borrower country officials reveal a high level of dissatisfaction with the Bank's lack of focus on poverty and equity issues. Some are even unaware that the Bank's purpose is poverty reduction. The World Bank needs a far more systematic approach to these issues.

Each IDA loan or transaction should describe how it will reduce poverty. As I have consistently urged for years, World Bank investments in nutrition, health, education, and family planning should increase, as should programs which increase poor people's access to productive assets, such as land, water and credit. But according to information I have received, World Bank figures for fiscal year 1997 show that lending for education and health, including nutrition, and AIDS prevention has fallen from roughly $4 billion in 1996 to $2.25 billion in 1997.

The Inspection Panel, which was established in part in response to pressure from Congress, must be maintained and supported. The Panel investigates whether the Bank has violated its own policies. Its investigations have helped the Bank restructure or halt projects, such as dam construction, when they were poorly conceived or implemented. It is one of the few mechanisms that allows local people affected by Bank-supported projects to identify problems and seek redress. I am concerned that there are people among the Bank's management and its borrower governments who resent the Panel looking over their shoulders. Those individuals need to recognize that they are entrusted with public funds, and are responsible for adhering to their own policies and guidelines. The World Bank needs to be a broker of many interests. Some borrower governments lack the mechanisms to insure that the interests of indigenous people affected by the construction of infrastructure, such as large dams, are represented.

Mr. President, there is one other issue I want to mention. It is the mistreatment of women employees at the Bank. Women have been subjected to gender discrimination, retaliation, abuse of power, and sexual harassment. It is a systemic problem. It has been virtually ignored. In fact, complaints brought by women who allege mistreatment by their managers have been aggressively fought by the Bank's lawyers. That is bad enough. Even worse is that the Bank, because it is an international organization, is immune from lawsuit in U.S. courts. The only recourse for a person who alleges abuse is the Bank's internal grievance process, which, to put it bluntly, is a sham. The deck is stacked against the claimant. Investigations are cursory, at best. Requests to call witnesses are denied. Rulings are based on hearsay, double hearsay, and innuendo. Even if a claimant who has left her job because of the abuse files a grievance and prevails, the remedy is limited to monetary compensation. The process is patently unfair and the people who investigate and adjudicate these cases have failed in their responsibility. There is a culture at the Bank that discourages witnesses to come forward for fear of retribution. It is nothing unusual. We have seen the same thing in the Armed Forces, in private industry, in any bureaucracy, but that is no excuse.

I have tried to get Bank management to deal aggressively with this problem. I get assurances that they are aware of the inadequacies in the grievance process and are taking steps to remedy the

situation. So far, I am not impressed. They are not treating this situation with the seriousness it demands. They are too quick to shift the blame to the victim for being ''too aggressive,'' ''not a good listener,'' or ''in over her head,'' even when their own performarnce review process is badly flawed. I intend to monitor this closely because radical change is urgently needed.

Mr. President, I have faith in Jim Wolfensohn to promote these reforms. I know he agrees that they are fundamental to the Bank's future, and of great importance to the Congress. They are especially important because the Bank is a pace setter for other international institutions. Ultimately, the success or failure of this effort will determine whether or not these institutions play the key role we need them to play in advancing political, economic and social stability around the world. Real stability depends on development that gives everyone a chance for prosperity. That is the central purpose of these reforms, and I hope the Bank's management understands how serious this is to the Congress, especially to those in Congress who have fought the hardest to support these institutions.

Mr. President, I often say Senators are merely constitutional impediments to their staffs. But we wouldn't be here if it were not for the staff who worked so very hard. We are privileged by the quality of the men and women who work with and for the U.S. Senate, on both sides of the aisle, and in so many of the other support positions that reflect neither party. So many times we debate these issues until late in the evening, agree on something, Members go home—staff stay until 3, 4, 5 o'clock, or all night long, to get it done.

Robin Cleveland, Senator MCCONNELL's chief of staff for foreign policy, has done a superb job. I am delighted to see her on the floor today. I appreciate the way she has worked so cooperatively with my own staff on this committee, and Will Smith and Billy Piper who have so ably assisted her.

On this side, I have Tim Rieser, who is my chief of staff for foreign policy matters. He has done an extraordinary job on the subcommittee and in working with Members on both sides of the aisle to try to achieve the compromises necessary. He has been ably assisted by Cara Thanassi, who is also a Vermonter, as is Tim. She, too, even though new to the subcommittee, has already shown an excellent grasp of the issues here and has proven very valuable. I also want to recognize Dick D'Amato, of the committee staff, and Jay Kimmitt, whom the chairman has already mentioned. Both gave invaluable advice and support.

FISCAL YEAR 1998 DEPARTMENT OF DEFENSE APPROPRIATIONS—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

Mr. SPECTER. Mr. President I would like to enter into a colloquy with Senate Appropriations Committee Chairman TED STEVENS concerning Federally Funded Research and Development Centers.

Is it the chairman's understanding that it was the intent of Congress to exempt Federally Funded Research and Development Centers [FFRDC's] from the provisions of section 8041 of the fiscal year 1998 Department of Defense Appropriations Act which reduce funding for advisory and assistant services by $300,000,000? This exemption is necessary because FFRDC funding is specifically reduced by $71,800,000 in section 8035 of the same act.

Mr. STEVENS. The Senator from Pennsylvania is correct. While the Department of Defense chooses to group selected FFRDC's in the category of advisory and assistance services, the Congress has for several years dealt with these issues separately. FFRDC's should be exempt from the reduction in contractor advisory and assistance services.

Mr. JEFFORDS. Mr. President, I compliment the Senior Senator from Vermont, Mr. LEAHY, and the Senator from Kentucky, Mr. MCCONNELL for the excellent job they have done in shepherding the Foreign Operations appropriations bill along it's difficult journey. While I would have written some sections differently, I believe that on balance this is a reasonable product of compromise that advances the primary goals of U.S. foreign policy.

I am, however, very disturbed to see that the compromise on U.N. funding that was contained in the State Department authorization bill has now been dropped. While I was not pleased with some aspects of the Helms-Biden compromise, at least it provided a way to start meeting our obligations to the United Nations.

I am disturbed, Mr. President, that greater thought has not been given by those who oppose this provision to the timing of this move. We are teetering on the brink of hostilities with Iraq over Saddam Hussein's refusal to allow entry to American members of the U.N. weapons inspection team. The United Nations has insisted that the integrity of its teams be respected and Saddam Hussein must not be allowed to pick and choose who he lets in. Last week, Secretary General Kofi Annan sent a three-member delegation to Iraq to impress upon Saddam Hussein the necessity of complying with United Nations requirements on access for inspectors. Unfortunately, they came away empty handed. But the United Nations Security Council continues to meet daily in an effort to counteract Iraq's intransigence.

I think most of my colleagues realize that this would be a very inappropriate time to suddenly be forced to go it on our own. We may decide at some point that unilateral action against Iraq is the most appropriate, but that should only come after careful consideration of all policy options available to us. And quite frankly, Mr. President, I believe that some of our best options involve working closely with our allies and our friends in the Arab world to present a united front to Saddam Hussein. With all its warts, the United Nations is still the best mechanism for consulting quickly with all the parties involved and negotiating possible courses of action. This is always a difficult task, but it would be made many times more difficult if we were not able to work through the United Nations. While nothing in the legislation before us today says we must pull out of the United Nations, the refusal of a small number of members to let a broadly agreed-upon package of reforms and arrearage payments move forward is a de-facto renunciation of the United Nations just as we are again turning to that body for assistance in keeping one of the world's worst scofflaws in line.

Getting other nations to join us in these efforts takes carrots and not just sticks. Our diplomats need to bring more to the table than the threat of military retaliation. That should be our last resort, and not before. If we are not willing to put our money where our mouth is at the United Nations, how can we expect Saddam to take our threats seriously?

I know that efforts are underway at this very moment to reverse this unfortunate decision by the House of Representatives. And I hope they succeed. Not just today, but increasingly in the future, we are going to need more tools of diplomacy at our disposal, not fewer. I urge my colleagues in the House to take this into account before it is too late.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to make a couple final observations. Seeing the occupant of the chair, the distinguished Senator from Wyoming, I thought I would mention his imprint on this bill. Senator ENZI had an important provision requiring a report from the administration on funding by all Federal agencies on the climate change program. He required its submission by October 31, which is obviously past. The conference included the provision requiring a report by November 15. I would say, for cold State Members, this is very important so we can begin to understand how extensive these programs are and what they are costing the taxpayers.

My thanks to the distinguished Senator from Wyoming, the occupant of the Chair, Senator ENZI, for his support and contribution to this bill as well.

Finally, let me say I understand Christian, the son of our staff director, Robin Cleveland, may be watching because he is sick today. Christian, I hope you get to feeling better. We are all sorry that you were inconvenienced by your mother's long hours during the course of the last few weeks.

Mr. President, I believe we are at a point now where this bill should move forward.

The PRESIDING OFFICER. Do the managers yield back the remaining time on the conference report?

Mr. LEAHY. Mr. President, is the Senator from Vermont correct in understanding when all time is yielded back it is, indeed, passed?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I yield back time on this side.

Mr. MCCONNELL. Mr. President, I yield whatever remaining time I may have.

The PRESIDING OFFICER. In light of yielding back the remaining time, under the previous order the conference report is agreed to and the motion to reconsider that vote is laid upon the table.

The conference report was agreed to.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there now be a period for morning business until 2 p.m., with each Senator permitted to speak up to 10 minutes.

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

Mr. BURNS. Mr. President, I see my friend from New Mexico on the floor. I would like to make a brief statement and then yield the floor to him, if he doesn't mind.

REMARKS OF ASSISTANT SECRETARY SARA LISTER AND THE MARINE CORPS

Mr. BURNS. Mr. President, I rise today to express my grave disappointment in the statement that Sara Lister, the Army's Assistant Secretary for Manpower and Reserve Affairs, made in reference to the U.S. Marine Corps. We just finished Veterans Day, and November 10 is traditionally the Marine Corps' birthday. So I guess her sense of timing is unbelievable. But, basically, this is what the Assistant Secretary said: ''The Marines are extremists'' and ''wherever you have extremists, you've got some risks of total disconnection with society.''

For whatever I have done with my life personally, I attribute some of what I learned in the U.S. Marine Corps. I think the statement that she made is grossly unjust, and is an affront to every person who has ever worn the uniform of the U.S. Marine Corps, or to any person who has worn any uniform of the Armed Forces of this country, and those who have died for the very freedoms that we Americans, even Ms. Lister, enjoy today and every day.

Mr. President, back in 1955, we were taught that the code of the corps is honor, courage, and commitment—honor in the defense of freedom, courage in the face of adversity and commitment to the members of your unit but, more important, to those folks at home.

I am very proud to say that these principles have guided my life, and I hope that these would be the principles that our society could emulate, not values that should be considered ''disconnected'' with the norm. I am wondering who is really disconnected here.

The corps has always presented to its new members a challenge for higher standards and higher achievements. In its 222-year history, they are incomparable and, yes, they are the guiding light of all services and something of which every American can be proud.

I understand Ms. Lister has sent an apology to the Commandant of the Marine Corps, General Krulak. That might be enough for him, but it is not enough for me. She claims that she was quoted out of context. I don't accept that either. No one service should be placed over another. Nobody has a corner on bravery or valor or commitment to this country. But you must remember that it was these men and women who fought and died for the blessings of liberty for our Nation, and no one should forget that their words still reflect today.

So I am saying Secretary Lister should resign her post, because I personally think that she is unfit to serve in a leadership position in the military of this Nation. I am very sad about this day.

GALLATIN EXCHANGE

Mr. BURNS. Mr. President, we just introduced a placeholder in a bill on the Gallatin exchange to preserve that option. It expires December 31. It is a land exchange in the Gallatin National Forest. I support that land exchange. I did not want to get into an adjournment situation and let the time run out and not have a placeholder, because I am concerned about one area in particular, as is everybody. I heard the concerns of my constituents in the Bridger Bang Tail area of the Gallatin National Forest and in the Taylor Creek area. This area has to be kept in the condition that it is now because it is probably the most important migration area for wildlife we have from Yellowstone Park into Montana and out of Montana. This is a migration corridor that must be protected.

We have an obligation to complete this land exchange. It is a good land exchange. It is the right thing to do for that particular part of our country, and I will support it. Of course, the delegation from Montana will get together and work out the details. But I wanted to put that in there to make sure that our options are left open when Congress comes back into session, because I feel very strongly about this area, about the preservation of this area in the management of forests, especially in very fragile areas and in areas that are very, very important to the migration of wildlife, in particular elk and deer. We have introduced that placeholder for those reasons today.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as if in morning business.

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

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that David Schindel, who is a fellow in my office, be granted the privilege of the floor for the remainder of this period of morning business.

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

ADVANCED TECHNOLOGY TO IMPROVE EDUCATION

Mr. BINGAMAN. Mr. President, as we prepare to complete this first session of the 105th Congress, I want to take a moment to look back at one of the great bipartisan accomplishments that we have made this year, and also to look forward to some important work that still lies ahead.

I am referring specifically to the work we have been able to do in putting advanced technology to work to improve education in the country.

Technology and better use of technology is critical in my home State of New Mexico. It is a big State. We have only a few concentrations of population and economic activity, and technology offers us a way to bring communities closer together and offers us a way to eliminate the gaps that separate the ''haves'' and the ''have-nots'' in our State and throughout the country.

In more than half of American households with incomes of over $50,000, the children have access to a computer at home. But in my State the average family earns about $26,000, and in that income range the estimate is that one in four children in those homes will have access to a computer.

We need to do better in the public sector, Mr. President, in providing technology in our schools so that we can use technology to narrow the gap between the haves and have-nots, rather than to allow that gap to increase.

In the past year, several magazines have published articles that have challenged the idea that technology in schools can really improve education. The Atlantic Monthly had a cover story called ''The Computer Delusion.'' There have been articles that consider computers in schools to be ''snake oil'' or ''the filmstrip of the 1990's,'' just to cite some of the phrases used.

Those articles are one reason I was interested in several recent reports that have reviewed the hundreds of research studies on the effects of educational technology on student achievement. The Educational Testing Service [ETS] did a report. Also, there has been a study commissioned by the Software Publishers Association [SPA]. The research results are uneven, but there are solid peer-reviewed studies that show significant improvement in

student performance and attitude in all age groups and all subject areas through better use of technology. Overall, technology-based instruction is 30 percent more effective in improving student achievement than instruction that does not include the use of technology. This is the equivalent of about 3 months of additional learning each year for our students.

The findings of these studies validate the Federal investment in education technology that we have made. I introduced the Technology for Education Act in 1994, and it became law later that year. But when it did become law, I don't believe any of us could have predicted the progress that could have been made in these 3 short years. Let me show you some charts, Mr. President, to indicate the progress that has been made.

This first chart, I think, makes the case very dramatically. It is a chart that demonstrates computer availability, that is, the students per computer, from the period 1983–84 through this just-completed school year, 1996–97. You can see the dramatic improvement that has occurred. In 1983–84, there were 92 students per computer in our public schools in this country. In this last school year, there were seven students per computer. That is significant progress. Computers have become much more available to students than they ever were before.

Let me show another chart that is an indicator of the progress that has been made. This is a chart that shows connections to the Internet. It shows how those connections have continued to increase rapidly: 65 percent of schools are now connected to the Internet. That is this green line on the chart. It indicates 65 percent are now connected. Only 14 percent of our classrooms are connected, but that number is also increasing rapidly. Real progress is being made there as well.

This past summer, the Federal Communications Commission approved plans to implement the universal services fund that will provide schools and libraries with $2.25 billion in communications discounts next year. Thanks to the leadership of Senators SNOWE, ROCKEFELLER, EXON, and KERREY, schools will have affordable access to the Internet over the coming years.

So looking at these very positive trends, one would think that students are using computers a lot more, but that is not really the case, Mr. President. Let me show you one more chart that indicates the concern I have.

This is a chart from a recent report by Education Week, a publication entitled ''Technology Counts.'' It shows that more than half of the eighth grade math students never or hardly ever use computers in their classrooms. Only 12 percent use computers almost every day. In my State, the numbers are even more startling. Two-thirds of the eighth grade math students indicate that they hardly ever use computers; 11 percent in my State indicate that they use computers almost every day. This chart is a graphic depiction of those statistics.

Another recent report by the CEO Forum, the Chief Executive Officers Forum, supports this same finding. Only 3 percent of schools have fully integrated technology into teaching.

This means that we're making progress in some places, but that some important barriers are stopping our progress in other schools.

This past weekend, the Congress passed the spending bill for the Department of Education, and I was privileged to be at the White House this morning when President Clinton signed that bill. It contains significant increases for programs authorized by the bill that I introduced back in 1994.

Let me show on this final chart that I have here this afternoon some of the increases that we have been able to accomplish in a bipartisan way this year.

In the technology literacy challenge fund—that is grant money that goes to States and school districts to support better use of technology—in fiscal year 1997, we appropriated $200 million. In the bill signed by the President today that number goes to $425 million. So it is more than twice the amount of funding.

In the technology innovation challenge grants the figure for 1997 was $57 million. The figure for 1998 is $76 million.

This year, for the very first time, we have funds earmarked to go specifically to train teachers to use technology more effectively. That is $30 million that was added in by the appropriators, and I think very wisely added. I think we have all begun to recognize that that is an item that needs additional attention.

This last item is crucially important. We need a balanced investment in technology. Balanced investment in educational technology means more than just buying the right hardware and software, it means investing in the training of the teachers and the administrators to use the software and the hardware.

Experts say that we should invest 30 percent of our technology budget in training. Nationally, we are investing less than 10 percent in training today. In my State, the estimate is that we are investing less than 5 percent of the funds that go into educational technology in the training of teachers to use that technology. Lack of teacher training will be the biggest barrier that we have to progress in this area.

This problem is described in a report entitled ''Technology and the New Professional Teacher: Preparing for the 21st Century Classroom.''

That is a report from the National Council for Accreditation of Teacher Education [NCATE]. They indicate that 2 million new teachers will be hired in the next decade.

Here is a quote from that report. It says:

> If teachers don't understand how to use technology effectively to promote student learning, the billions of dollars being invested in educational technology initiatives will be wasted.

Colleges of education clearly need to change the way they train new teachers. And if today's teacher candidates are taught with technology, then they will teach using technology themselves.

So that is why I introduced earlier in this Congress the Technology for Teachers Act and worked for the $30 million appropriation that I just referred to. Clearly, Senators HARKIN and MURRAY here in the Senate deserve great credit for their support and their advocacy on these issues as well.

The appropriation will provide competitive grants to States and will support growth and dissemination of the most effective programs for teacher training in the use of technology.

This $30 million, as I see it, is a downpayment on what will need to be a very long-term investment in tomorrow's teachers. And I intend to work for, at least, a doubling of that in next year's budget. I think that is clearly the direction we need to move in.

The Federal Government plays an important role in promoting the use of technology in education. But there are obviously other extremely important participants. The States and the school districts are developing challenging new standards. University researchers are discovering diverse ways that people learn.

The role of the teacher is changing. The teacher is no longer going to be just a lecturer but rather a learning coach to the students. The software industry is developing powerful new learning tools.

All of these efforts are pieces of a large and complex puzzle. Without a national strategy for coordination of these efforts, and without reliable data on what works, we will never get all of the puzzle's pieces to fit together.

I am interested in what I read in a recent report from the President's Committee of Advisors on Science and Technology [PCAST]. That report stressed the need for more research as we introduce more technology into our schools. We need to study which approaches in this area are most effective, and we need to determine the best investment mixture among hardware, software, training, and other categories.

As we come to the end of this Congress, I ask my colleagues to join me next year as we build on the progress that has been made here, the very substantial bipartisan progress. We need to take some new steps in promoting education technology. We need to continue our investment, of course, both in computers and in Internet connections. We need to increase substantially the investment in teacher training. And we need to promote new investments in research on the effective use of educational technology.

The Federal Government can play a crucial role by promoting greater coordination and collaboration among

the private sector and university researchers and educators and State and local governments.

There are several ways to accomplish this. We can do so through a federally funded research and development center, or a consortium of private firms, or a network of universities and schools and companies and agencies. The participants will have to make the final decision as to what mechanism works best.

The cost of this initiative, like the decisionmaking process, should not be the sole responsibility of the Federal Government. The costs should be shared by all the participants.

Mr. President, I am proud of the progress that we have made on providing educational technology so it can be used to upgrade education in our schools. And I am very encouraged by the data that shows the first beneficial impacts in our schools, but we have a great deal left to do. The President and many here in Congress deserve credit for the progress that has been made, but obviously their continued effort will be needed in the future.

The private sector, universities, and educational agencies need to work together to create a new culture of collaboration that will give teachers and their students the full benefit of these new technologies that are being developed.

Mr. President, on a personal note, I also want to particularly acknowledge the excellent work that David Schindel has done as a fellow in my office throughout the year on this issue of educational technology, as well as several other issues. His accomplishments have been extremely useful to me and I think to the Senate. I appreciate his good work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. 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. ENZI. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. The Senator from Wyoming is recognized to speak for up to 10 minutes in morning business.

Mr. ENZI. Thank you, Mr. President.

THE STATE ENVIRONMENTAL AUDIT PROTECTION ACT

Mr. ENZI. Mr. President, I come to the floor—in the waning hours of this session—to express my continuing frustration with the way that the Environmental Protection Agency is handling Wyoming's environmental audit law. The troubles began last September, when the EPA delayed granting final approval of Wyoming's clean air permitting plan.

Earlier this year, I joined with the other Members of Wyoming's congressional delegation in sending a letter to Administrator Carol Browner at the EPA. We suggested that it was inappropriate to withhold delegation of Clean Air Act permitting authority because of the State's environmental audit law. Administrator Browner responded with an assurance that,

> EPA has not taken steps to withhold further delegations of Federal programs in Wyoming as a result of the State environmental audit law.

In September, the EPA announced that it had completed its review of Wyoming's audit law. It found that,

> The State won't need to make statutory changes to the self-audit law to retain primacy over Federal laws like the Clean Air Act.

The EPA went on to say that,

> The law shouldn't interfere with the Wyoming Department of Environmental Quality's efforts to gain primacy over several other Federal programs.

Mr. President, in spite of Ms. Browner's assurances, there has been a very real and ongoing manipulation of States that attempt to craft sensible audit laws. I trust that my colleagues from Colorado, Utah, Michigan, and Texas would be able to verify that activity. Their States have all been coerced by the EPA into changing their audit laws.

On October 29, I introduced the State Environmental Audit Protection Act, which is S. 1332. This bill would provide a safe harbor from EPA's coercive actions for States that adopt reasonable audit laws. The next day, the Senate Environment and Public Works Committee held a very good hearing on the issue. We listened to an excellent panel of witnesses on both sides of the issue. Both myself, and Senator HUTCHISON of Texas—who has also introduced legislation to resolve this problem—testified on the need for Federal legislation.

I was interested to read in the paper on October 30, the day after the hearing, that the EPA is now requiring Wyoming to change its law. The EPA has submitted legislation to a special session of the Wyoming legislature. On Monday, a joint committee in Cheyenne heard preliminary testimony on the revisions. The proposal would strike at least 50 percent of Wyoming's law regarding discovery of evidence in criminal proceedings.

A State environmental audit law is designed to help clean up the environment. In Wyoming, we created our State law to provide incentives for good faith efforts. We thoroughly debated this issue in the Wyoming State legislature. We consulted with the State Department of Environmental Quality and different stakeholder groups. We wanted to provide a mechanism that would encourage people to make an extra effort—an extra effort—to clean up the environment in their communities. We debated it in a Democratic forum and we passed a consensus bill. And we passed it by more than a two-thirds vote in each body.

Our State law allows an entity to hire an auditor to review their operations. The entity might be a town that is trying to examine its storm drainage system. It might be a hospital that wants to review its air emissions. It might be a college or school district whose vocational education department uses solvents. It might be a company that maintains a construction yard, or a garage. These are all entities that may be affecting their environment without even knowing the consequences of their operations.

Some of them are on regular inspection schedules, but the majority of them will never be inspected.

How many of those entities would know, with 100 percent certainty, that they are in full compliance with all applicable State and Federal laws? How many of them think they are in compliance? How many of them don't know? How many inspectors are out there randomly checking these facilities?

These are questions I cannot answer. In fact, I asked a similar question to the Environmental Protection Agency in Senator CHAFEE's committee hearing. There was a general notion of how many EPA inspectors were employed, but they did not know how many total inspectors are out there. Furthermore, they could not say what percentage of regulated entities were on an actual inspection schedule.

There is one simple question here that I can answer. That is, how many of those regulated entities would ask an EPA inspector to come around and take a look? How many of them would trust the EPA to offer friendly advice.

The answer to these questions, my friends, is zero. People don't trust the EPA any more than they trust the IRS.

The fact is, Mr. President, most of these entities are afraid of the EPA. Most of them are unaware that their operations could land them in Federal court. They are unfamiliar with the regulations and they are afraid to find out if they are in compliance. They are afraid because if they search for problems and find them, they may be fined and even sued. And if they are sued, their own review has given regulators a roadmap for prosecution.

No small business is going to spend money to hire an auditor to collect evidence for regulators to use against the small business. And I do not believe more heavy handed enforcement is the answer. We, as legislators, should be able to encourage entities to look for problems. We can designlegislation that protects good faith efforts, without sacrificing traditional enforcement. We can design legislation that promotes cooperation toward a cleaner environment.

The EPA and the Department of Justice rely heavily on enforcement as a deterrent. But in spite of Vice President GORE's reinventing Government proposals—and in spite of President Clinton's commitment to revinventing regulations—neither the EPA nor the

Department of Justice have supported any statutory compliance assistance programs. Their command and control methods remain firmly ensconced—not just in rhetoric, but in practice.

I agree that strong enforcement is necessary as a deterrent against environmental violations. I have never suggested that we should hamstring our regulators. We can, however, look at audit laws as a positive and reasonable way to supplement strong enforcement. When the goal is a cleaner, healthier environment, we should not be afraid to be innovative. We can do it in a reasonable and thoughtful way. We can agree not to penalize good behavior.

The EPA and the Department of Justice have shown a complete unwillingness, however, to cooperate. They have repeatedly argued against State and Federal audit laws. They maintain that such laws are unnecessary and dangerous. They describe numerous imaginative scenarios where laws could be abused. When asked for constructive suggestions, however, they choose instead to mischaracterize audit laws, implying that there is no middle ground. In the rhetorical attacks on audit laws, the EPA and Department of Justice always start by constructing their own premises—not those of the actual law—so the most frightful conclusions can be drawn to support their position.

I point this out because the term ''secrecy'' has been the most recurrent fallacy dragged across this debate. It was used to excess in the recent Environment and Public Works Committee hearing. The EPA maintains the danger of secrecy by suggesting that audit laws will shield evidence of wrongdoing and impede public access to information.

Nobody in this body has been talking about creating an audit law to allow secrecy or fraud. These are things the EPA argues against. They are things I have argued against. Under a well-crafted audit law, this kind of abuse can be easily avoided.

First, the EPA claims companies will conduct audits to hide evidence. I want to expose the holes in that argument. An audit report can only include information gathered during a specific time period and according to a defined audit procedure. Because privilege is not extended to cover fraud or criminal activity, it cannot reach back to cover prior malfeasance.

For example, in Wyoming, before a company conducts an audit pursuant to our State law, they must tell the regulators they plan to conduct an audit. Only information that is gathered after that date, and as a part of the audit, can fall under the audit protections. An audit report cannot include information that is otherwise required to be disclosed, such as emissions monitoring. It can only include information that is voluntarily disclosed.

How does the privilege work in practice? First, if nothing is discovered and nothing is disclosed, the report may not be privileged. If the company does find a deficiency during the audit, then it must report the problem and clean it up with due diligence. If these conditions are not met, then it cannot assert privilege to the information related to the deficiency. The privileged information is never secret because the deficiency must be disclosed.

Remember, the company must report the deficiency and clean it up to assert privilege. The public can view the disclosure form. They can know about the problem and they can make sure it is cleaned up. As long as these conditions for privilege are met, the report may not be admitted as evidence in a civil or administrative action. The end result of this is a cleaner environment—not secrecy—as the EPA suggests.

One only has to think logically to expose the flaws in EPA's arguments about secrecy. If a company says they are going to conduct an audit, then they must find violations, disclose them, and clean them up to get any benefit from the law. If they don't disclose anything, they gain no protections from an audit law. A company would not spend money to conduct an audit and then keep the violations secret. If they did so, they would face criminal liability for knowingly violating the law.

I ask my colleagues, if a company conducts an audit, discloses its violations, and cleans them up, what have we lost? Haven't we improved environmental quality? That is the goal of our environmental laws. That is the point of compliance assistance.

The EPA and Department of Justice maintain that audit laws run counter to our common interest in encouraging the kind of openness that builds trust between regulating agencies, the regulated community, and the public.

Mr. President, litigation does not build trust. Using voluntarily gathered information to prosecute good actors does not build trust. Enforcement depends on intimidation to act as a powerful deterrent. But it does not build trust.

Reasonable audit laws will promote cooperation between regulated entities and their regulators. We should ensure that people who act in good faith and who go the extra mile don't face stricter enforcement than those companies that do nothing. Audit laws do build trust.

Most importantly, they will result in a cleaner and healthier environment.

I look forward to working on this issue when the Senate reconvenes next year. It has been a broad bipartisan issue in the States and I know it can be a broad bipartisan solution here in the U.S. Senate.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. 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. LIEBERMAN. Mr. President, I ask if it is appropriate that I be allowed to address the Senate in morning business?

The PRESIDING OFFICER. It is more than appropriate. The Senator from Connecticut is recognized to speak in morning business for up to 10 minutes.

BOSNIA AND IRAQ

Mr. LIEBERMAN. Mr. President, a short while ago, the Senate adopted the foreign operations bill. Last week, the Senate adopted the Department of Defense authorization bill. Previous to that, we adopted the Defense appropriations bill for the coming year—all of those aimed at keeping America both strong and involved in the world.

There is no small measure of common sense and reason for us to do that. Mr. President, all we have to do is follow the news of the day to see how much our own leadership in the world is depended upon by other people and how critical that leadership is to the peace and stability of the world. This is, apparently, the last day in which the people's forum, the Senate Chamber, will be open for public discussion, particularly in morning business, which is such an extraordinary and, I think, constructive forum for public debate.

I want to address my colleagues on two matters that may well be acted upon, or decided partially at least, in the time after we leave this first session of the 105th Congress and before we come back in January. Those are events abroad relating to, first, Bosnia and then to Iraq.

Mr. President, if I may speak briefly about the situation in Bosnia. As the record is clear here, acts of aggression were occurring, acts of genocide, slaughter, unseen in Europe since the end of the Second World War which, in this case, was being portrayed on our television screens every night, bringing understandable agitation and demands for action. Ultimately, particularly after the fall of Srebrenica and the slaughter that occurred there, the President led the NATO forces to decisive airstrikes, which led to the Dayton conference, which led to the Dayton peace accords and to the cessation of hostilities on the ground in Bosnia and the beginning of a civilian reconstruction of that war-torn country, based on the Dayton agreements, based on a goal of trying, over a period of time, to reconstruct a multiethnic country there in Bosnia, on the premise that partition into ethnic conclaves was inherently unstable because one group would inevitably strike another group. If one looks at this glass, there is still plenty of empty room in it. It is also a glass that, thanks to the

allied effort, an effort that encompasses in this case Russia as well, not only has the slaughtering stopped and have troops been disengaged, but there is substantial progress being made on the road to civilian reconstruction.

I have felt all along, Mr. President, that we made a mistake in setting deadlines for the presence of American personnel as part of, first, the IFOR and then the SFOR—Implementation Force and then the Stabilization Force—in Bosnia. I understand that the deadline was probably attached as a way to garner sufficient support for the American involvement. But, in my opinion, respectfully, it was a mistake. Better to have set out goals for our participation in Bosnia and when those goals were reached to withdraw, than to establish the expectation, both in this Chamber and more broadly among the public, that we were going to pull out by a date certain, only to have to come back and say, no, no, no, that is not what we meant, and then imposing another deadline.

It is clear from statements that are coming from the President, the Secretary of State, others in the administration of our country, and our allies in Europe, that there is a strong inclination to keep American troops on the ground in Bosnia as part of a follow-on force after the previously, and I think mistakenly, set deadline of June 30, 1998. I support that inclination. I hope it is a fact, because I think if we pull out now—we Americans—the Europeans will follow suit, and what is likely to take place at this stage is a slide back downward into the pit of separation and of conflict.

I do hope that, in extending our presence there, we are mindful of two factors. One is to not repeat the mistake of again setting an artificially explicit deadline. If we are going to stay there, let's try to define the goals most comfortably related to the Dayton process, the Dayton agreement, and see if we can express more generally what those goals are, and when we achieve them, be ready to pull out.

Some have said—and it may be a good beginning point—that we can and should leave, we should not be there for a long time, we certainly should not be there forever. We can and should leave when the Dayton peace process appears to be self-sustaining. That is not a bad goal. So I hope, one, we don't repeat the mistake of setting an artificial and misleading deadline.

Second, if we decide to keep American troops as part of the follow-on peacekeeping force in Bosnia as a way of guaranteeing that the conflict does not erupt there again, that we don't threaten stability in Europe, that we don't run the risk of a wider war throughout the Balkans and beyond. If we decide to keep American troops there, I hope we will leave it to the professional soldiers, to the Pentagon, to the Secretary of Defense, advised by our military on the ground in Bosnia, by the chiefs of the services involved here in the Pentagon, as to how many American troops we want to leave there. There has been some indication, some comment, that it would be a good idea to reduce the number of American personnel there as a way of showing that we continue to be on the way out. The fact is that we started out with almost 30,000; we are down to about 8,500 American personnel.

The point I want to make is this: The administration should not feel pressured, as a way to build more support here or among the American people for our continued presence in Bosnia, to reduce the number of American soldiers that are there, unless that is what the generals in charge and the Secretary of Defense advise and request. We are getting down to a relatively small number of Americans there. We have an obligation to each and every one of them to make sure that we keep a critical mass present on the ground so that, in case of trouble, in case of conflict, in case of the eruption of hostilities, we have enough people and resources there so that we can minimize the risk of any damage to our personnel.

This is an occasion like the next one I want to speak of, where, though there is disagreement here among Members of the Senate and the other body and the American people about whether or not and under what circumstances or not American personnel should remain in Bosnia, this Senator is convinced that if the President as Commander in Chief states the case, and particularly one which is strongly backed up, as to the number of American personnel there by our military, the majority of the Congress across party lines will support the President in that leadership.

Second, Mr. President, is the question of Iraq—once again, very much on our minds and, once again, threatening stability under Saddam Hussein in the Middle East, an area of vital interest to the United States, morally, militarily and economically. This is a crisis that is totally the work of one man—Saddam Hussein. An agreement made to end the gulf war, in which we were the dominant power, with our allies involved an agreement by Iraq to have international inspection teams constantly there to make sure that Saddam Hussein and his government were not concealing or constructing weapons of mass destruction—ballistic missiles—done not in a punitive way, but because the record makes clear who Saddam Hussein is and what he is prepared to do. In the time he has been the leader of Iraq—I believe I have this number right—he has carried out five invasions of neighboring countries. When he has had capacity to wage warfare with gas, a relatively rudimentary form of chemical warfare, he has done so. He has used gas against his own people in Iraq to suppress an uprising. He used it against the Iranians in the Iraq-Iran war during the 1980's. There is some evidence to believe that he would have armed his personnel in the gulf war with chemical weapons that might have been used against American personnel were it not for his fear that we might retaliate with nuclear weapons.

So we know the ambitions of this leader, we know his willingness, beyond the formal considerations of devastation to humans, to use every weapon in his control to achieve a wider hegemony over the Middle East and particularly over the oil resources there that we continue to depend on.

As I said before, this crisis is one that is totally of his making—by forbidding Americans from being part of this international inspection team, by threatening now to evict, to eject, to push out of Iraq that small number of Americans that are part of that inspection team. And while the threat posed at the current moment is not as visually frightening and destabilizing as the Iraqi invasion of Kuwait in 1990, its consequences, the consequences of U.N. inspections stopping and the Iraqis developing and broadening their capacity at special warfare, at warfare with weapons of mass destruction and the ballistic missile capacity to deliver them to distant targets, is every bit as consequential and profoundly disruptive of stability in the Middle East and profoundly threatening to the vital interests of the United States, and we have little choice but to respond.

The threat may be at least as fundamental and destabilizing as the Iraqi invasion of Kuwait in 1990. But the challenge to leadership internationally will be to marshal the same kind of international coalition against the possibility of Iraqi aggression that was marshaled in 1990 and 1991.

Part of the problem is that time has passed and people's taste for conflict is reduced. People in some sense have to be reminded of what is on the line. Part of the problem is that some of those nations that stood by our side and fought with us in the Gulf war may have short memories and be drawn more by economic interests in doing business with Iraq than a realistic appreciation of the consequences of allowing Saddam Hussein to develop chemical weapons of mass destruction and ballistic missiles to deliver them. It won't be easy for those in the alliance—the international alliance—who understand the seriousness of this threat from Iraq under Saddam Hussein to marshal as broad an international coalition to respond. But it is most certainly a worthy effort and in our national interest.

If we cannot by inspection guarantee that Saddam Hussein is not developing weapons of mass destruction and the ballistic missile capacity to deliver them against our troops on land and sea in the region to our allies in the Arab world and in Israel, then we must consider doing so by intervention—if not by inspection, then by intervention. Because history tells us—and it is fresh history—that whatever capacity

for war making Saddam Hussein develops and possesses, he will use. And that is why it is so critical to deny him that capacity.

The specific course that President Clinton and some of those of our allies who seem more likely to stand with us—such as the British, probably the Turkish, others, hopefully in the moderate nations of the Arab world—the specific course that President Clinton as Commander in Chief chooses to take is, of course, respectfully his judgment. But I hope in the fateful days that are ahead when this Congress is out of session and these decisions will probably have to be made that the President appreciates what I sense as I talk to colleagues here in the Senate, that there is a broad bipartisan understanding of the seriousness of the challenge that Saddam Hussein has cleverly and diabolically set before us; and that there will be broad bipartisan support for an effective response as determined by the President of the United States, hopefully in joint action with a large number of our allies.

So, Mr. President, this has been a long session—a session of extraordinary accomplishments, certainly on the balanced budget, and some disappointment, of course, as always is the case in other areas.

But, as we depart, we leave some immense decisions to be made by the President and the administration. And I hope that they will be made in the spirit that this Congress across party lines will support the Commander in Chief when he chooses to lead, and that across party lines we understand that partisanship, though it may occasionally rear its head too often perhaps here in Congress, certainly does end at the Nation's coasts when our security and our values are threatened throughout the world.

I thank the Chair. I thank my colleagues for their patience.

I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

EXTENSION OF MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that morning business be extended until 2:30 p.m. under the same terms as previously agreed to.

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

Mr. ALLARD. I yield the floor.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President.

A PERSONAL MESSAGE TO SADDAM HUSSEIN

Mr. TORRICELLI. Mr. President, almost 10 years ago I had an opportunity in visiting Baghdad to meet with Saddam Hussein and members of his cabinet.

I went to Iraq because of a brutal and seemingly endless conflict between the armies of Iran and Iraq that were consuming hundreds of thousands of lives. Like many people in our Government, I was concerned about how this would impact the region, and whether, indeed, it threatened world peace. I left Baghdad with unmistakable impressions of Saddam Hussein who continued to influence my own judgment, and which I revisit now—that we are on the verge of yet another conflict with the army of Iraq.

President Hussein knew little of the Western World, and profoundly misunderstood the United States. Because we are a good and a decent people willing to engage in dialog, it was interpreted as a lack of resolve; a failure of will.

It was for these reasons when President Bush sent American forces to the Persian Gulf that I was proud as a Member of the House of Representatives to be the Democratic sponsor of the war resolution.

In the years since American men and women triumphed in the Persian Gulf war to uphold the will of the United Nations and serve the best traditions of our country, the Saddam Hussein that I met on that day has not only not changed; he remarkably seems to have learned very little.

His rape and pillage of Kuwait is now known to have included not simply combatants but thousands of innocent Kuwaiti citizens. Six years after his retreat from Kuwait he continues to hold 620 unaccounted for Kuwaiti civilians. Upon his retreat he torched the land with oil fires and sullied the water, creating the largest oilspill and oil fires in history.

In 1988, he employed mustard gas against his own people killing more than 5,000 Kurds.

The Saddam Hussein that America met in the Persian Gulf war was not an isolated departure from good judgment. It was part of a long record of brutality against his own people and his neighbors.

Today we are on the verge of yet another conflict with Saddam Hussein, because not only is there a long tradition of such irresponsible international behavior but because nothing seemingly has changed.

In 1992, he violated the terms of the gulf war cease-fire by moving antiaircraft missiles into northern and southern Iraq. The world responded. The coalition held. And more than 100 United States, British, and French planes fired on missile stations.

A year later—in 1993—still not having learned the price of his misjudgements, Saddam Hussein ordered an attempt on the life of former President George Bush. President Bush was visiting Kuwait. Not only was Saddam Hussein not humbled in the face of the victor; he planned an assassination leading to an American military response against his intelligence headquarters.

In 1994, he sent battalions of Iraqis 20 miles north of the Kuwaiti border. Again, the United States needed to respond and 40,000 troops were again sent to the Persian Gulf.

And, last year, despite a willingness by the United Nations to begin easing sanctions in order to ease the pain on the Iraqi people in a food for oil program that was instituted, Saddam Hussein responded by military attack against the Kurds in the town of Erbil needing a response with the oil for food program.

There are few comparisons in contemporary history of any leader in any government that has so routinely miscalculated at the disadvantage of his government and himself.

The Saddam Hussein that I met a decade ago may not have understood much about the world, or his place in it, the relative power of his country as opposed to potential adversaries, the use of technology, his measure of international will—his misunderstanding of the United States may have been legendary—but it is almost unbelievable that with these annual confrontations, this extraordinary record of miscalculations, that virtually nothing seems to have been learned.

What more is necessary to be understood about the resolve of the United States? This Government is clearly prepared to pay the price to maintain the peace in the Middle East. This country has a deep determination to deny Saddam Hussein every and all classes of weapons of mass destruction.

The United States will provide leadership for international response when necessary, but clearly is both capable and willing to act unilaterally if required.

What is it, Saddam Hussein, that you do not understand about the world resolve? And what is it about us that could still be unclear?

Last month, this long and extraordinary record of miscalculation added yet another chapter. Saddam Hussein barred access to U.N. weapons inspectors under the pretext that they included American citizens. He challenged the right of the United States to be a part of the inspection teams of the United Nations, and asked rhetorically by what right we would be present.

Saddam Hussein, it comes to mind that the United States has about 500,000 reasons why we have a right to participate and will demand full compliance—a reason for every man and woman that left family, friends and home to put their lives on the line in the Persian Gulf war to end your occupation of Kuwait. And those 500,000 reasons have not yet run their course. They will stand for a long time.

The record since the United Nations began the inspections to ensure compliance with its resolutions has not been without success.

Since 1991, U.N. inspectors have found and destroyed more illegal weapons in Iraq than were destroyed during

the entire Persian Gulf war. Surveillance cameras to monitor weapons activities were installed. This is a regime imposed by the United Nations of weapons inspection that has and can yield real results. But, as we now stand on the verge of yet another military confrontation, it is necessary to face the unmistakable and painful truth that there is no reason to believe that anything has changed in Baghdad.

This week, the Washington Times revealed that Saddam Hussein has been intending to buy five electronic warfare systems that would allow him to detect and destroy radar-evading aircraft.

The weapons markets of the world have routinely been contacted by Iraqi agents and representatives still seeking military technology.

This is important lest we fail to understand that the strategy of frustrating U.N. inspectors and noncompliance is not happening in a vacuum. It is part of an ongoing strategy to restore military capability.

The lessons of the Persian Gulf war and our experience through our sacrifices have yielded more than simply the destruction of these weapons. There is another great lesson that the Persian Gulf war has left the United States, the United Nations and the international community. It is, first, that the international community is capable of acting in concert for common purpose, but it is also that there is by definition a class of nations with leaders who are easily identifiable who are so irresponsible by their actions, who act in such contempt of international normal standards of conduct and international law that the international community will take it upon itself to deny them aspects of their own sovereignty.

Of all the things that Saddam Hussein failed to learn about us and our resolve and our capability or the international community's ability to act in concert it is the single lesson that is the foundation of the current crisis. Saddam Hussein will not be allowed to have weapons of mass destruction or wage war on his own people or regain great military capability because as a consequence of the Persian Gulf war and the invasion of Kuwait, the international community has decided to deny him that sovereign right of other nations to possess certain weapons and conduct their own affairs today, tomorrow and potentially forever.

It is not only a lesson of the Persian Gulf war; it is a gift of this generation to succeeding generations that something has been learned by the history of the 20th century. And the primary pupil of this lesson will be Saddam Hussein, in life or in death, today or tomorrow, one way or another.

I know every Member of this Senate, indeed, the entire U.S. Government, is in prayerful hope that military confrontation is avoided. In an age when military weapons hold such power and the destructive capability is so great, conflict must always be avoided when possible. That is our nature. It speaks well of our people that this is our resolve.

Saddam Hussein, with so many miscalculations, so many mistakes that caused so much harm for your people, do not miscalculate again.

There is in this Senate, I know, nothing but affection for the people of Iraq, an abiding hope that there will be a day when not only we can meet them again in friendship but the Members of this Senate may vote to send an ambassador of good intention and good will to Baghdad to normalize relations. Between this day and that is either the learning of a fundamental lesson by Saddam Hussein against all odds and all experience or that the people of Iraq take their future in their hands against extraordinary odds and regain responsible leadership.

I do not know, Mr. President, how this crisis will be resolved. Indeed, no one could predict. Only that somehow we be understood and that somehow the United Nations obtain the strength and resolve to see its judgments fulfilled. All the frustration of these years and all the sacrifice from the international community can still have real meaning if this lesson will be learned not simply by Saddam Hussein but by all the dictators, all the despots to come who would abuse their people and wage war. If we can stand together here, finally have the lesson learned, all this will have had real meaning.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Indiana.

EXTENSION OF MORNING BUSINESS

Mr. COATS. I ask unanimous consent that morning business be extended until 3 p.m. under the same terms as previously ordered.

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

Mr. COATS. Mr. President, I ask that I may speak in morning business for up to 10 minutes.

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

REMARKS OF SARA LISTER

Mr. COATS. Mr. President, on Tuesday of this week, our Nation celebrated Veterans Day. I had the pleasure of returning to Indiana and talking to some of our veterans and speaking to an important group about the meaning of Veterans Day and the contributions veterans have made to our country and their sacrifices. We honor Americans on that day, both men and women, who served in both peace and war, as watchmen and women on the wall of freedom. We honor them by remembering their heroism, passing stories of their character and courage from generation to generation.

It is disappointing and extremely unfortunate that in this very same week the Assistant Secretary of the Army, Ms. Sara Lister, made some remarks to a group to whom she was speaking at Harvard, referring to members of the U.S. Marine Corps as ''extremists.'' I quote her. She says the Marines are ''extremists. Wherever you have extremists, you've got some risks of total disconnection with society. And that's a little dangerous.''

Now, subsequently, Ms. Lister has penned a letter of apology to the Commandant of the Marine Corps, General Krulak, in which she says it's unfortunate that my remarks were taken out of context. It's unfortunate that they were misinterpreted.

Now, all of us in the business of politics have had occasion to pick up the paper in the morning and seen our remarks taken out of context and be misinterpreted. So I appreciate that this sort of thing often takes place. I truly hope that in this case these remarks were taken out of context and that they were misinterpreted. I am concerned that they were not. I have asked for a tape or transcript of the presentation by Ms. Lister at the Harvard group so that I can understand the context. It is not really understandable or discernible at this particular point.

I am disturbed that one of our top civilian appointees at the Pentagon could make such a statement. It is hard for me to construct any context in which the use of the word ''extremism,'' and the phrase a ''total disconnection between our society'' and the U.S. Marine Corps is appropriate. I don't understand in what context that could be presented that would explain the use of those remarks and the statement that this is a ''dangerous'' situation.

And so I rise today to raise serious questions about the continued leadership of Ms. Lister as Assistant Secretary of the Army. By her remarks, she has offended not only the 174,000 active duty members of the Marine Corps but the 2.1 million Marine Corps veterans and, frankly, all Americans.

The Marine Corps teaches truths and convictions which are becoming more rare in today's society, and it is the continuity of these values in the Marine Corps which has produced men and women of character and honor who are ready and willing to sacrifice their lives in defense of their country.

I would commend to Ms. Lister a piece which appeared in the Sunday Parade magazine, probably in most Sunday papers across our country. It featured a very insightful story of recruits in the Marine Corps and what we can learn from the Marine Corps. The article correctly shows that the Marine Corps teaches and trains young people important values.

If these values are extremism, then I suggest that is what we need more of in this country. Let me just quote a few things from the article.

> In a society that seems to have trouble transmitting healthy values, the Marines stand out as a successful institution that unabashedly teaches those values . . .

For the first time in their lives, many encountered absolute standards; tell the truth. Don't give up. Don't whine. Look out for the group before you look out for yourself. Always do your best . . . Judge others by their actions, not their words or their race. . . Don't pursue happiness; pursue excellence. Make a habit of that, and you can have a fulfilling life.

The recruits learned that money isn't the measure of a man; that a person's real wealth is in his character.

The recruits generally seemed to find race relations less of an issue at boot camp than in the neighborhoods they'd left behind.

The author of the article goes on to say:

If America were more like the Marines, argued a recruit from New Jersey, there would be less crime, less racial tension among people, because Marine Corps discipline is all about brotherhood.

With their emphasis on honor, courage and commitment, they offer a powerful alternative to the loneliness and distrust that seem so widespread, especially among our youth.

Well, Mr. President, if those values are a disconnect from American society, then it is not the Marine Corps that is in deep trouble. It is American society that is in deep trouble. These are the values to which we should be aspiring. I think under the leadership of General Krulak—and the tradition and the history of the Marines—the Marine Corps has demonstrated a continuing commitment to values to which we should all aspire.

General Krulak responded to Ms. Lister's remarks—I will just briefly quote that—by saying that ''honor, courage and commitment are not extreme.''

Mr. President, as I said, I hope that these comments were taken out of context. I hope that they were misinterpreted. Again, I cannot conceive of a context in which they would be considered as appropriate. The use of the term ''extremists'', the statement that the Marine Corps is disconnected from American society reflects, unfortunately, an attitude and a belief about the Marine Corps and perhaps about others in uniform that is inappropriate for an Assistant Secretary of Defense.

I note that Ms. Lister earlier had announced that at some point she was going to retire from her position. Perhaps it wouldn't be too early for her to think about accelerating that retirement so that the position could be turned over to someone who is able to present his thoughts in a better context, in a way that will not be misinterpreted. Perhaps then we will not have this difficult explanation of why one of our most honorable branches of military service has been labeled in such a way.

Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

RECOGNITION OF THE 20TH ANNIVERSARY OF THE GREAT ALASKA SHOOTOUT

Mr. STEVENS. Mr. President, the day before Thanksgiving the University of Alaska's Athletic Department marks a milestone—the 20th anniversary of the Great Alaska Shootout.

The shootout is a basketball tournament that began as an impossible dream of Bob Rachal, a coach who wanted to put his fledgling University of Alaska Anchorage basketball team on the map.

Now, the shootout continues under Charlie Bruns and Tim Dillon, athletic director and has become an annual Thanksgiving tradition for Alaskans and basketball fans across our Nation.

In the 20 years since the shootout began, our Nation's greatest college teams have traveled to Alaska over the Thanksgiving break to vie for the tournament trophy.

Twenty former NCAA champions have taken part in the shootout over the two decades; last year marked the fifth time the defending national champion has participated in the shootout.

The first game, 20 years ago, was played in a drafty field house on Fort Richardson, a military post in Anchorage, to about 2,500 fans.

Now, the shootout fills our state-of-the-art Sullivan Sports Arena in Anchorage, and is televised live nationwide via ESPN. Sportswriters from the wire services, newspapers and magazines regularly travel to Anchorage to cover the shootout.

Because the teams that participate are the best, the games are invariably closely contested; 60 of the previous 228 games have been won by margins of five points or less. Six have been settled in overtime; four in double overtime, and one in triple overtime.

It isn't only the games that are important in the shootout, it is the opportunity players, coaches, and the families of the players and coaches, have to experience the greatness of Alaska and Alaskans, and the opportunity Alaskans have to meet these young athletes, their coaches, and their families from across our Nation.

Volunteers open their homes to shootout participants and support the players and the guests in countless other ways, including transportation, entertainment and other special events. Our largest Alaska grocery chain, Carr's, provides important corporate support.

The National Collegiate Athletic Association recognizes the special place this tournament holds by its votes over the years to allow the tournament a special place in American collegiate sports.

The teams represent the finest programs in NCAA basketball history, and the University of Alaska Anchorage has gained a reputation for hosting one of the best tournaments in college basketball.

The players and coaches and all who work to make the shootout a success bring credit to the University of Alaska, to Anchorage and to Alaska. Mr. President, I commend Chancellor Lea Gorsuch and the University of Alaska as it observes the 20th anniversary of a very special sports event. I know Dr. Lee Piccard, the former vice chancellor, who has seen every shootout game during all 20 years will enjoy it again.

A. MICHAEL ARNOLD, M.A. CANTAB., M.A. OXON, F. INST. D., F. INST. P.

Mr. STEVENS. Mr. President, I want to recognize the assistance I have received over the years from a longtime friend, A. Michael Arnold, whose intellectual capacity and international insights have proven to be of significant value to me and others. I have often passed on Mick Arnold's comments to many Members of Congress including our leaders. Since the early eighties, Mick and I have corresponded regularly, and occasionally have had the opportunity to meet either here or in Britain. He is a resident of Great Britain. We are both blessed with wonderful wives. Mick's wife Wendy is a respected author in her own right. My wife, Catherine, and Wendy share in our friendship.

These insights in Mr. Arnold's correspondence have run the gamut from the 1980's arms buildup in South America, to the current conflict in Bosnia with its implications for world peace, the internal convulsions in Russia, the tensions between Israel and the Arab world, the threats from Iran and Iraq, and to the reason d'etre of the United Nations. Mick's observations have been provocative, accurate, and full of sage advice. He has not sought recognition for his efforts. He told me that knowing that his observations may help to bring clarity to a confused world scene was sufficient to him.

I recall several specific instances of Mick's perceptiveness in international affairs. Mick's assessments in 1983 and 1984 of the political scene in the Soviet Union: He anticipated that Chernenko would stabilize his power base and advance Gorbachev as one of his key deputies. By early 1984 Chernenko had made Gorbachev his No. 2. Noting Chernenko's precarious health, Mick then anticipated that Gorbachev would succeed Chernenko. History records the accuracy of that assessment. That advice was very helpful to those of us who were working on Soviet affairs in the 1980's.

In 1991 Mick expressed anguish over the potential for a conflagration in Yugoslavia * * * one that could envelope Bosnia-Herzegovina. Once again Mick's international instincts proved accurate. Many times that he shared his worries in papers I then passed on to others, those fears were realized in what did take place in Bosnia.

In April of this year, Mick commented on the upcoming Presidential elections in Iran and observed that Mohammed Khatemi would, if elected, be

more open to foreign relations. History has yet to validate the accuracy of Mick's assessment of Khatemi's but many are hopeful he is correct.

He continues to be one who observes the world scene from his background being a Don at Oxford.

The world would be a far better place if there were more people with the intellectual capacity, compassion, and common sense of Mick Arnold, ones who would pass on their opinions without any publicity, without seeking any remuneration for their work—just to be a friend. It's from the point of view of friendship.

I look forward to continuing this friendship and value Mick's informed observations on the international scene. I come today because my friend has told me he is going to reduce the frequency of his comments. He is not totally retiring, but he's going to limit the scope of his activities. But I wanted the Senate to know that, whether many are aware of it, the U.S. Senate has benefited from his counsel and his insights. I have benefited greatly from his friendship.

My wife and I wish Wendy and Mick many more years of success, and I continue to value his advice.

I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Maine.

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m., under the same terms as previously agreed to.

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

THE CENTENNIAL OF SENATOR MARGARET CHASE SMITH'S BIRTH

Ms. COLLINS. Mr. President, I rise to say a few words in honor of one of our Nation's most legendary Senators and one of Maine's most beloved public figures: Senator Margaret Chase Smith.

December 14 marks the 100th anniversary of Senator Smith's birth. Since we will not be in session on the 14th, I would like to take the opportunity to speak in honor of her centennial today.

Margaret Chase Smith has the distinction of being the first woman elected in her own right to both the House of Representatives and the U.S. Senate. She served in the Senate from 1949 to 1972—the entire time that I was growing up in Maine. Throughout her tenure in Congress, she served as a great source of pride and inspiration for countless people throughout Maine and the Nation.

Mr. President, I am one of those fortunate people whose life was touched personally by Senator Margaret Chase Smith. So it is with a great deal of gratitude and admiration that I speak about her legacy today in celebration of her centennial.

Mr. President, when I was just 18 years old, a high school senior from Caribou, ME, Senator Margaret Chase Smith encouraged me to pursue a career in public service. Now I serve in the U.S. Senate, holding her very seat. Her example of moderation, independence and integrity continues to guide me every day as I seek to represent the people of Maine.

Walking through the Halls of the Senate, I am frequently reminded of my first significant encounter with Senator Smith.

In January 1971, I left my hometown of Caribou, ME, to spend a week here in Washington, DC. I was one of 100 high school students from around the Nation participating in the U.S. Senate Youth Program. The program consisted of VIP tours of Washington, formal dinners, and numerous high-profile speakers ranging from Supreme Court Justices to top White House officials. The highlight of my week, however, was the afternoon that we visited our respective Senators.

When I arrived at Senator Smith's office, I was immediately ushered into her personal suite. Her office was bustling with activity, and yet it had a stately and serene quality. Senator Smith looked perfectly at home in the setting as the only woman in the Senate. Her green office suited her well and, of course, reminded me of the State of Maine. She shook my hand and invited me to sit down, and seemed genuinely interested in what I had to say.

Much to my amazement, Mr. President, instead of just quickly posing with me for a picture, Senator Smith spent nearly 2 hours talking to me about her years in Congress. She stressed the importance of public service and the difference that one person could make. We talked about her opposition to McCarthyism and the necessity of standing tall for one's principles no matter what the cost.

As I was leaving, she handed me a copy of her famous ''Declaration of Conscience'' speech to take with me. I was struck by her presence and I knew that she was a woman of enormous strength and integrity. I was so proud that she was my Senator.

As I bid her farewell, I could not keep the smile from stretching across my face nor the dreams from racing through my mind. To me, Senator Smith was living proof that women, even those of us from small rural towns in Maine, could accomplish anything upon which we set our sights.

I have since learned that my early impressions of Senator Smith are shared by thousands of others throughout our State and throughout the Nation whose lives she touched. But we in Maine are particularly fortunate to have had her as a role model and as our Senator.

As one Congresswoman recently said to me, ''You know, it was much harder for women to get elected in my State because we didn't have Margaret Chase Smith.''

Senator Smith's 32 years of leadership epitomized the type of thoughtful, independent representation that sets a standard for public service.

As I campaigned throughout Maine for the Senate last year, it was apparent to me that the name ''Margaret Chase Smith'' strikes a resounding chord with the citizens of my State. From Kittery to Calais to Fort Kent, people recognize and honor her name and her legacy as synonymous with thoughtful, independent, and honest representation. This above all else, Mr. President, is the legacy of Senator Smith and the tradition which those of us who are honored to follow in her footsteps strive to uphold.

While Senator Smith served as an inspiration to me as a young girl and as a beacon of strength during my two statewide campaigns, it was not until I began my service in the Senate that I fully understood her legacy and the extraordinary courage she exhibited throughout her years in Congress.

Margaret Chase Smith is perhaps best remembered for her principled and unabashed stance against Senator Joe McCarthy. Because the courageous stand that she took against McCarthyism is so familiar to all of us today—it seems to be so obviously the right thing to do—we sometimes forget and underestimate the risks that she took and the hardships she endured in this fight. From my new perspective as a U.S. Senator, I must say that the courage that Senator Smith showed during the McCarthy era is truly remarkable.

Over the course of the past several months, I have had many occasions to reflect upon another of Senator Smith's principled positions.

As a member of the Governmental Affairs Committee, I have been involved in investigating the fundraising abuses of the 1996 Presidential election campaigns. These hearings have examined some of the most deplorable and certainly most excessive fundraising practices in our Nation's history, such as operating the Lincoln Bedroom like a hotel, phony issue ads, fundraising coffees in the Oval Office and soft money contributions of staggering sums and questionable origins.

In the 24 years since Senator Smith left office, fundraising has become an all-consuming and self-propelling institution. It is difficult for those of us who are in office today to remember that Senator Smith waged so many successful political campaigns without soliciting a single contribution. How we envy her. She believed that big money had the potential to be a corrupting influence in the system, and she has certainly been proven right.

Throughout this past year—my first in the Senate—I have been reminded of one of Senator Margaret Chase Smith's most famous statements time and again. She once said that there is a ''difference between the principle of

compromise and the compromise of principle.'' This sentiment has guided me through many tough negotiations and heated debates where it is sometimes difficult to know when it is best to be stalwart for the sake of principle and when it is time to seek common ground in the name of action.

Compromising one's principles is wrong; but the principle of compromise, on the other hand, is the essence of a healthy democracy. Senator Smith's wisdom has helped me many times in reaching decisions on thorny issues.

Mr. President, 25 years after my first encounter with Senator Smith, I fulfilled the dream that she fostered in me back in 1971, and was elected to her seat in the U.S. Senate. Just as Senator Smith was the first woman elected in her own right to both the House of Representatives and the Senate, upon my election, Maine became the first State in the Nation to be represented and to elect two Republican women Senators.

This distinction is a fitting tribute and testament to the legacy of Margaret Chase Smith. If not for her 32 years of congressional service, many doors to and within the Capitol might still be closed to women today.

In all of history, Mr. President, there have only been 15 women elected to the U.S. Senate in their own right, and 3 of us have been from the great State of Maine.

Thanks to Senator Smith's decades of selfless service, principled leadership and pioneering efforts, the people of Maine know that leadership is not about gender; it is about decency and tenacity and service and integrity. Margaret Chase Smith embodied all of these traits, and so much more.

Today, I honor her for paving the way for me, and countless others, and for establishing the thoughtful and independent approach to public service that Mainers have come to expect from their elected officials.

I thank the Chair. And I also thank the Chair for presiding for me so that I could pay tribute on the 100th anniversary of the great Senator from Maine, Margaret Chase Smith.

I yield the floor.

The PRESIDING OFFICER. The Presiding Officer in his capacity as a Senator from the State of Wyoming suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. I compliment the distinguished Senator from Maine, Senator COLLINS, for those very erudite and profound remarks. The U.S. Senate is graced by two women Senators, Senator OLYMPIA SNOWE and Senator SUSAN COLLINS. I know that Senator Margaret Chase Smith is a role model for them as she is a role model for so many in America—men as well as women.

It is with some frequency I quote her famous dictum, to distinguish between the principle of compromise and the compromise of principle.

I think with the qualities of Senator COLLINS and Senator SNOWE, they would be in the U.S. Senate even without Senator Margaret Chase Smith blazing the trail for them in Maine, but it didn't do them any harm.

That was an extraordinary statement. I have had the good fortune to work with both Senator COLLINS and Senator SNOWE on a little Wednesday lunch group and on the Governmental Affairs Committee. Senator COLLINS has done outstanding work on the Governmental Affairs Committee and I think there is more coming.

NOMINATION OF JUDGE MASSIAH-JACKSON

Mr. SPECTER. I have sought recognition today to comment about the pending judicial nomination of Judge Frederica A. Massiah-Jackson who has been nominated for the U.S. District Court for the Eastern District of Pennsylvania. Judge Massiah-Jackson currently serves on the court of common pleas of Philadelphia County where she has been a State court judge for the past 14 years. I believe Judge Massiah-Jackson should be confirmed, and regrettably that will not happen today, which is the last day of the session, because two of our colleagues have insisted on rollcall votes, and one colleague insisted on an opportunity to debate the nomination beyond a rollcall vote.

It appears virtually certain, if not certain, that there will be no rollcall votes today, our last day in session, because our distinguished majority leader, Senator LOTT, had announced that he would not have rollcall votes unless he gave Senators who are widely dispersed at this time an opportunity to come back, and therefore the business of the Senate is going to be completed by voice votes.

I do not question the judgment of my colleagues to ask for rollcall votes, although customarily we do not have rollcall votes on district court nominees. Perhaps it would be sufficient for individual Senators to note their objection for the record. These two Senators have already noted their opposition to Judge Massiah-Jackson on the rollcall vote in the Judiciary Committee where she was recommended for nomination by a 12 to 6 vote.

Judge Massiah-Jackson had substantial Republican support in the committee and she has the support of my distinguished colleague, Senator SANTORUM, as well as myself, the two home State senators. It is the practice for the caucus to rely upon home State senators on matters involving U.S. district court judges.

Judge Massiah-Jackson has been questioned on two intemperate remarks which she made, one which she thought was under her breath, and has acknowledged her error, and I think it fair to say that if two intemperate remarks were disqualifiers or a disqualifier from being a Federal judge or a U.S. Senator, for most positions, perhaps all positions of responsibility, nobody would hold any job of responsibility because intemperate remarks escape all of us from time to time. She has apologized. The Senator who presided at her hearing noted with some acknowledgment the sufficiency of that particular apology.

Judge Massiah-Jackson has been questioned about sentencing. She has tried more than 4,000 criminal cases. There were 95 appeals taken and she was reversed in some 14 cases, which is a pretty good record. Her rating on the standard for judges on compliance with the sentencing guidelines is well within the norm of her contemporaries. She had a rating in the 72- to 82-percent compliance at a time when the compliance of other common pleas judges was in the 70- to 86-percent range.

She had questioned, from time to time, certain police officers. I was district attorney of Philadelphia for 8 years following being an assistant D.A. for some 4 years, and while I was district attorney I ran tough investigating grand juries where there was evidence of narcotics violations, narcotics corruption within the police department. There have recently been a spate of many reversals and Federal investigations by the U.S. Attorney for the Eastern District of Pennsylvania. So it is not unusual to have questions about police conduct following on the old statement that there are some bad apples in the barrel.

I think in totality, Judge Massiah-Jackson's record is a very good one. I am disappointed she will not be confirmed because we have just had the swearing in of circuit Judge Midge Rendell, and we are now planning the swearing in of Judge A. Richard Caputo in Wilkes-Barre and former State court Judge Bruce Kaufman in the Eastern District.

I am sorry Judge Massiah-Jackson will not be sworn in before the end of the year to take on the very substantial duties of helping the backlog in the Eastern District. I do thank my distinguished and majority leader, Senator LOTT, for agreeing to list Judge Massiah-Jackson on the second day when we return. We are due to come in on January the 27. That is expected to be the night of the State of the Union speech, and Senator LOTT has told me that he will schedule Judge Massiah-Jackson for floor debate and a vote on the day we return. It may be that there will be two other judges in a similar position, so I thank Senator LOTT for his assistance there, and I thank him, also, for aiding me in the determination of Senators on our side of the aisle who have so-called holds.

ABOLISH SECRET HOLDS

Mr. SPECTER. I compliment our colleagues, Senator GRASSLEY and Senator WYDEN, for their initiative in moving to end the practice of a hold. For those watching, if anyone, on C-SPAN2 at the moment, a hold is a Senate procedure which is secret, where the Senator says that matter may not move without notifying me. The final days of the session are sufficient to stop any action on an individual by a statement that there be insistence on debate, where there is no time for votes, or when we are not having them, as we have not had any for the past several days.

I intend to join Senator GRASSLEY and our Republican caucus to try to end this pernicious practice. It simply ought not to prevail in an open society and in an open setting.

If someone has an objection to some individual or to some bill, I think it only right that the individual stand up and state the objection. I do thank my colleagues who had objected to Judge Massiah-Jackson for being forthright in discussing the matter with me, and I understand an honest difference of opinion. I respect that difference of opinion. I don't agree with it, but I do respect it, so long as you have an opportunity to discuss the matter, to find out what is happening and we can try to do something about it.

CONGRATULATIONS ON SESSION CONCLUSION

Mr. SPECTER. This is the end of our first session of the 105th Congress, and I congratulate our colleagues both in the House and the Senate on doing the country's business and being out by Thanksgiving. I think that is an accomplishment.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Wyoming is recognized.

Mr. ENZI. Thank you, Madam President.

MARGARET CHASE SMITH

Mr. ENZI. I appreciated the comments earlier of the Presiding Officer. I learned a great deal from listening to the Senator talk of the people that have gone before her. Of course, that reminds me of people that have gone before me from my State and all of those who have gone before us in this great body. We not only think about those who have gone before, we think about those people who are here now, those people who are at home in our respective States at the moment, and those people who are relying on our judgment in this Chamber today to preserve the right for them to be here or in Maine or in Wyoming in the future.

NOMINATION OF ANN AIKEN TO BE FEDERAL DISTRICT COURT JUDGE, DISTRICT OF OREGON

Mr. ENZI. Madam President, today I rise to oppose a nomination. I want to tell you, I have a hold on a nomination. It is not a secret hold. Those that are interested in the nomination know I have the hold on it. I would not do that in secret. The purpose is not for secrecy. The purpose is to get an action that will show on the record, that will be reflected by this body for years to come. That is what we were sent here for.

Judge Ann Aiken has been nominated by the President of the United States to be a District Court Judge for the District of Oregon. I have asked for a rollcall vote because I want to be on record as opposing this nominee. I don't question Judge Aiken's experience or academic qualifications to sit on the Federal bench. I do have serious concerns about her judicial philosophy as she has applied it in State court in Oregon. One particularly tragic case perhaps best illustrates concern. It is the case of State versus Ronny Lee Dye, a 26-year-old man who was convicted of first-degree rape of a 5-year-old girl. Instead of sentencing this convicted rapist to State prison, Judge Aiken sentenced him to only 90 days in jail and 5 years' probation, plus a $2,000 fine. According to local papers, Judge Aiken did not want to sentence Dye to state prison because the prison did not have a sex offender rehabilitation program.

How do you think the parents of that girl felt? Moreover, she believed that the probation following the jail term provided a stricter supervision than the parole that would have followed the prison sentence.

Less than a year after the conviction for rape, Dye violated his parole by driving under the influence of alcohol and having contact with minor children without permission of his probation officer. I believe that Judge Aiken's handling of this case and others illustrates an inclination toward an unjustified leniency for convicted criminals.

I do not pretend to be able to predict with any degree of accuracy how the nominee or any other will rule while on the Federal bench in exercising our solemn constitutional duty to advise and consent on the President's nominations for Federal courts, what this body stands for, we have only the past action, statements and writings to guide our deliberations. Moreover, since Federal judges have life tenure—life tenure—and salary protection while in office we have but one opportunity to voice our concerns in disapproval of a judge's record.

I, for one, cannot vote to confirm a nominee to the Federal court who I believe is inclined to substitute his or her personal policy preferences for those of the U.S. Congress and the various State legislatures. I have strong concerns about this judge. If confirmed, would she be inclined to this type of judicial activism? For this reason, I will cast my vote against the confirmation of Judge Aiken and insist on a rollcall vote so that it will be recorded.

That may result in a delay in that court, but I think it is an important delay. I don't think I'm the only one opposing this, and I will insist on the rollcall vote.

I yield the floor.

Mr. NICKLES. First, I wish to congratulate my colleague, Senator ENZI, from Wyoming, for that statement. I wish more Senators would spend more time doing their homework on Federal judges. I think it is obvious in this case he has done a lot of homework on the judge. We should all do more, and he is certainly entitled to express that sentiment on the floor and he is entitled to a rollcall vote. I will certainly support him in that effort.

ROAD AHEAD ON GLOBAL TOBACCO DEAL

Mr. NICKLES. Madam President, as we move toward adjournment in the first session of the 105th Congress, I want to take a couple of minutes to look ahead at one of the real big challenges that we have next year. That issue is tobacco and the so-called global tobacco deal that was agreed to earlier this year between the tobacco industry, States attorneys general, and health advocates.

Madam President, we have seen a significant sea change in our culture's attitudes toward smoking in the last 30 years. The proportion of adult smokers peaked at 43 percent in 1966 and has dropped dramatically since then to about 25 percent today. According to the Federal Trade Commission, demand for cigarettes is forecast to continue to decline about 0.6 percent a year for the foreseeable future.

However, as adult use has declined, concern has grown about the number of underage smokers who every day try their first cigarette. Madam President, 4.5 million kids ages 12 to17 are current smokers, according to the Department of Health and Human Services; 29 percent of males age 12 to 21, and 26 percent of females in the same age group currently smoke, according to reports of the National Center for Health Statistics. In 1994, the Surgeon General's report found that 9 out of 10 Americans who currently smoke say they began smoking as teenagers. Many Americans share a common goal to reduce teen smoking dramatically to break the cycle of smoking as we enter into the 21st century. Members of Congress, Republican and Democrat, too, would like to see our children smoke free and families free from fear of smoke-related cancers and disease.

The agreement between the tobacco industry and States attorneys general was motivated by good intentions, but it resulted in a deal that is very complicated. In the Senate, several committees have held numerous hearings

trying to elicit more information and understanding of the agreement.

Since the Clinton administration was intimately involved in crafting the June 20 deal, we were hopeful that the President would come forward with specific recommendations and legislation to describe how the deal would work.

Unfortunately, the President ducked a historic opportunity for leadership. Rather than following the regular order of submitting legislation, he sent us five vague principles. His inaction set back the work of the Congress considerably.

I remain hopeful that the President and his administration will tell us specifically what he wants in legislation. For now, though, the Congress has to do the heavy lifting. We have to make our own decisions about how the various elements of the deal should be put together.

Through the summer and fall, I met several times with Senate committee chairmen who have jurisdiction over the major elements of the deal. They include the Committees of Agriculture, Commerce, Finance, Labor, Judiciary, Environment and Public Works, as well as Indian Affairs.

I have requested that, when we reconvene next year, they begin work and try to find out what the majority in their committees, Republicans and Democrats, believe are important elements of a comprehensive plan targeted on reducing teenage smoking. I have asked them to conclude their work by March 16, 1998, and they have agreed to meet that timetable.

As they do their work, I am asking them to answer, to their satisfaction and to the satisfaction of the public, 10 important questions, which I will have printed in the RECORD at the end of my remarks. These questions deal with the whole parameter of the proposed resolution. For example: What works best to reduce teen smoking? We have Government programs and we have private programs. What really works? What is the best method of reducing teen smoking?

Should we increase the price of tobacco? President Clinton mentioned he thought we should increase the price a dollar and a half. Should that be done in the form of taxes or in the form of price increases? If it is done in the form of price increases, do we need to give exemptions for that to happen? Do we need to make sure tobacco companies would not make more money than that would allow? Are they going to be able to make excess profits from the price increase? Do we increase the price by increasing tobacco taxes? Should the States have the allowance to be able to increase tobacco taxes, in addition to whatever the Federal Government would do?

Another big question is, Who gets the money? This is a big dispute. A few weeks ago, Health and Human Services Secretary Donna Shalala wrote a letter to the States and said that the Federal Government is entitled to its pro rata share of the Medicaid money, assuming States were getting most of their money to reimburse them. The States attorneys general said no. They went to court and they filed suits. The Federal Government didn't join in those lawsuits. The States are saying, give us the money. They took the legal action; the Federal Government didn't. So who should get the money? We need to make those decisions.

How much money are we talking about? The States attorneys general and the industry came up with an agreement that said $368 billion over 25 years. The administration said, ''We want a lot more.'' They didn't say how much more. Should there be additional fines and penalties? These decisions have to be made. Should the money go to the States and have it be off budget? They have not made those decisions.

As you can see, these are not easy decisions to make, and there are more questions. What would be an appropriate antitrust exemption for tobacco companies? What kind of limitations should they have on immunity from lawsuits? Should there be a total exemption from class action lawsuits for the tobacco industry? Should that apply to individuals as well?

How much power should the FDA have? Should they be able to ban or regulate nicotine or cigarettes, or control advertising and sales? Is that something that would require legislative action?

How do we take care of those people who are directly affected by this, such as the tobacco farmers, the processors, the distributors, the people that have the vending machines, and so on? They were not included in the original package. Should they be included in whatever comprehensive legislation we would pass?

What did the proposed resolution leave out? There are a lot of things we should consider that weren't included. Should we have a limitation on compensation for the attorneys in this process? And so on. I could go on and on about the unanswered questions.

My point is that there is a lot of work to do. If the Congress is going to move this piece of legislation next year in a comprehensive bill, then we are going to have to go to work early. So I have asked the committee chairs to consult with the ranking members and the other members of the committee to try and come up with what they believe in their committee of jurisdiction they have strong support for and what they think should be included in a total package. Then we have, as I mentioned, six committees that are involved in this legislation directly—maybe more are indirectly involved—and certainly more. I didn't include Budget, which is involved. So I'm asking all committees to make their recommendations, and we will try to put a package together to see if we can't really have a concerted, aggressive, energetic effort to reduce teenage consumption of smoking, teenage addiction to smoking.

I might mention, Madam President, that in addition to smoking, I think Congress should be tackling teenage addiction to drugs, because teen drug use, unfortunately, has doubled in the last 5 years. We have seen enormous increases. As a matter of fact, 11 percent of kids in junior high now use dangerous, illegal, illicit drugs. Today, 1 out of 10 kids in sixth, seventh, and eighth grade are using illegal drugs on a monthly basis. The number of kids using marijuana has more than doubled in the last many years. We have to have a concerted effort, I think, to reduce teenage addiction to tobacco, but also other drugs as well.

Madam President, this will not be easy. If you try to see all of the different pieces of this package and try and put it together, it will not be easy. But I think that we have what I would say is a bipartisan agreement that we should reduce consumption and addiction of drugs and smoking among teenagers. I am very committed to trying to pass a comprehensive package that will reduce teenage smoking and teenage addiction to drugs.

I just say to all my colleagues, let's work together and see if we can't come up with a package we can all be proud of—not just something that's good for politics, but let's do something that is going to good policy. It will be good policy if we can get teenagers off drugs and away from a tobacco addiction. Let's work together to make that happen, not just try to score points and say who is the most antitobacco, or the most this or that. Let's work on good policy, something that will help curb the growth of teenage addiction to tobacco and drugs. I welcome the contributions of Senator MCCAIN, Senator HATCH, Senator LUGAR, Senator MACK, and others over the past few weeks on this issue. I think we can work together for the betterment of our children, and our country.

Madam President, in conclusion, I want to insert a couple of other things in the RECORD. One is a summary of a study that was done by the Federal Government. There was a $25 million Federal study published on September 10 in the Journal of the American Medical Association entitled the National Longitudinal Study of Adolescent Health. The study concluded that feeling loved, understood, and paid attention to by parents helps teenagers avoid high-risk activities, such as using drugs and smoking cigarettes. The study further concluded that teenagers who have strong emotional attachments to parents and teachers are much less likely to use drugs and alcohol, attempt suicide, and smoke cigarettes.

Madam President, I mention this study because it had a lot of common sense. The study found that the presence of parents at home at key times—in the morning, after school, at dinner,

and bedtime—made teenagers less likely to use alcohol, tobacco, and marijuana.

Ironically, the Government spends millions of dollars on programs to reduce teen smoking and, frankly, many of them haven't worked. I think this study shows that loving parents may be the best program that we can have.

Madam President, I ask unanimous consent that an article summarizing that study, published in the Washington Post on September 11, be printed in the RECORD.

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

[From the Washington Post, Sept. 10, 1997]

LOVE CONQUERS WHAT AILS TEENS, STUDY FINDS

(By Barbara Vobejda)

Teenagers who have strong emotional attachments to their parents and teachers are much less likely to use drugs and alcohol, attempt suicide, engage in violence or become sexually active at an early age, according to the largest ever study of American adolescents.

The study, published in today's Journal of the American Medical Association, concludes that feeling loved, understood and paid attention to by parents helps teenagers avoid high-risk activities regardless of whether a child comes from a one- or two-parent household. It is also more important than the amount of time parents spend at home, the study found.

At school, positive relationships with teachers were found to be more important in protecting teenagers than any other factors, including classroom size or the amount of training a teacher has.

Researchers also found that young people who have jobs requiring them to work 20 or more hours a week, regardless of their families' economic status, are more likely to use alcohol and drugs, smoke cigarettes, engage in early sex and report emotional distress.

The findings are the first wave of data from a $25 million federal study known as the National Longitudinal Study of Adolescent Health, which surveyed 90,000 students in grades 7 through 12 across the country. Researchers also conducted interviews with more than 20,000 teenagers in their homes and with 18,000 parents. The results will continue to be analyzed in increasing detail over the next decade, researchers said.

The first analysis of the massive data not only confirms what other studies have shown—that family relationships are critical in raising healthy children—but teases apart more precisely what elements of family life are most important.

While the amount of time spent with parents had a positive effect on reducing emotional distress, for example, feeling ''connected'' to parents was five times more powerful. And this emotional bound was about six times more important than was the amount of various activities that teenagers did with their parents.

Though less important than the emotional connection, the presence of parents at home at ''key times''—in the morning, after school, at dinner and at bedtime—made teenagers less likely to use alcohol, tobacco and marijuana. The data did not cite any one period of the day as most important.

''This study shows there is no magical time,'' said Robert W. Blum, head of adolescent health at the University of Minnesota and one of the principal researchers.

The study also found: Individual factors in a teenager's life are most important in predicting problems. Most likely to have trouble are those who have repeated a grade in school, are attracted to persons of the same sex, or believe they may face an early death because of health, violence or other reasons. Teenagers living in rural areas were more likely to report emotional stress, attempt suicide and become sexually active early. Adolescents who believe they look either older or younger than their peers are more likely to suffer emotional problems, and those who think they look older are more likely to have sex at a younger age and use cigarettes, alcohol and marijuana. The presence of a gun at home, even if not easily accessible, increases the likelihood that teenagers will think about or attempt suicide or get involved in violent behavior.

The researchers, most of whom are associated with the University of Minnesota or the University of North Carolina-Chapel Hill, said the study underscores the importance of parents remaining intensely involved in their children's lives through the teenage years, even when they may feel their role is diminishing.

''Many people think of adolescence as a stage where there is so much peer influence that parents become both irrelevant and powerless,'' said J. Richard Udry, professor of maternal and child health at UNC-Chapel Hill and principal investigator of the study. ''It's not so that parents aren't important. Parents are just as important to adolescents as they are to smaller children.''

The study did not compare the influence of peers to that of family. But the authors did suggest steps parents can take: Set high academic expectations for children; be as accessible as possible; send clear messages to avoid alcohol, drugs and sex; lock up alcohol and get rid of guns in the home.

Udry led a team of a dozen researchers, whose work was funded by Congress in 1993 to learn more about what can protect young people from health risks. The study was sponsored by the National Institute of Child Health and Human Development, which is part of the National Institutes of Health.

The researchers went to great lengths to assure teenagers that their answers would remain confidential. On sensitive topics involving sex and drug use, for example, teenagers listened to tape recorded questions and answered on a lap-top computer.

Overall, the study found, most American teenagers make good choices that keep them from harm. But a significant minority report a range of problems.

About 20 percent of girls and 15 percent of boys, for example, said over the past year they had felt significantly depressed, lonely, sad, fearful, moody or had a poor appetite because of emotional distress.

Researchers said they were not sure why adolescents who work 20 hours or more a week are more likely to have problems. But Udry speculated that it may be because they are surrounded by an older group and ''have more money to spend to get into trouble.''

In its examination of schools, the study looked at attendance rates, parent involvement, dropout rates, teacher training, whether schools were public or private and whether teenagers feel close to their teachers and if they perceive other students as prejudiced.

But only one of those—whether students felt close to their teachers—made a difference in helping teenagers avoid unhealthy behavior.

''Overriding classroom size, rules, all those structural things, the human element of the teacher making a human connection with kids is the bottom line,'' Blum said.

Mr. NICKLES. Madam President, I ask unanimous consent that a Republican policy paper entitled ''President Clinton's Failing War on Drugs'' be printed in the RECORD.

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

PRESIDENT CLINTON'S FAILING WAR ON DRUGS

Throughout the Clinton presidency, America has been witnessing increases in illegal drug use among our nation's younger generation. This sharp reversal from the steady progress made against illegal drug use throughout the 1980s and early 1990s is the inescapable result of the Clinton Administration's retreat in the war against drugs. The Clinton Administration has de-emphasized law enforcement and interdiction while relying heavily on drug treatment programs for hard-core drug abusers in the hopes of curbing drug usage. Result: backward momentum.

BACKWARD MOMENTUM FROM DAY ONE: DRUG ABUSE UNDER CLINTON

Two national annual surveys show that drug abuse by our nation's youth has continued to increase since President Clinton came to office. The most recently released Parents Resource Institute for Drug Education—the so called ''PRIDE'' survey—and the University of Michigan's ''Monitoring the Future'' both offer cause for alarm.

The Monitoring the Future Study reveals that illicit drug use among America's schoolchildren has consistently increased throughout the Clinton Administration:

For 8th graders, the proportion using any illicit drug in the prior 12 months has increased 56 percent since President Clinton's first year in office, and since 1993 it has increased 52 percent among 10th graders and 30 percent among 12th graders.

Marijuana use accounted for much of the overall increase in illicit drug use, continuing its strong resurgence. All measures of marijuana use showed an increase at all three grade levels monitored in 1996. Among 8th graders, use in the prior 12 months has increased 99 percent since 1993, President Clinton's first year in office. Among 10th graders, annual prevalence has increased 75 percent—and a full 121 percent increase from the record low in President Bush's last term in 1992. Among 12th graders it increased 38 percent since 1993.

Of particular concern, according to the survey, is the continuing rise in daily marijuana use. Nearly one in every twenty of today's high school seniors is a current daily marijuana user, and one in every thirty 10th graders uses daily. While only 1.5 percent of 8th graders use marijuana daily, that still represents a near doubling of the rate in 1996 alone.

The annual prevalence of LSD rose in all three grade levels in 1996. In short, since President Clinton assumed office, annual LSD use has increased 52 percent, 64 percent, and 29 percent among 8th, 10th, and 12th graders respectively. Hallucinogens other than LSD, taken as a class, continued gradual increases in 1996 at all three grade levels.

The use of cocaine in any form continued a gradual upward climb. Crack cocaine also continued a gradual upward climb among 8th and 10th graders. In short, since President Clinton assumed office, annual cocaine use is up 77 percent, 100 percent, and 49 percent among 8th, 10th, and 12th graders respectively.

The longer-term gradual rise in the of amphetamine stimulants also continued at the 8th and 10th grade levels.

Since 1993, annual heroin usage has increased by 129 percent, 71 percent, and 100 percent for 8th, 10th, and 12th graders respectively. That is, for 8th and 12th graders, use

of heroin has at least doubled since Clinton first took office.

NOW IS NOT THE TIME TO TAKE A BACK SEAT

According to some experts, the age of first use is a critical indicator of the seriousness of the drug problem because early risk-taking behavior statistically correlates to riskier behavior later. For example, the Center on Addiction and Substance Abuse at Columbia University estimates that a young person who uses marijuana is 79 times more likely to go on to try cocaine than one who hasn't used marijuana.

The most current survey on drug use—the so called PRIDE survey—shows a continuing and alarming increase in drug abuse by young kids. While the increase in drug use among older students has remained flat this year, illegal drug use among 11 to 14 year-olds has continued on a dangerous upward path. According to the President of PRIDE, ''Senior high drug use may have stalled, but it is stalled at the highest levels PRIDE has measured in ten years. Until we see sharp declines in use at all grade levevls, there will be no reason to rejoice.'' With respect to younger students, the survey found that:

A full 11 percent of junior high students (grades 6–8) are monthly illicit drug users.

Junior high students reported significant increases in monthly use of marijuana, cocaine, uppers, downers, hallucinogens and heroin, specifically: Annual marijuana use increased 153 percent since Mr. Clinton's first year in office; cocaine use increased 88 percent since Mr. Clinton's first year in office; and hallucinogen use increased by 67 percent since Mr. Clinton's first year in office.

PRESIDENT CLINTON'S MISTAKEN PRIORITIES: FAILED ENFORCEMENT OF DRUG LAWS

A recent analysis by Robert E. Peterson, former drug czar for the state of Michigan, revealed:

In 1994, a person was more likely to receive a prison sentence for federal gambling, regulatory, motor carrier, immigration or perjury offense than for possessing crack, heroin, or other dangerous drugs under the federal system.

The time served for drug possession in less than half that of federal regulatory and tax offenses, less than a third that of mailing obscence materials, and equivalent to migratory bird offense sentences.

In 1995, a federal trafficker could expect seven months less on average drug sentences than in 1992.

Possession of 128 pounds of cocaine, 128 pounds of marijugana, 3 pounds of heroin and/or 1.5 pounds of crack earned only eight months in prison. Six in ten of these federal criminals served no time at all in 1992.

The average federal setence imposed for drug offenders increased by 37 percent from 1986–1991, but has declined 7 percent from 1991–1995.

RETURNING TO A SERIOUS STRATEGY

In 1993 the Clinton Administration promised to ''reinvent our drug control programs'' and ''move beyond ideological debates.'' What that amounted to was de-emphasizing law enforcement and interdiction and expecting dividends from ''treatment on demand.'' Two years later, a congressional leadership task force developed the principles for a coherent, national counter-drug policy and a five-point strategy for future action. The task force called for: Sound interdiction strategy; serious international commitment to the full range of counter-narcotic activities; effective enforcement of the nation's drug laws; united full-front commitment towards prevention and education; and accountable and effective treatment with a commitment to learn from our nation's religious institutions.

Illegal drug use endangers our children and our economy and disproportionately harms the poor, yet President Clinton has accumulated a record of callous apathy. America cannot afford a ''sound bite'' war on drugs. Only a serious commitment to enforcement and interdiction efforts will produce results.

Mr. NICKLES. Madam President, I ask unanimous consent that the list of questions that I have alluded to in my comments, the 10 questions focusing in on reviewing the tobacco settlement, be printed in the RECORD at this point.

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

ASSISTANT MAJORITY LEADER,
U.S. SENATE,
Washington, DC, November 6, 1997.

To: Committee chairmen.

From: Senator Nickles.

Re Ten questions to focus on in reviewing tobacco settlement.

(1) What works best to reduce teen smoking? What sort of government-run programs, if any, work to reduce teen smoking? If there are some that work, is it best they be designed and run at the Federal level, or the state level? In addition, are there other things we can do to help parents and families create the conditions that support a child in his or her vulnerable years, that encourage a child not to start smoking or experiment with drugs?

(2) Should we increase the per-pack price; by how much; and how should we do it? Should the funding mechanism be an increase in taxes, or an industry-coordinated price increase? Does Federal action bar States from moving on their own to increase their tobacco taxes, if they so choose?

(3) Who gets the money? Should the payments contemplated under the global agreement go directly to the states, go directly to caregivers who treat patients, or be collected and disbursed by the Federal government in existing programs such as Medicaid or Medicare—or should we create a whole new set of programs? Is it appropriate to give billions of dollars to advocacy and interest groups?

(4) How are we to treat this in the Federal budget? Should the deal be on or off budget? Should any new spending be subject to the existing discretionary spending caps and pay-as-you-go rules? Should tobacco industry payments and/or penalties be deductible as ordinary business expenses, subject to capitalization as assets, or simply non-deductible?

(5) What are the implications for States? Should anything agreed to by Congress and the President, or entered into by the tobacco companies voluntarily, pre-empt State laws or regulations that may be more stringent? Should Federal action rewrite state laws on liability and immunity, or remove pending tobacco cases from state courts to Federal courts? How are states supposed to reconfigure their budget and health programs, and how much money, if any, are they supposed to give to Washington? Does the agreement treat States equitably?

(6) What's an appropriate anti-trust exemption for tobacco companies? How large an anti-trust exemption should be granted to the tobacco companies to operate in concert to execute some of the requirements of the agreement?

(7) How far should we go on liability and immunity? Is it constitutional, or fair, to eliminate individuals' rights to class-action lawsuits and punitive damages? Are the level of payments, fines and penalties an appropriate trade-off for the industry receiving legal protection in the future? What precedent does this set for other liability issues facing Congress?

(8) What new powers should be given to the FDA? How much authority, if any, should Congress grant to the FDA to regulate, or ban, nicotine, or control advertising and sales?

(9) How should we take care of those directly hurt by the deal? Under the agreement, farmers will see demand for their product decline. Machine vendors are put out of business. Retailers are required to remodel their stores to put cigarettes out of sight. If a global deal is to be implemented, what is the fairest way to take care of these people?

(10) What did the deal leave out that needs to be included? Negotiators left out dealing with drugs, tobacco farmers, immense fees paid to a few lawyers—but what else wasn't thought of that the majority on our committees believe is important? And what, if any, unintended consequences will occur? For example, if tobacco usage does decline, as advocates of the agreement insist, then possibly money paid under the agreement might decline too. Who, then, would pay for all these new initiatives?

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

FOREIGN OPERATIONS

Mr. GRAMS. Madam President, I rise to talk a little bit today about how I am extremely disappointed that the House passed the foreign operations conference report without the provisions of the State Department authorization bill attached to it.

While the foreign operations bill does many positive things, its failure to include language to reorganize our foreign relations bureaucracy and establish benchmarks for the payment of U.N. arrears seriously flaws this bill.

The proposals to reorganize our foreign policy apparatus and to attach the payment of U.S. arrears to U.N. reforms had been carefully worked out over many months.

Unfortunately, my colleagues in the House of Representatives are holding these provisions hostage to the Mexico City policy. While I am a strong supporter of the Mexico City policy, I believe that debate on this issue should not hold up the important United States and U.N. foreign policy reforms.

Now, if the State Department authorization bill dies in the House, the House has lost the Mexico City policy debate, and the only victory they can claim is that they have given the United Nations new money for the United States assessments, but with no reform strings attached, and they block a reorganization of our foreign policy apparatus that we have pursued for more than four years.

That isn't a record they should regard with pride.

As chairman of the International Organization Subcommittee, I worked hard to help forge a solid, bipartisan United Nations reform package. The Senate's message in crafting this legislation is simple and straightforward:

The United States can help make the United Nations a more effective, more

efficient, and financially sounder organization, but only if the United Nations and other member states, in return, are willing to finally become accountable to the American taxpayers.

The reforms proposed by the United States are critical to ensure the United Nations is effective and relevant. We must reform the United Nations now and the United States has the responsibility to play a major role in this effort.

If we do nothing, and the United Nations collapses under its own weight, then we will have only ourselves to blame. So I urge my colleagues to act now, or this window of opportunity may be lost for achieving true reform at the United Nations.

But passing this U.N. package is not just about a series of reforms for the future. It impacts directly on the credibility of the U.S. mission at the United Nations right now.

Ambassador Richardson has been pushing other member states to accept the reforms in this package in return for the payment of arrears. Now that package will not arrive.

At this critical juncture, when the United Nations is facing down Saddam Hussein, and the United States is trying to keep the gulf war coalition unified, it is reckless for the House of Representatives to do anything that would undercut the negotiating position of Ambassador Richardson and Secretary of State Albright at the United Nations. And believe me, the failure to pass this legislation will have a negative impact on the conduct of our foreign policy.

Madam President, the United States does not owe most of these arrears to the United Nations. It owes them to our allies, like France, for reimbursement for peacekeeping expenses.

Under normal circumstances, I am the last one who could be expected to make a pitch for funding for France. But considering that France is one of the members on the Security Council that is going soft on Iraq—soft on Saddam Hussein—depriving the United States Government the ability to use these funds as leverage is irresponsible. After all, our diplomats need carrots as well as sticks to achieve our foreign policy goals.

Madam President, I am hopeful that my colleagues in the House will see the wisdom of adopting measures that will enhance America's ability to exert leadership in the international arena through the consolidation of our foreign relations apparatus and the revitalization of the United Nations.

The State Department authorization bill should be allowed to pass or fail on its own merit—not on the merits of the Mexico City policy. This agreement is in America's best interest, and the best interest of the entire international community.

Madam President, I yield the floor.

I see no other Senators wishing to speak, so 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. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DOMENICI. Madam President, is there an order operative at this moment?

The PRESIDING OFFICER. The Senate is in morning business until 4 p.m.

Mr. DOMENICI. Are the times limited on speeches?

The PRESIDING OFFICER. The special order provides for 10 minutes for each Senator to speak.

Mr. DOMENICI. I yield myself the 10 minutes that I am allowed.

THE ANNUAL BUDGETING PROCESS

Mr. DOMENICI. Madam President, I want to talk a little bit about what a joyous day of wrap-up of the Senate in the first year of the 2-year Congress could be if, as a matter of fact, we left here after completing the appropriations bills and went about our business to go home to our home States, had a good Christmas season, worked with all of our constituents, and then came back next year, the second year of a Congress, and the appropriations were already done and the budget was already done. But that is not going to happen.

We just finished appropriations, I assume we will hear shortly. And what has taken up the entire year? I don't have the statistics. But early next year I will put them in the RECORD. But I am just going to ask the Senators who have a little recollection of the year to just think about what we did.

First of all, we worked diligently on a balanced budget. That didn't occur until late May and early June. I am trying mightily to think what was accomplished before that, thankfully. I wish I had a better memory. But I don't think we did a lot. A few bills here and there, but I am sure we didn't have any superb oversight.

People are all waiting for what? For the budget. And then for what? All the appropriations bills that have to come after it. Oh, by the way, in between, we had to implement the budget with those two big reconciliation bills.

So essentially we stand on the threshold of wrapping up the Congress for a year, and we start next year. We are going to anxiously await the President's budget—another 1-year budget. Would it have been better for America, for the U.S. Congress, for all the agencies that are funded, from NIH to some grant to a university, to our Armed Forces, and all the money that they have to spend if they could have a 2-year appropriation? Wouldn't we be better off, in a 2-year Congress—that is what we are, by the Constitution—if in 1 year we did all of the budgeting and all of the appropriations?

I have been working on budgets and appropriations bills long enough to know that there are all kinds of reasons for not doing 2-year budgets. I am an appropriator who thinks we should have a 2-year budget. Maybe many of the appropriators think we are better off sending our little measures to the President every year, and maybe we get more that way.

Just look at the 2-year appropriations. You get 2 years in there because we do 2-year appropriations bills. If you are worried about getting enough things in it, you can do it twice, even as we appropriate only one time for 2 years. But I don't think there is a great majority who are worried about that. I think we just are fearful to break with tradition. Somehow or another we have been appropriating every year.

Then when we wrote the Budget Act not too long ago, we said, ''Well, we have to have a budget every year.''

So what do we do? We do that. It is almost like we get started next year, and we are right back at the budget, which many people think we just finished. Sure enough, in the middle of the year, some appropriators will start looking at their bills, and sure enough, we will be back here, predictably—if not at this time a little later—and we will still have two or three appropriations bills that we can't get completed. Why? Because they are being held up by authorization riders that are very, very much in contention.

I ask, wouldn't we be better off if we had that kind of argument, be it on the money that we now refer to as the ''Mexican issue'' with reference to birth control and the kinds of family planning that we put money into foreign countries for, wouldn't we be better off if we voted on that only once every 2 years? It would have exactly the same effect. In fact, we could fight just one time out of 2 years. We could send these little bills back and forth between the President and the Congress with these little 1-day extensions of Government. We could do that only 1 year out of 2, and everybody could make the same vote. Everybody could make their case in the same way. But who would gain?

I believe the institution known as the U.S. Senate and the U.S. House of Representatives would gain immensely. In fact, might I suggest that what it means to be a U.S. Senator would be dramatically changed if we had 2-year appropriations, a 2-year budgeting, because, if we did these every 2 years, we would be able to have oversight and see what is happening to the programs that we fund and the programs that we put in motion through the process called authorization.

Then, Madam President and fellow Senators and anybody interested in good government, we have not yet been able to encapsulate into our thinking what the executive branch of Government wastes by having to produce a budget every single year with budget hearings at the OMB, with people who

are planning over at the National Institutes of Health to get a program going that is going to be 10 years in duration and come and present this 1-year part of that every single year. As a matter of fact, there would be twice as much time to do the things we are neglecting—to debate foreign policy in a real way, to have a 2- or 3-month debate on tax reform where people would really spend time. And day after day we could be on the floor instead of in some little room under the threat of a bill reconciliation measure from the budget process telling you to get it done in 25 days. We could have people looking at education, at the myriad and scores of bills that are already out there that are funding programs. Instead of finding new ones every year and new problems, we would go back and look to see what the whole entourage of education money looks like. Are there programs there that aren't working? But you need a lot of time to do that. You can't be getting up and running to the floor to vote every single year on 50 to 60 budget amendments, all of the appropriations bills with their attendant amendments, and then have to have your staff focus on what is in each one of those bills only to find you are back again in 6 months doing the same thing over again.

As a matter of fact, the more I think about that and the more I talk about it, the more I think I am prepared to say for us to appropriate and budget annually when the Constitution says Congress lasts for 2 years, that it is absurd from the standpoint of modern planning with the modern tools we have to do the estimating that we are doing every year instead of doing it for 2 years.

Some are going to say you are going to have to have a lot of supplemental appropriations. I am sure the occupant of the chair is already hearing that when she speaks about 2-year appropriations and 2-year budgets. Let me tell you, even with 1-year appropriations, we have to have supplementals because some few things break in the Government, and we are not quite right on, and we have to go fix them. But there is a way to limit the supplementals even in a 2-year process to no more than we are doing now.

Once I asked four different departments of Government, as they reported to the Appropriations Committee, to give us information on the appropriations before us on that particular year and asked how much of it is similar if not exactly the same as last year's. You would be surprised. As much as 90 percent of appropriations bills are the same year after year. Isn't it interesting? We debate them all over again. We mark them up all over again, and we add these amendments that cause us to debate ad infinitum, which could just as well be 2-year amendments as 1-year. But we do it to ourselves by making sure we go through this kind of difficult confrontational atmosphere every single year.

Put yourself in the position of those in America that we have said should get some Government money for something. I have spoken to large groups of scientists from our universities, from our hospital research centers, from our laboratories, and they all want more certainty of funding. Of course, they would all like more funding. But they shout to the rooftops when you say, wouldn't you prefer to have 2 years instead of 1 year as your appropriation? Could you manage it better? Could you be more efficient? The answer to all of those questions is ''absolutely.'' Yet, we remain stuck in the mud of tradition saying we have to do it every single year.

There is a bill pending. It has cleared the Governmental Operations Committee 13 to 1—S. 261. It is here. It is at the desk. I am thankful that since we have a 2-year Congress, it is still at the desk. Congress isn't finished until next year come January.

I am going to work very hard with others in this Senate to urge that our leader schedule early a lengthy time on the floor in the early days of the Congress to debate this issue. Thirty-three Senators from both sides of the aisle cosponsored the measure before it cleared Governmental Operations. I believe, if I had enough time to circulate it even more among Senators, that I would have had more than 50 Senators supporting it. It might be because of the processes around here that there will be a Senator who will object, and we might have to get 60 votes, because obviously changing the budget to 2 years and the appropriations for 2 years could be a controversial issue.

So I am prepared for the 60-vote requirement. But even at that, I want to say to those who oppose it, who oppose this modernization, this bringing into modern times of our processes around here, that I believe there are more than 60 Senators if they hear the debate and if we configure that debate so as to make the Senators feel just like we are finished here today instead of next February or March, we could be saying if this 2-year budget, 2-year appropriations bill, had passed, we would be finished for a full year. We could do other things, and the departments of our Government could go about their business without preparing yet another budget and going through all of the rigor, time, effort, and lack of efficiency that comes with that.

So, Madam President and fellow Senators, I just want to make two wrap-up points. I believe anybody watching this year, if presented with a real opportunity to go through this only once every 2 years instead of twice and have time for other things, we would probably have a huge, huge plurality voting with us.

The American people can't get excited about process issues, but if they understood what we go through and what we have assigned to ourselves, to the executive branch and to all those that we fund by way of making it difficult and tough and inefficient by doing the same thing over each year, then I think the American people would be excited by this reform. If the people knew we could do it for 2 years at a time, if we could just get that out there, get that debated in a very open manner that everybody understands, then we might have kind of a birth of modernization, kind of a ray of light shining on these processes, and I believe the American people would gain.

I believe we would do our jobs better. I believe we could do oversight; we could have more hearings; we could actually, every couple of years, take a month or two and go out in the hinterland and hold hearings in our country which wouldn't be all that bad. How are we going to do it under the current annual process? Somebody think of that around here and the first thing you know there will be five appropriations bills ready for the normal 50 votes, or a budget resolution taking 2, 3 weeks, taking vote after vote after vote, half of them being sense-of-the-Senate issues which shouldn't be even allowed on a budget resolution, but that is the current process.

So that is one point. We would be doing the American people a better job if we could do that.

And second, the Senate and House would be better places within which to do business for the American people if there wasn't so much redundancy and waste of time and effort. So we are going to try to see if we can accomplish both of those goals which I think are rather admirable.

I do not want to leave the wrong impression for those who seek to defeat this measure that it violates the Budget Act. The bill is not subject to a 60-vote point of order. It just takes a simple majority. It has been in both committees. That is why we went through that. It's gone to the Governmental Affairs Committee. Then it went to the Budget Committee, which was discharged, and so it is here as any other normal bill. So if we get that magic 51 votes, we can change this process.

I just want to put in the RECORD the major legislation that passed this year and even some of our authorizing processes were very late for one reason or another. While a great deal of legislation has passed, we only will clear about three major authorization bills for the President's signature: DOD authorization, FDA reform, SBA reform. The compelling amount of time and the overwhelming majority of effort was spent on the budget resolution, two reconciliation bills, and 13 appropriations bills. And we haven't quite done that; six continuing resolutions before we're done tonight. I do not blame anyone for that. The chairman of the Appropriations Committee this year has been a stalwart in trying to get the appropriations bills done on time. He has not benefited from the two Houses being able to agree on four or five issues and a majority in the House being on the opposite side of the President on two or three issues.

Besides appropriations, we spent a great deal of effort on the budget resolution and the Balanced Budget Act of 1997 and the Taxpayer Relief Act of 1997—the two reconciliation bills called for by the balanced budget agreement and the budget resolution. And frankly, hardly any time was left for other major bills to be debated for any length of time, and I think we can do our job a lot better than that.

I thank the Chair and I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EXTENSION OF MORNING BUSINESS

Mr. ROTH. Madam President, I ask unanimous consent that morning business be extended until the hour of 6 p.m. under the same terms as previously ordered.

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

FAST TRACK

Mr. ROTH. Madam President, a little over a week ago, I stood to introduce the Finance Committee's fast track bill. On that occasion, I made it clear that fast track authority is important to America's future. I advocated the need for American leadership if we are to make progress in expanding economic opportunities for individuals and families here at home.

I emphasized that America has always been a trading nation. From colonial times to the creation of the post-World War II international economic order, the United States has pressed for open commerce, free of discriminatory preferences and trade-distorting barriers.

From battles with Barbary pirates on the shores of Tripoli to the arduous negotiations that led to the signing of the Uruguay round agreements in Marrakesh, Morocco, we have promoted and defended open, fair, and unfettered trade.

The United States has been a driving force for expanding world trade and the prosperity it yields, particularly over the last six decades. From the creation of the GATT, to the initiation of each successive round of multilateral trade negotiations, to the political will to conclude the Uruguay round, America has taken the lead.

We have pursued this course in our own economic and political self-interest. In purely economic terms, the United States is the world's largest trading state and the largest beneficiary of the international trading system. We lead the world in both exports and imports.

Thirty percent of our current annual economic growth depends on exports. Eleven million jobs are directly tied to those export sales.

According to the Federal Reserve, our two-way trade, both exports and imports, have played a major role in the 7 years of sustained, noninflationary economic growth we enjoy today. And no other nation in the world is so well positioned to bless its citizens through open trade than America. Our Nation, better than any other, is situated to succeed in a global economy.

We have the diversity of cultures, the most advanced technology, the most efficient capital markets, and a corporate sector that is constantly innovating and has already gone through substantial restructuring that is necessary for global competition. We have a single currency, a common language, and the important blessing of geography: we are a nation—a continent—that looks both to Europe and to Asia.

No other nation is so well positioned to reap the blessings of a global economy. As Thomas L. Friedman suggested in the New York Times, America, as a nation, almost appears to have been designed to compete in such a world.

Having said this, let me be clear that we have not pursued the goal of liberalizing trade solely because it is in our own economic interest to do so. We have pursued that goal because it is in our political and security interests as well.

It is worth noting, in the shadow of the Veterans Day remembrance, that conflicts over trade in the 1930's deepened the Great Depression profoundly and fostered the political movements that gave us the Second World War. Our own revolution was fought in large part because of the constraints Great Britain imposed on the colonies' trade. Indeed, it is difficult to recall any great conflict in which trade did not play a part.

In my view, prosperity is the surest means to secure peace, both because it strengthens our capacity to maintain our defense and because it reduces the causes of conflicts that lead to war.

In this Chamber, we have had a spirited debate that has raised a number of significant issues—from alleged flaws in our trade agreements, to the causes and consequences of the trade deficit, to the issues of labor standards and the environment. We have benefited from this exchange of views on both sides. And, I was heartened by the vote in the Senate to move to proceed to debate the Finance Committee's bill extending fast track negotiating authority—a vote that commanded a majority of Members from both sides of the aisle.

As heartened as I was by our vote, I was as disappointed in the President's decision to ask that the measure not be put to a vote in the House. It is clear, from all reports, that the President was unable to move a sufficient number of Members of his own party to join in the effort to promote American economic and political interests abroad.

My first thought on hearing of the President's decision, however, was not about the past. My first thought was for the future.

I say this because I happen to believe that we are on the edge of an era of unparalleled prosperity, not just in the United States, but throughout the world. But the realization of such prosperity will depend on conditions. It will depend on our making the right kinds of choices.

It will depend on our ability to advance the cause of open markets and the freedom to compete fairly throughout the world.

Walter Lippman coined the term the ''American Century'' to apply to the decades from the turn of the century during which the United States grew to a position of unrivaled economic, political, and cultural strength. I happen to believe that we are now entering a second ''American Century,'' if we have the courage to embrace the challenges and opportunities of international leadership that our greater destiny offers us.

We will not advance our own cause if we shirk that responsibility. Nor will we serve the generations of Americans that follow us if we shrink from an expansive vision of what we can accomplish together if we, as Americans, remain united in a common purpose.

In the abstract and arcane world of international trade, there is little that is not subject to debate and differing points of view. One exception, however, is that for the world to make progress, the United States must lead.

This is the essence of the fast track debate—whether we would offer the President the means by which he can exercise American leadership on the trade front. Absent fast track, he will not have a seat at the table. The rules of the road will be written without our full participation. History tells us that, when that happens, the world does not move in the direction of open, unfettered commerce, but in the direction of preferential trading systems often designed to exclude the United States.

There are a series of negotiations on the horizon within the WTO and other forums. They will redefine the rules in areas like agriculture, financial services, and basic customs rules applicable to every product imported into, or exported from, the United States.

They will proceed without us and in a direction we will not like if the President lacks the authority to engage and lead. And if that is the case, we are certain to lose a great deal. For example, Charlene Barshefsky reminds us that in the area of negotiating market access to government procurement, there is over a trillion dollars at stake in Asia alone. In services, there is over a $1.2 trillion global market, and in agriculture over $600 billion.

I doubt whether the farmers of America will believe that it will be a sufficient response to say that we failed to act on fast track because we did not understand the true cause of our trade deficit and therefore left it to others to define the rules that will govern our agricultural trade into the 21st century.

For that reason—for what is at stake for Americans, for our families, for

jobs—high paying jobs—I want to see us return to the issue of trade negotiating authority in the coming session of Congress. I want to see both Houses of Congress move on as broad a front as possible to secure our economic future.

Because of what is at stake, we must make progress where we can, regardless of how broad a consensus we can ultimately achieve. We need to address the reality of these impending items on the international agenda and define the strategy the United States will promote in each. That does not give us the luxury of waiting until a final consensus has been reached on every issue raised in our recent debates. We need to be able to make an impact now and I will be working with my colleagues on both sides of the aisle to ensure that we do.

As for building a stronger bipartisan consensus for the long run on trade, my sense from our debates is that there are a number of important issues that need to be examined. They need to be examined in a way that would excise the politics and help us all understand the dynamics at work in an increasingly global economy. We need to develop a mechanism for addressing these issues, helping us resolve our collective concerns, and allowing us to move forward in a way that will benefit all working Americans. I intend to work closely with my colleagues toward this end in the coming months.

Let me conclude with words of praise for each and every Member of this body. I believe that we have shown incredible leadership ourselves on an issue of the utmost importance to America.

I know we share a common goal of a stronger American economy that benefits all working men and women. In the months ahead, let us unite in an effort to resolve the differences between ourselves in order to remove the roadblocks that stand between us and that common goal. Let us pull together in this coming session of Congress to redefine the debate in terms of the progress we can make together toward our ultimate objective.

Based on the Senate's record in the past, I have great confidence that we can and will take that step forward to embrace a brighter American future. I thank my colleagues for their efforts over the recent weeks, and look forward to the opportunity to rejoin them in pursuit of the greater good for all Americans in this coming session.

Mr. President, I make a point of order that a quorum is not present.

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

The legislative clerk proceeded to call the roll.

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

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

MAURICE JOHNSON

Mr. LOTT. Mr. President, I want to take a few minutes to recognize the work of a man who has been a real asset to this institution. He has many fans in this room, both here on the floor of the Senate and up there in the press gallery. His name is Maurice Johnson, Superintendent of the Senate Press Photographers Gallery. He is retiring this year after nearly 30 years.

What a perspective—30 years of life in the Senate through a photographer's eye. Maurice has seen the entire range of congressional milestones, celebrations, inaugurations, investigations, and, of course, occasional legislation. He has taken part in sharing those events with the world, helping in many ways to ensure that the media coverage has run smoothly. No one has yet found a corner of the Capitol for which Maurice doesn't know the best angle and lighting.

Maurice is a voice for all photographers who cover the Senate day to day. As liaison between the Senators and the photographers, he has been an effective adviser, advocate, and coordinator.

He has been most helpful to my staff and to me over the past year and a half as we have adjusted to our leadership role. I thank him for his graciousness always under all circumstances.

We should not forget that Maurice is an accomplished photographer himself. He captured history as he covered the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson and Nixon. Many of the images that we have from national political campaigns and conventions are Maurice's work. Some assignments must have been less like work than others, though. Photography for him has included the Redskins games or the U.S. Open golf tournament. Sometimes it has been the Miss America pageant. It certainly seems to me he hasn't exactly always had a tough day at the office. It sounds like it has been fun.

His talents have been rewarded by a steady stream of awards that have names like ''Best Picture of the Year'' and ''First Prize.'' He has been honored nationally for single photos, for his work in the Senate Photographers Gallery, and for the entire span of his career.

At a recent reception in Maurice's honor, the room overflowed with colleagues, friends, and family members who conveyed their affection and high regard for him. Now, as the session draws to a close, I want to take the opportunity to let Maurice know how much we in the Senate appreciate him and his work. I am sure my colleagues join me in thanking him for his many years of dedication. We wish him, his wife Lanny, and their children, Keith and Maureen, well.

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

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

ABSENCE OF DEBATE

Mr. GRASSLEY. Mr. President, I noted on Monday of this week that the administration had taken an important step on drug policy. I think, however, it was very much a misstep, and I do not think the administration played fair in doing it. Each year, the Congress requires the administration to submit a list of countries to be considered for certification on drug cooperation. This is called the Majors List.

The list serves as a basis for considering whether the countries listed have fully cooperated with the United States to control drug production and trafficking. It is this list that the President then considers for certification on March 1 of each year.

This year, and in keeping with what seems to be a tradition with this administration, the list came up to the Hill very, very late. Because of this and because of the history of tardiness, I decided to send a message to the administration, one that seemed necessary to get their attention. So I put a hold on several ambassadorial nominations to send the signal that Congress takes compliance with this certification law on the Majors List very seriously. After more than a week's delay, we finally received the list. As a result, I removed my holds, but the list as a document contains an omission that deserves careful notice.

Left off the list were the countries of Syria and Lebanon. Not just left off, but what does that mean, ''left off''? In this backhanded way, the administration decided in one big step to certify these two countries as somehow fully cooperating with the rest of the world, in this case the United States, on drug policy.

Let's think about this for a moment. Syria has been decertified for over 10 years. Syria was not certified even during Desert Storm or Desert Shield when it was one of our allies in that war. Lebanon has just received a national-interest waiver—a decertification with somehow a get-out-of-jail-free card. Now, without debate or without substantive explanation, the administration has simply left these two countries off the list. This is a momentous change in policy. It reverses years of consideration, and it appears to ignore considerable evidence.

In the letter forwarding the list to Congress, the President makes two arguments for doing this. Neither argument stands up well.

The first argument seems to advance the idea that because Syrian and Lebanese cultivation of opium has dropped below 1,000 hectares, that this act alone justifies a reconsideration of their being on the list.

It may justify a reconsideration, possibly, but it hardly justifies backdoor certification, and this is backdoor certification. Even the State Department's own annual drug report makes

it clear that both Syria and Lebanon remain major transiting countries for drugs. This criterion alone is enough to qualify for inclusion on the Majors List, but the administration then advances the argument that this is somehow OK, because the drugs do not come into the United States. There seems to be some belief in the administration that this is a justification for not keeping these two countries on the Majors List. However, it is apparent the administration does not read the law or doesn't even read its own reports.

But even if the facts supported removing Syria from the list, which they do not, the Congress deserves to be briefed on this momentous change beforehand. Israel and other European allies deserve notice of this dramatic change of our policy. The American public deserves a chance to understand the change. This did not happen. Instead, what we have is indirect certification. As a result, Syria will now escape serious consideration next March, despite evidence of significant trafficking and production of these illegal drugs.

When my staff first learned of the prospect of the change in policy, I told them to indicate to the State Department that this would be a very, very big mistake. I hoped that the Department would not take the step that they took.

I was of the opinion, however, mistake though it was, that if the administration wanted to proceed well, then it was their call. I did not extend my hold on the ambassadorial nominations to cover the issue of Syria, and I withdrew my hold on these nominations as soon as the list was delivered, late though it was. But this list raises yet another concern.

What we are left with, days before Congress adjourns, is a roundabout certification of Syria. I believe, as I said before, that such a decision is a big blunder. The way it was done does not do justice to the issue or the process of certification.

If it had not been done this way, imagine for a moment how the issue would have been handled. Next year, in February, the administration would have to make a decision to certify Syria or not based on the merits. It would have to make a case to Congress at that point and even to the public at that point for such a move. There may be some who believe that in that more straightforward environment, the same decision would have been made, but I doubt it.

With time to reflect and to consider, to publicly debate the issues and the facts, I seriously doubt that this administration would have certified Syria as fully cooperating in drug control. So not wanting to face the music, the administration did this behind-the-scene two-step instead. I hope the administration will reconsider, and I hope that my colleagues will join me in signing a letter to the President asking him to relook the issue.

I ask unanimous consent that a copy of that letter by myself from this body and Congressman J.C. WATTS, who is leading the effort in the House of Representatives, be printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, November 13, 1997.

THE PRESIDENT OF THE UNITED STATES,
Executive Office of the President, The White House, Washington, DC.

DEAR MR. PRESIDENT: We note with concern that you have not included Syria and Lebanon on the annual Majors List sent to the Congress. By this act, you have, in effect, certified Syria as fully cooperating on drug control issues. The arguments advanced in your transmittal letter to Congress, however, seems to be based on assumptions supported neither in the relevant law or by the facts. Even should the facts justify the decision to ultimately certify Syria and Lebanon, however, we are also concerned about the method by which this momentous decision was reached. This change in policy and approach was not discussed with Congress nor was there an effort made to establish the justifications for this action. Instead, the decision was made in a most indirect way at the end of the Congressional year, thus precluding debate or public discussion of the issues.

For these reasons, we hope that you will reconsider the decision to place Syria and Lebanon on the Majors List. That change will then provide the Administration, Congress, and the public the opportunity to discuss the merits of this decision publicly, with ample time to reflect on the justifications for such a decision.

Sincerely,

CHARLES E. GRASSLEY.
J.C. WATTS.

NEED FOR HIGHEST STANDARDS FOR INSPECTORS GENERAL

Mr. GRASSLEY. Mr. President, I spoke a week ago about the necessity of the inspector general of the Treasury Department to resign. I want to continue that discussion, because she has not done that yet.

Next year is going to mark the 20th anniversary of the Inspector General Act of 1978. In my experience, inspectors general are an important function of our system of checks and balances. Whereas committees of Congress may not have the time or inclination to perform rigorous oversight, which happens to be our constitutional responsibility, the inspectors general offices are there full time with nothing else to do.

I have worked very closely with many IG's. For the most part, they are good at what they do. The IG Act has been a tremendous success. Hundreds of billions of dollars have been saved by inspectors general.

At the same time, rarely has the IG's integrity been called into question. That is, at least until now, Mr. President. The integrity of the inspector general of the Treasury Department, Valerie Lau, has been called into question.

The Permanent Subcommittee on Investigations, chaired by Senator SUSAN COLLINS, held 2 days of hearings just last month. The subcommittee found that the IG broke the law twice and violated the standards of ethical conduct. These violations involved the letting of two sole-source contracts, one to a long-time associate of hers. In addition, her office improperly opened a criminal investigation on two Secret Service agents. In that matter, at least one key document was destroyed—just plain destroyed. And that indicated a coverup.

Furthermore, the inspector general provided false information to Congress. And that is a no-no for anybody, but particularly for somebody charged with looking out to see that laws are faithfully enforced and that money is properly spent. Of all people in the bureaucracy, the inspector general should be most careful.

The irony in all of this is, the IG is supposed to stop this kind of activity, not commit it. Yet that is what Valerie Lau did.

Mr. President, the charge that IG Lau violated these legal and ethical standards is not conjecture. It is not someone's opinion or judgment. They are simple facts—concrete facts. They are findings. They are findings of a subcommittee of the Congress of the United States. They are found in conjunction with the independent and nonpartisan General Accounting Office.

Bad enough that these violations occurred by a watchdog, a watchdog whose job it is to deter such actions, but this IG's reaction is even more troubling. She agreed that they were technical violations of law, but she thinks that her actions were justified.

The Treasury IG is one of the most important of all inspector general positions. Perhaps it is the most important. The Treasury IG oversees 300 employees, many of whom are law enforcement officers.

How in the world can we allow an IG who violated the law twice and who is in denial about committing the violations to continue to perform the important functions of inspector general? How can the public, how can the Congress, how can even her own employees have confidence that she knows the difference between what is and what is not the law?

Her responsibility is to catch those who break the law. That is what an inspector general is supposed to be doing. How can she do that given her own actions and her responses to the findings of the General Accounting Office?

Ten days ago, Mr. President, immediately after Senator COLLINS' hearings, I called, as I said previously today, for Inspector General Lau's resignation, citing all these aforementioned violations. I cited the need for the IGs to be beyond reproach, to have the highest standards of integrity and credibility and conduct. The public's trust and confidence in this inspector general has without a doubt been undermined.

Today, I renew my call for her resignation. If the Treasury IG does not

get it, does not get that she should step down, the Treasury Secretary should. The President should as well. The Treasury Secretary has a responsibility, under this law, to generally supervise the IG. However, only Presidents can fire inspectors general. In my view, that means that Secretary Rubin is obliged to review the record and to make a recommendation to the President. The President would be obliged to take action and notify Congress of his action and why he took it. It should be done swiftly. As long as this IG remains in office, her troops remain demoralized and the IG's important work will be neutered.

There has been a lot of talk around Washington that recent IG hires have lacked experience and background. That is certainly the case with the Treasury inspector general.

I went back and reviewed the record of her confirmation. Her hearing lasted nearly 5 minutes. She was asked just one question—whether her mother was present in the audience. To follow up, questions were then asked of her mother. That ended the confirmation process.

For the record, I want to make it clear that I am a member of the committee, the Finance Committee, that conducted the confirmation hearing. I did not attend the hearing, but I submitted an extensive list of questions for the record. And I received responses. They are part of the permanent record.

As a result, I feel some obligation that I did not do more to question Inspector General Lau's credentials and experience at the time. I guess that is because you like to give the President's nominee the benefit of the doubt. I guess I learned the hard way that for the position of inspector general, questioning one's experience and qualifications obviously is paramount.

I intend to be more aggressive on that score in the future. The Inspector Generals Act requires that the IG have ''demonstrated ability.'' That is in the law, the words ''demonstrated ability.'' And it is in the law not once, not twice, but seven different areas of the law.

Here is what the IG Act of 1978 says:

> There shall be at the head of each office an inspector general who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

Ms. Lau would attempt to claim a demonstrated ability in accounting and auditing. She is a CPA and has been a Government auditor and evaluator. But in this area of auditing, she had reached only a GS–13 level. She managed only three employees, according to her deposition. And there was a 5-year gap between this experience and when she was finally confirmed by the U.S. Senate.

How does that translate into becoming the head of a 300-employee operation that conducts huge, complex audits and even criminal investigations?

What is clear is that Ms. Lau began the process of getting placed within this administration through the Democratic National Committee. Were the political connections enough to get the job? I hope that is not the case. We should have higher standards than that for the job of inspector general, which is a very important job.

Reflecting back on the statute, the inspector general was not qualified in the first place. Once in office, she undermines her own integrity and credibility. She no longer has the moral authority needed to lead that office. To me, it is an open and shut case. Verdict: Time for new leadership.

That brings me to my final point. This body would do well in the future to watchdog the watchdogs. And the inspectors general are watchdogs within each department, both before confirmation and during their tenure, I might say. I, for one, intend to increase my own vigilance of the IG community, as well as the experience and background of nominees.

For starters, there is the IG's peers—called the President's Commission on Integrity and Efficiency.

The PCIE, as I will call it for short, was established to conduct peer review and investigate allegations of wrongdoing by the IG. It is comprised of other IG's and is overseen by the Office of Management and Budget. It is also known as a do-nothing organization. IG's have rarely, if ever, been disciplined for wrongdoing by this organization.

Last April, I forwarded the allegations against Inspector General Lau to the PCIE. The issues involving the illegal contracts that she let were sent to the PCIE, by the PCIE to the Public Integrity Section of the Justice Department. The allegations involving her improper opening of a criminal case against two Secret Service agents was sent to the independent counsel.

Because of the long process PCIE has, which takes up to 6 months, Senator COLLINS and her staff decided to act swiftly and dig out all the facts without the usual bureaucratic delay. Meanwhile, by July, the PCIE shut down its entire involvement in this matter of Inspector General Lau.

Now that Senator COLLINS' investigation is over, and the findings are on the table, now is the time for decisive action. Instead, and in very typical fashion, here is what is going on.

Even though only the President can fire the IG, the White House is saying it is up to the Treasury Department to act. The Treasury Department, which must, according to law, generally supervise the IG, says it is up to the PCIE to act. The problem is, the PCIE does not act. Besides, they washed their hands of this matter way back in July. The only possible PCIE involvement at this point would be to drag out any decision. That is because the PCIE process takes 6 bureaucratically long months.

What is going on here, Mr. President? Where is the decisionmaking? Where is the leadership? Where is the sense of outrage from an administration that says it will tolerate nothing but the highest standards? This issue demands action, not finger pointing. The longer it takes, the more we undermine the public's trust and confidence in this administration and in our Government generally.

RECIPROCAL TRADE AGREEMENTS ACT OF 1997

Mr. GRASSLEY. Mr. President, on another matter, I want to speak for a minute on the failure of fast-track trade negotiating authority for the President of the United States and the action of the House of Representatives this past weekend.

Last week, the Senate voted by a margin of 68 to 31 to proceed to debate on the fast-track bill. I believe without a doubt it would have passed here and would have been passed by a very huge bipartisan margin. But the leadership in the House decided not to bring the bill to a vote and risk a defeat on such an important issue for our Nation. The leadership of the House decided that on the advice of the President of the United States because he could not deliver even 20 percent of the Democrat vote, the vote of his own party, in the other body.

Unfortunately, the result is the same. The President of the United States still does not have the negotiating authority that every other President since Gerald Ford has had. How ironic that the Democratic-controlled Congresses in the past granted fast-track authority to a Republican President—such as Gerald Ford, Ronald Reagan, and George Bush—and yet Democrats in this Congress refuse to give the President, a President from their own party, the same authority. Who would have thought that the President could not convince one-fifth of his own party to vote with him on such an important issue? This was a big win for leaders of labor unions in Washington. They proved that they have more influence with Democrats in the House of Representatives than the President of the United States does. But it was not a win for the rank and file union members, the workers who manufacture the products or perform the services that would be exported throughout the world.

It was not a win for the farmers of America either who increasingly depend on foreign markets for a big share of their income. It was a big loss for working men and women of this country.

I know some may question my qualifications for drawing these conclusions. You might say, how can a Republican Senator substitute his judgment for that of labor leaders? So I would like to read a few quotes from a Washington Post editorial of November 11.

As you know, Mr. President, the Washington Post has often taken the

side of labor against Republican policies. So I believe they might have some credibility on this issue, as well.

Labor opposed fast track because they believe that liberalized trade leads to American companies relocating to other countries and American workers losing their jobs to imports. They also argued that fast track was flawed because it didn't give the President authority to force other countries to adopt our labor and environmental standards.

The Washington Post, for one, believes that the lack of fast-track authority actually makes it more likely that Americans will lose their jobs. The Washington Post says that the President, not having negotiating authority, makes it more likely that American workers will lose their jobs.

> . . . while fast track's defeat may be good news for a few unions . . . it certainly doesn't help the vast majority of American workers. With the President less able to knock down trade barriers overseas, U.S. manufacturing firms will have more, not less, incentive to relocate, to get footholds, inside closed markets.

That bears repeating, Mr. President. Without fast track, companies have more incentive to relocate. That's because high trade barriers may prohibit U.S. companies from exporting to a foreign market. In order to sell in that area the company would actually relocate there.

Why would we want a trade policy in this country that would make an American company go to some other country to make a product to sell in that country, when if you reduce the barriers in that other country through these negotiations, that company could stay in America and export to that country and become competitive?

Just within the last 2 weeks, I had a CEO of a major corporation in Des Moines, IA, our capital city, who said if the President doesn't get this authority and the barrier to Chile reduced through trade or through trade negotiations, then he was going to have to move there to build to do the business in South America that he wants to do.

The United States has one of the most open economies in the world. Our average tariff is just 2.8 percent. Many other countries have virtually closed markets. According to the World Bank, for instance, China's average tariff is 23 percent; Thailand, 26 percent; the Philippines, 19 percent; Peru, 15 percent; Chile, a flat 11 percent tariff.

It can be difficult for American companies to export to a country like China that places a 23-percent tariff on our goods. The tariff prices our goods out of the market. One alternative for these companies is to actually move their plants to China and avoid paying that tariff.

The preferred alternative, Mr. President, and the one that is going to benefit American workers and, hence, benefit the entire economy, because American workers are very productive, is obviously to negotiate with China to lower tariffs, bring their tariffs down to our level. Then the companies can stay here, employ American workers and export their goods to China.

But we can't negotiate these tariffs down without the President fast-track authority. That is why fast track is so important. It leads to lower tariffs in foreign countries. Most importantly, it leads to the preservation of American jobs.

Fast track also leads to the creation of new jobs. Exports already support 11 million jobs in this country. Each additional $1 billion of sales of services or manufactured products creates between 15,000 and 20,000 new jobs. These jobs pay 15 percent to 20 percent higher than non-export-related jobs. In Iowa, companies that export provide their employees 32 percent greater benefits than nonexporting companies.

All of this is in jeopardy without our passing a bill giving the President the authority to negotiate. As the Washington Post puts it, ''[w]ith exports growing more slowly, or not at all, fewer new jobs will be created.'' So the failure of fast track hurts the workers of this country.

Mr. President, the editorial has one final comment on labor's concerns with worker standards in other countries. ''Less trade certainly won't improve the standards of overseas workers, for whose welfare many Democrats claimed concern. And with the United States Government hamstrung, Japan, the European Union and developing countries will have a greater influence in shaping world trade policies. How hard do you think they'll push for improved labor and environmental standards?''

Mr. President, I don't often say that the Washington Post is right. Economic stability and prosperity are the only proven means of increasing labor and environmental standards. The United States, due to our affluence, has the luxury of imposing high labor and environmental standards. Other countries don't yet have this ability. But increased trade will bring this economic stability, and it will lead to higher labor and environmental standards in other countries as well.

Cutting off trade, or failing to pass this legislation, reduces our influence in these other countries and it increases the influence of countries such as Japan and the European Union. Can we trust Japan and the European Union to advance America's interests in world trading negotiations? The Washington Post correctly assumed that we cannot. Only the President of the United States, and the Congress working in conjunction with him, because that is what this legislation can do, can advance our interests and protect our interests. Only we can influence other countries to improve their environment and labor standards, to improve human rights, and to embrace democracy through the process of international trade that brings people together rather than keeping people apart.

That is what I am most concerned about. The failure of fast track leaves a vacuum of leadership in international issues. Up until now, this vacuum had been filled by the United States. Ever since World War II, to some extent going back to the Reciprocity Act of the 1930's, since 1934, the United States has led the world in reducing barriers to trade, and we have benefited greatly from this leadership.

American workers are the most productive, highest paid workers in the world. American companies produce the highest quality products. And American consumers have more choices of goods and pay less of their income on necessities such as food than consumers in any other country. These are the benefits that we have enjoyed because we have been willing to lead on trade.

I'm afraid that our leadership may now be questioned by our trading partners after last weekend's events. These countries are going to move on without us. They are going to continue to form regional and bilateral trading arrangements that won't include the United States. The United States won't be at the table to protect our interests. And the losers in all of this will be the American workers, the loss of jobs, and the consumers won't have the benefit that they now have.

Mr. President, I hope we can return next year and we can have a rational debate about what trade means to this country—because somehow that has been lost in the process—and how important it is for the President of the United States to have fast track authority, to be the living representation of America's moral leadership, to lead in free and fair trade, which we have done for 40 or 50 years.

We have already lost 3 full years without this legislation and the opportunity to lead; 20 agreements we have missed out on. We cannot afford to wait any longer.

I ask that the Washington Post editorial be printed in the RECORD.

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

[From the Washington Post, Nov. 11, 1997]

THE FAST-TRACK LOSS

Trade liberalization benefits most people, but it also invariably hurts a few. Those who are helped—as goods become cheaper, as standards of living rise, as exports grow—often don't attribute their good fortune to rising trade, which is after all only one component of a complex economy. Those who have lost their jobs or believe they have lost their jobs to overseas competition, on the other hand, don't hesitate to affix blame. In the political process, the losers and potential losers naturally lobby vociferously; the winners, a larger but more diffuse group, don't. To rise above the special interests of the losers (while taking into consideration their legitimate needs) and vote in the overall interest of society is what we should expect of our politicians—it has something to do with statesmanship. And until now, every Congress since President Ford's time has managed to do just that. But this Congress, in failing early Monday morning to approve

trade-negotiating authority for President Clinton, did the opposite—it caved in to the special pleaders. Washington insiders will measure the defeat in its impact on Mr. Clinton—whether it spells the beginning of his lame-duckhood, and all the rest. But the more serious damage is to U.S. economic leadership—America's ability to help shape the global rule book—and, potentially, to global economic prosperity.

The post mortems will find no shortage of culprits. Mr. Clinton overpromised on NAFTA and underdelivered on the promises he made to Congress to win NAI approval. He waited too long to push for renewed negotiating authority—known as ''fast track,'' because it allows him to negotiate treaties that Congress can reject but not amend—and then don't even have legislation ready when he finally, this fall, began the campaign for what he called his most important legislative priority. More broadly, his inconstancy over the years left many members of Congress unwilling to put faith in his promises and assurances. Businesses, which generally support free trade, jumped into the fight too late and too half-heartedly. And 25 Republicans congressmen who could have provided the margin of victory but who withheld their backing in a failed effort to extort support from Mr. Clinton for an unrelated (and unjustified) proposal to gut America's family-planning assistance overseas, also bear responsibility.

But of course the lion's share of blame—or credit, as they would have it—goes to Mr. Clinton's fellow Democrats and their backers in organized labor. In the end, fewer than 45 of 205 House Democrats were ready to stand by their president. In part, this reflects the growing importance of union contributions to political campaigns. Since the Democrats lost control of the House, businesses have shifted their giving heavily to Republicans; total Democratic receipts from political action committees have gone down, and the union share has gone up—to 46 percent in 1996.

Of course, most Democrats said they were voting on the merits, not the dollars. But while fast track's defeat may be good news for a few unions, such as in the textile trades—though even that is arguable—it certainly doesn't help the majority of American workers. With the president less able to knock down trade barriers overseas, U.S. manufacturing firms will have more, no less, incentive to relocate, to get footholds inside closed markets. With exports growing more slowly, or not at all, fewer new jobs will be created. Less trade certainly won't help improve the standards of overseas workers, for whose welfare many Democrats claimed concern. And with U.S. government hamstrung Japan, the European Union and developing countries will have a greater influence in shaping world trade policies. How hard do you think they'll push for improved labor and environments standards?

Mr. Clinton yesterday withdrew his proposal before it could go down to defeat, and he said he intends to try again in this Congress. The signs are not auspicious, but you never know. Maybe next time the greater good will prevail.

Mr. GRASSLEY. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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. LAUTENBERG addressed the Chair.

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

CONFERENCE REPORT ON COMMERCE, STATE, JUSTICE APPROPRIATIONS

Mr. LAUTENBERG. Mr. President, I want to discuss the report pending that should come over from the House of Representatives in the next while on the appropriations bill that relates to the Commerce, State, Justice Departments. And part of what is in this report that we expect to see relates to the importation of surplus military weapons that were manufactured in the United States and, many years ago, were sent abroad as part of our military assistance program.

Now, although there was initially no bill or report language on the issue in either the House or the Senate bills before conference, the issue has nevertheless consumed an enormous amount of time over the past few weeks, and it has generated some significant controversy. I have had a deep interest in this subject because I believe that when we load this society of ours up with more guns, we ought to know why we are doing it.

It has been the policy of three administrations—Reagan, Bush, and now the current Clinton administration—to ban foreign governments from exporting to our shores and selling these American-made military weapons that we gave or sold them at sharp discounts to help us fight common enemies, and sell these weapons to the U.S. commercial markets.

Nonetheless, the National Rifle Association and the gun importers supported an attempt—in the dark of night, I point out—to slip a provision into the conference agreement on this bill to overturn this longstanding policy and allow military weapons made for military use to flood America's streets.

The administration strongly opposed this attempt. In fact, the President's senior advisers, at one point, said they would recommend that the President veto the bill—this important bill—to finance our Justice Department, our State Department, and our Commerce Department—if it included an amendment to allow foreign governments to export large quantities of military weapons for commercial sale in America's cities and towns. They don't restrict whose hands these fall into.

I ask unanimous consent that a copy of the letter from the OMB director, Franklin Raines, on this issue be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 6, 1997.

Hon. FRANK LAUTENBERG,
Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The Administration strongly objects to the inclusion of any provision in the FY 1998 Commerce, Justice and State Appropriations Conference Report to allow for the importation of surplus military weapons. We have repeatedly opposed such provisions, and the President's senior advisers would recommend that he veto the bill if it includes language that would allow large quantities of surplus military weapons to be imported.

The Administration finds it unacceptable that—in the same appropriations bill that funds the nation's law enforcement priorities, such as putting more police on our streets—the Committee is considering language that could flood our streets with millions of military surplus weapons. These weapons, including M–1 Garands and M–1911 .45 caliber pistols, were designed for military purposes and provided to foreign governments as a form of military aid. Moreover, hundreds of these guns have already been recovered by law enforcement officers throughout the United States. Opening the door to more of these weapons would only serve to further undermine public safety.

We strongly urge the Committee to reject this provision.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. LAUTENBERG. The Washington Post and the New York Times also editorialized against this dark-of-night assault just this past week.

I ask unanimous consent that the text of these and previous editorials be printed in the RECORD.

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

[From the Washington Post, Nov. 12, 1997]

HILL ALERT: A BAD OLD GUN BILL

We're down to the dangerous mad-dash time in Congress when truly bad ideas can sneak into law—and today the gun lobbyists are poised with a flood-the-market firearms scheme disguised as an innocent ''curios and relics'' proposal. Once again, certain members of Congress who are semiautomatic hawkers of the National Rifle Association's line, linked with lobbyists for gun importers, are seeking to slip language into an appropriations bill that would allow an arsenal of some 2.5 million weapons from abroad to go on the U.S. market.

This stockpile has made the rounds globally: The weapons were originally paid for by U.S. taxpayers. Then as U.S. Army surplus the firearms were given or sold to foreign governments years ago. But they are more than quaint relics for the walls of collectors; many of these firearms can be converted easily into illegal automatic weapons for domestic crimes such as holdups, assaults and murder. The weapons could pile into the U.S. market from supplies in the Philippines, Morocco, India, Turkey, Vietnam, Iran, and other countries. Estimated value of these deadly weapons on legal or illegal markets? Approximately $1 billion.

It has been for the safety of the public that the Reagan, Bush and Clinton administrations all enforced a policy of keeping such overseas stockpiles out of the country and thus off the streets. Letting them in would

risk driving down the price of firearms generally and making weapons more easily obtainable by street criminals.

Law enforcement officials around the country warn that there has been an increased use of these weapons against police officers. More than 1,800 M1 rifles and M1911 pistols were traced to crime scenes in 1995–96 and in 1997, about 1,000 more have been traced. According to the Bureau of Alcohol, Tobacco and Firearms, 13 law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990.

Clinton administration officials have advised Sen. Frank Lautenberg and others seeking to block the gun-lobby scheme that senior advisers would recommend a veto if this proposal comes to the president's desk. But it shouldn't come to that, just as it shouldn't be slipped into any appropriations bill at the eleventh hour of a congressional session. The provision should be removed and if not, rejected.

[From the New York Times, Nov. 12, 1997]

AVOIDING ADJOURNMENT BLUNDERS

The final hours before Congress takes a long recess are usually dangerous. It is a time when bad riders are attached to blameless appropriations bills, and complex legislation is denied the measured debate it deserves. With these cautionary notes, we urge Congress to avoid the following pitfalls as it stumbles toward the door.

National Forests. The so-called ''Quincy Library Group'' bill passed the House with only one dissenting vote and now awaits action on the Senate floor. The Senate should delay and use its vacation to rethink a measure that was marketed to the House under false pretenses.

The bill would require at least 40,000 acres of logging each year in a 2.5-million-acre stretch of national forest in California's Sierra Nevada. It was advertised as an experimental fire-control program and touted as a consensus measure devised by local and timber industry officials who met at the Quincy, Calif., town library in 1993. Yet this is not a pilot program—it would double logging in the area and threaten valuable watersheds. Further, the Forest Service, by law the custodian of the national forests, had no real input. This bill sets bad precedents and requires major revisions.

Family Planning. Both the House and Senate have attached to their foreign aid appropriations bill a provision that would deny Federal funds to any overseas family planning organization that performs abortions or lobbies to change foreign abortion laws—even though the groups in question use their own money to further objectives. President Clinton does not like this provision. Congress could avoid a nasty veto fight by removing the objectionable language in conference.

Gun Control. Some House members want to attach to an appropriations bill a dangerous amendment that would allow the importation of some two million surplus military rifles and handguns from countries that originally got them as a form of military assistance. The N.R.A. and its supporters—including dealers who would buy and re-sell the weapons—say they are merely relics. But they can still kill people. This attempt to overturn current law, which bans such imports, deserves a crushing defeat.

Congress could more profitably use its final hours to rectify an oversight. It granted itself a modest 2.3 percent pay raise last month but failed to award the same increase to Federal judges, whose pay is linked to Congressional pay. The remedy is to attach an amendment to one of the appropriations bills granting the raise. That is one last-minute rider we would applaud.

[From the New York Times, Sept. 9, 1997]

THE SURPLUS GUN INVASION

Gun dealers, with the enthusiastic support of the National Rifle Association, are once again trying to sneak through Congress a measure that could put 2.5 million more rifles and pistols onto American streets and provide a handsome subsidy for weapons importers and a few foreign governments. This bill, introduced with disgraceful stealth, should be pounced on by the Clinton Administration and all in Congress who are concerned about crime.

The bill is an amendment to the Treasury Department's appropriation, which may come to a vote in the House this week. It would allow countries that received American military surplus M–1 rifles, M–1 carbines and M1911 pistols to sell them to weapons dealers in the United States. The countries—allies and former allies such as the Philippines, South Korea, Iran and Turkey—got the guns free or at a discount or simply kept them after World War II, or the Korean and Vietnam wars. Current law requires them to pay the Pentagon if they sell the guns and bars Americans from importing them. The new bill would change both provisions.

The N.R.A. argues that the guns are merely relics. But they are not too old to kill. In 1995 and 1996 the Bureau of Alcohol, Tobacco and Firearms traced these models to more than 1,800 crime sites. Senator Frank Lautenberg, the bill's main opponent, says these guns have killed at least 10 police officers since 1990. M–1 carbines can be converted to automatic firing, and all the M–1's are easily converted into illegal assault weapons.

Republicans attached a similar bill to an emergency spending measure last year but took it out under pressure from the White House. President Clinton should threaten to veto the Treasury appropriation if the measure remains.

[From the Washington Post, Aug. 4, 1997]

SURPLUS WEAPONS, SURPLUS DANGER

Gun sales are flat, so the nation's gun importers are looking to shake up the market. Once again they want permission to bring into the country an arsenal of as many as 2.5 million U.S. Army surplus weapons that were given or sold to foreign governments decades ago.

The industry classifies the guns as obsolete ''curios and relics'' of interest mostly to collectors and sports shooters. But they're not talking about a gentleman officer's pearl-handled revolvers. These are soldiers' M1 Garand rifles, M1 carbines and .45-caliber M1911 pistols; some can be converted to automatic or illegal assault weapons with parts that cost as little as $100. For public safety reasons, the Pentagon declines to transfer such surplus to commercial gun vendors, which is why the Clinton, Bush and Reagan administrations have enforced a policy of keeping the overseas weapons out.

This week, the gun importers, cheered on by the National Rifle Association, quietly persuaded a House appropriations panel to approve language to prevent the State, Justice and Treasury departments from denying the importers' applications. It's a slap at the country's efforts to reduce gun violence.

To introduce a flood of these historical weapons is to risk driving down the price of firearms and putting more within the reach of street criminals. It isn't simply gun-control groups but the Bureau of Alcohol, Tobacco and Firearms that warns of an increased use of these kinds of weapons against police around the country. In 1995–96 alone, 304 U.S. military surplus M1 rifles and 99 surplus pistols were traced to crime scenes. At least nine law enforcement officers have been killed by M1 rifles or M1911 pistols since 1990, according to Sen. Frank Lautenberg (D–N.J.), who has introduced legislation to cement the import ban in law by reconciling some contradictory statutes.

The State Department says that weapons transfers—even for outdated guns—should remain an executive branch prerogative to be handled country by country. Why should the governments of Turkey, Italy or Pakistan collect a windfall from U.S. gun importers when the products they are trading originally were supplied by the U.S. government? Why should Vietnam and Iran be allowed to earn currency from U.S.-made weaponry they took as ''spoils of war.'' President Clinton last year headed off a similar effort to allow in the surplus weapons and should be counted on to do so again.

GUNS—AND THE M–1 BOOMERANG

The people who bring you America's Gross National Arsenal—the weapons-pushers who keep the firearms flowing to the streets of neighborhoods near you—are poised to go global with sales of weapons that you already bought with your taxes years ago. The U.S. gun industry hopes to make a fortune by importing millions of M–1 Garand rifles, M–1 carbines and .45-caliber M1911 pistols—surplus American military firearms that the Pentagon originally gave away or sold at a discount to various countries over the years. Many of these weapons are especially handy because they can be converted easily into (illegal) automatic weapons for domestic uses such as committing crimes and killing people.

That's not how this deadly deal is characterized by the industry, of course, or by John Sununu, former chief of staff under President Bush, or others working with the gun industry who are pushing the import plan in Congress. These groups prefer to talk about the weapons that would go to collectors and describe the legislation they keep trying to slip quietly through Congress as a harmless move to offer a new supply of ''curio and relic'' guns for collectors and other souvenir-seekers.

But as reported by Post staff writer John Mintz this week, the firearms would be coming back to the United States from supplies in the Philippines, Morocco, India, Turkey and other countries. Gun industry lobbyists helped persuade Sen. Ted Stevens of Alaska to introduce measure allowing the weapons into the country—and specifically forbidding federal officials from blocking their entry. In July, with no debate, Sen. Stevens got the provisions slipped into the appropriations continuing resolution; it wasn't until the White House objected that the provision was removed. Now, the senator's office and industry representative say they hope to get the provision enacted soon.

Backers of the plan argue that the weapons at issue are obsolete and pose no threat to anyone. It's true that the M–1 rifle is bulky and not a great item for street crimes. But the M–1 carbine and the pistols are another lethal matter. The carbine can be converted easily to automatic fire. The concern is not with single sales to individual collectors but with supplies getting into the wrong hands. Legislation to allow imports only of rifles that are, say, World War II vintage or earlier could serve the collector market. But Congress should consider any such proposal carefully—and openly, with hearings—instead of blessing a new domestic flood of weapons designed for war.

Mr. LAUTENBERG. Finally, a coalition of 50 organizations including Handgun Control, the Violence Policy Center, and the Coalition to Stop Gun

Violence, opposed this effort to overturn the policy of three administrations on this issue.

I ask unanimous consent to have printed in the RECORD a copy of their letter on the issue.

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

SEPTEMBER 8, 1997.

DEAR REPRESENTATIVE: In late-July, during mark-up of the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill, the Appropriations Committee accepted an amendment that would allow foreign governments to export to the United States for commercial sale, millions of military weapons the United States previously made available to foreign countries through military assistance programs.

For a range of public health and safety, national security, and taxpayer reasons, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Supporters of this amendment describe it as an innocuous measure which simply allows the importation of some obsolete ''curios and relics.'' In reality, the amendment would allow the import of an estimated 2.5 million weapons of war, including 1.2 million M1 carbines. The M1 carbine is a semi-automatic weapon that can be easily converted into automatic fire equipped with a 15-30 round detachable magazine.

This is a Public Safety Issue: Although the backers of the provision claim that these World War II era weapons are now harmless ''curios and relics'', in reality they remain deadly assault weapons. According to the Bureau of Alcohol, Tobacco, and Firearms, the M1 Carbine can be easily converted into a fully-automatic assault rifle. For this reason, the Department of Defense has refused to sell its surplus stocks of these weapons to civilian gun dealers and collectors in the United States.

According to Raymond W. Kelley, the Treasury Department's Under-Secretary for Enforcement, the inflow of these weapons will drive down the price of similar weapons, making them more accessible to criminals. Already, during 1995–1996, ATF has traced 1,172 M1911 pistols and 639 M1 rifles to crimes committed in the United States.

This is a Government Oversight Concern: Nearly 2.5 million of these weapons were given or sold as ''security assistance'' to allied governments. Under United States law, recipients of American arms and military aid must obtain permission from the United States government before re-transferring those arms to third parties. Setting a dangerous precedent, this amendment fundamentally undercuts the ability of the United States government to exercise its right of refusal on retransfer of United States arms.

The Reagan, Bush, and Clinton Administrations have all barred imports of these military weapons by the American public. The Appropriations bill explicitly overrides this policy, prohibiting the government from denying applications for the importation of ''U.S. origin ammunition and curio or relic firearms and parts.'' In effect, the provision would force the Administration to allow thousands of M1 assault rifles and M1911 pistols into circulation with the civilian population, thereby not only threatening public safety but also undermining governmental oversight and taxpayer accountability.

STOP THE IMPORT OF MILITARY WEAPONS

This is Also a Taxpayer Concern: The amendment also presents a windfall of millions of dollars to foreign governments and United States gun dealers. The amendment effectively terminates a requirement that allies reimburse the United States treasury if they sell United States-supplied weapons. According to ATF, each M1 Carbine, M1 Garand rifle, and M1911 pistol currently sells for about $300–500 in the United States market. The South Korean, Turkish, and Pakistani governments and militaries stand to make millions from the resale of these weapons. South Korea has 1.3 million M1 Garands and Carbines, while the Turkish military and police have 136,000 M1 Garands and 50,000 M1911 pistols. These weapons were originally given free, or sold at highly subsidized rates, or retrieved as ''spoils of war.'' The United States Department of Defense does not sell these lethal weapons on the commercial market for profit. Why should we allow foreign governments to do so?

Again, we strongly urge you vote to delete this provision from the Fiscal Year 1998 Treasury-Postal Service-General Government Appropriations bill.

Thank you.

American College of Physicians, American Friends Service Committee, James Matlack, Director, Washington Office; American Jewish Congress, David A. Harris, Director, Washington Office; American Public Health Association, Mohammad Akhter, M.D., Executive Director; Americans for Democratic Action, Amy Isaacs, National Director; British American Security Information Council, Dan Plesch, Director; Ceasefire New Jersey, Bryan Miller, Executive Director; Children's Defense Fund; Church of the Brethren, Washington Office, Heather Nolen, Coordinator; Church Women United, Ann Delorey, Legislative Director.

Coalition to Stop Gun Violence, Michael K. Beard, President; Community Healthcare Association of New York State, Ina Labiner, Executive Director; Concerned Citizens of Bensonhurst, Inc., Adeline Michaels, President; Connecticut Coalition Against Gun Violence, Sue McCalley, Executive Director; Demilitarization for Democracy; Episcopal Peace Fellowship, Mary H. Miller, Executive Secretary; Federation of American Scientists, Jeremy J. Stone, President; Friends Committee on National Legislation, Edward (Ned) W. Stowe, Legislative Secretary; General Federation of Women's Clubs, Laurie Cooper, GFWC Legislative Director; Handgun Control, Inc., Sarah Brady, Chair; Independent Action, Ralph Santora, Political Director; Iowans for the Prevention of Gun Violence, John Johnson, State Coordinator; Legal Community Against Violence, Barrie Becker, Executive Director; Lutheran Office for Government Affairs, ELCA, The Rev. Russ Siler; Mennonite Central Committee, Washington Office, J. Daryl Byler, Director; National Association of Children's Hospitals and Related Institutions, Stacy Collins, Associate Director, Child Health Improvement; National Association of Secondary School Principals, Stephen R. Yurek, General Counsel.

National Black Police Association, Ronald E. Hampton, Executive Director; National Coalition Against Domestic Violence, Rita Smith, Executive Director; National Commission for Economic Conversion and Disarmament, Miriam Pemberton, Director; National Council of the Churches of Christ in the U.S., Albert M. Pennybacker, Director, Washington Office; National League of Cities; New Hampshire Ceasefire, Alex Herlihy, Co-Chair; New Yorkers Against Gun Violence, Barbara Hohlt, Chair; Orange County Citizens for the Prevention of Gun Violence, Mary Leigh Blek, Chair; Peace Action, Gordon S. Clark, Executive Director; Pennyslvanians Against Handgun Violence, Daniel J. Siegel, President; Physicians for Social Responsibility, Robert K. Musil, PhD., Executive Director; Presbyterian Church (U.S.A.), Washington Office, Elenora Giddings Ivory, Director; Project on Government Oversight, Danielle Brian, Executive Director; Saferworld, Peter J. Davies, U.S. Representative; Texans Against Gun Violence—Houston, Dave Smith, President; Unitarian Universalist Association of Congregations, The Rev. Meg A. Riley, Director, Washington Office for Faith in Action; U.S. Conference of Mayors; Unitarian Universalist Service Committee, Richard S. Scobie, Executive Director; Virginians Against Hangun Violence, Alice Mountjoy, President; WAND (Women's Action for New Directions), Susan Shaer, Executive Director; Westside Crime Prevention Program, Marjorie Cohen, Executive Director; YWCA of the U.S.A., Prema Mathai-Davis, Chief Executive Officer; 20/20 Vision, Robin Caiola, Executive Director.

Mr. LAUTENBERG. Fortunately, Mr. President, the provision was not included in the conference agreement that the Senate will consider later this evening and these dangerous military weapons will not flood our streets. This is a huge victory for the American people.

Mr. President, the weapons at issue were granted or sold to foreign governments, often at a discount, through military assistance programs, and some were given to or left in foreign countries during wars. They are called curios or relics because they are considered by some to have historic value or are more than 50 years old.

One of them I carried in World War II when I was a soldier in Europe. It was an M–1 carbine. It may be a curiosity now or a relic. But I can tell you it was there to be used for my protecting myself or to kill the enemy. Fortunately, neither happened. But I carried it by my side when I served on the European Continent.

But they are not innocuous antiques or museum pieces. They remain deadly weapons.

Proponents of allowing the importation of these weapons argue that they are historic firearms that are not dangerous. In fact, the amendment would have flooded the market with millions of lethal killing weapons.

Under the amendment that was rejected, 2.5 million, semiautomatic military weapons—including the M–1 carbine, M–1 Garand, and M–1911 pistol—would have flooded the streets. The M–1 carbine can easily be converted into an illegal, fully automatic weapon.

These semiautomatic military weapons may be old, but they are lethal. Thirteen American police officers have recently been murdered with M–1's and M–1911's.

In New Jersey in 1995, Franklin Township Sgt. Lee Gonzalez was killed

by Robert ''Mudman'' Simon during a routine stop. Simon was a Warlocks motorcycle gang member. Simon, who had just committed a robbery, shot Gonzalez twice, once in the head and once in the neck, using an M–1911 semi-automatic pistol. That's the same weapon that would be imported under the rejected amendment.

In Texas in 1991, Pasadena police officer Jeff Ginn was killed with an M–1 carbine. He was responding to a call about smoke coming from a house in the neighborhood he was patrolling. Ginn found Marvin Harris holding a woman hostage in her own home. When he saw police officer Ginn, Harris shot him in the leg. Ginn hobbled to the front of the house, where he leaned up against a tree, begging not to be shot again. Harris murdered officer Ginn by shooting him in the temple and the abdomen with the M–1 carbine.

In New Hampshire—the home State of the distinguished chairman of the subcommittee, Senator JUDD GREGG, who knows only too well of the impact of the use of that weapon—Sgt. James Noyes of the New Hampshire State Police was killed in the line of duty with an M–1 carbine in 1994.

And there are many innocent civilians who have been threatened and murdered with these weapons as well. In 1995 and 1996, M–1's and M–1911 weapons were traced to more than 1,800 crimes nationwide. Already, nearly 1,000 crimes have been traced to these weapons in 1997.

Allowing the importation of large numbers of these killer weapons would undermine efforts to reduce gun violence in this country. And everybody would like to have that done. I can tell you. It doesn't matter what State or what kind of community—rural or urban. That is the biggest fear that people have; that is, that they will lose a loved one to a violent act, or someone will pick up a gun, or either randomly or directly shoot one of their children, brother, sister, mother or father.

This would also reduce the cost of weapons, because there would be a marketplace filled with 2.5 million—the maximum capacity for exportation—making them more accessible to criminals.

It would also provide a windfall for foreign governments at the expense of the U.S. taxpayer. The weapons were paid for by the American taxpayer and were provided to foreign governments through our assistance program. The market value of the 2.5 million that can be traced to foreign governments exceeds $1 billion.

That adds insult to injury.

Allowing millions of U.S.-origin military weapons to enter the United States would profit a limited number of arms importers and would not be in the overall interest of the American people. These weapons are not designed for hunting or for shooting competitions; they are designed for war. Foreign countries should not be permitted to sell these weapons on the commercial market for profit.

There is no doubt foreign governments would make a handsome profit from their sale in the commercial market. Consequently, countries that the United States assisted in times of need, such as South Korea and the Philippines, and even a country like Iran could make a profit out of these sales. Imagine permitting weapons to be imported into this country that would send dollars back to Iran. It is an outrage.

In lieu of approval of an amendment to import these weapons, the administration is being asked to provide a report on the curios or relics issue. The report will provide information about the quantity of applications and articles that have been approved for importation as well as an estimate of the number of firearms available for importation from overseas. It will also explain how an M–1 carbine can be converted into an illegal machinegun or assault weapon.

I have no problem asking the Government to prepare a report for the use of the House or the Senate. But I would like to make sure that this is a balanced report, that it doesn't simply list statistics. But I want to explain why it is important for the President and Secretary of State to retain their authority to retain control over firearms granted or sold by the Government exclusively for foreign military use and never intended for private use.

I would also encourage the administration when it submits a report to include information about applications in the Bush and Reagan administration as well. After all, this administration is upholding a policy that was first established by President Reagan and upheld by the Bush administration.

I believe the administration should include in the report a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M–1 or M1911 firearms. A grand jury previously investigated one attempt to import these weapons by a company with a peculiar name called Blue Sky. There were serious allegations that the law was manipulated for personal gain, and the investigation ended when the lead witness mysteriously died in a plane crash. The American people have the right to understand what happened in this inquiry.

The report I believe also—this is an expansion on what is in the report requested of the administration. It is something I didn't agree with. But we are at a very late point in time when these bills have to be considered. So we have accepted this report against, frankly, my best judgment.

The report also should provide an analysis of the number and types of weapons that have been added to the curios or relics list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to have weapons added to the list. The American people have the right to understand more about the way military weapons are designated as curios and relics.

Finally, I believe it should include a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1's or M1911's, regardless of the manufacturer, or any other firearm on the curios or relics list. Though curios and relics may have some historical interest for collectors, many of these firearms remain of concern due to crime.

Mr. President, I am delighted that this effort to overturn U.S. policy behind closed doors in the dark of night was defeated. And just to clarify, for the information of those who might not understand our arcane way of operation, there is a bill, and in the bill there is a mandate that certain things be done. Report language is suggested on top of that bill but does not have the effect of law. That is what I am talking about here—this report language, not the bill itself.

I am delighted, again, that this effort to overturn U.S. policy behind closed doors was defeated. It would have been an insult to the American people to overturn a longstanding policy behind the closed doors of the Appropriations Committee.

I have introduced legislation, S. 723, to repeal a loophole in the Arms Export Control Act that could enable these weapons to enter the country under a future administration. I hope that my colleagues will support this bill.

In the meantime, Mr. President, this is a victory for the American taxpayer and a victory for all concerned about safety.

I hope we reject the notion that we ought to take back and pay for things that we gave away, or that we sold at sharp discounts.

I yield the floor.

Mr. CRAIG. Mr. President, I would like to respond to remarks made by the Senator from New Jersey, Senator LAUTENBERG, concerning the ''curio or relics'' U.S. origin historic firearms issue. I believe it's important for the Senate to be aware of this information in evaluating the actions taken today on the Commerce, Justice, State and Judiciary appropriations bill.

The amendment that the Senator from New Jersey refers to, which has been under consideration in both the fiscal year 1997 and fiscal year 1998 appropriations processes, is intended to correct a serious injustice in the way that our nation's firearms import laws are being administered. The amendment stops the Administration from ignoring Congress' intent that historic firearms be allowed to return to U.S. soil. Despite the fact the amendment was not added to the Commerce, Justice, and State spending bill, I am confident, based on the bipartisan support enjoyed by the amendment, that it will be passed in this Congress. A brief review of the history behind this issue is

in order. In 1984, Congress first enacted a statute, 18 U.S.C. 925(e), specifically permitting the importation of military surplus curio or relic imports. At the time of enactment, however, the statute only benefited foreign collectibles, since other acts interfered with U.S. origin curio or relics from returning to the United States.

In 1987, Congress remedied the inconsistency by enacting a provision for the importation of certain U.S. origin ammunition and curio or relic firearms and parts into the United States at 22 U.S.C. 2778(b)(1)(B). The Treasury Department issued implementation regulations after the passage of both laws. The Department of State, which in certain cases consults with the Treasury Department on firearms imports, frustrated the purpose of the 1988 law by refusing to consent to U.S. origin applications, ostensibly on the basis of foreign policy interests. The Department of State for years has frustrated the efforts of importers to bring historic curio or relic firearms into the United States.

In addition to fully assembled U.S. origin curio and relic firearms being denied entry into the United States, curio or relic U.S. origin military surplus parts and U.S. origin military surplus ammunition applications that used to be approved by ATF directly, are now being denied. Many hobbyists and collectors are being denied access to these historic arms. Many millions of dollars in business will now be lost on rifle parts sales and rifle ammunition, severely hurting an import industry that has already been very adversely affected by President Clinton's policies.

With regard to the criticism that has been leveled against the amendment, and these arms, several important facts are in order. First of all, this amendment was not inserted in any bill ''in the dark of night'', it was part of an open mark-up over a year ago in the Commerce, Justice, State Subcommittee in the Senate for the appropriations bill for fiscal year 1997, and this year, for fiscal year 1998, it was added on the House side in an open full committee mark-up on the Treasury, Postal Service appropriations bill. This is a well-known issue and one that has been widely publicized; in fact, Senator LAUTENBERG and other opponents of this provision have certainly ensured that it has been given attention.

I realize that opponents of this amendment have been using the media to sensationalize the subject and to scare the general public into believing that there is something nefarious about these fine old arms. However, allegations concerning or implying a special crime threat that ''curio or relic'' M1 Garands, M–1 Carbines and M–1911A1 pistols pose to police officers or innocent civilians is simply false. Similarly, allegations that Iran will profit from the sale of these firearms is also wrong. In addition, the characterization of what the Bureau of Alcohol, Tobacco and Firearms trace data indicates is misleading at best, as even ATF acknowledges that ATF gun trace data may not be used to make statistical assumptions about the use of firearms.

Here are just some of the basic facts about this matter:

First, ''curio or relics'' are defined as firearms which are of special interest to collectors, and are at least fifty years old, or are certified by a curator of a municipal, State or Federal museum to be curios or relics of museum interest, or have some rare, novel or bizarre characteristic because of their association with some historical figure, period or event. They are not the crime gun of choice for criminals.

Second, corrective language is needed to enforce existing import laws and regulations that already permit the importation of U.S. origin curio or relic firearms, parts and ammunition from non-proscribed nations (the Arms Export Control Act, Section 38, 22 U.S.C. 2778 and the Gun Control Act of 1968).

Third, the purpose of the Gun Control Act was to provide ''support to Federal, State and local law enforcement officials in their fight against crime and violence,'' but not to ''place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity.'' Additionally, the enactment of the Gun Control Act was ''not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes'' (i.e., such as gun collecting). The Administration's actions are completely contrary to legitimate collecting and hobby pursuits.

Fourth, these firearms and ammunition were initially supplied to friendly foreign governments by sale or gift to promote the foreign policy interests of the United States. The U.S., under the Foreign Assistance Act, can waive receipt of any proceeds derived from such a sale and request that the proceeds be set aside in a special account. In most cases, the U.S. does so for the purposes of letting the ally nation modernize its military equipment. Since the U.S. usually would have assisted such a nation anyway in some manner with the modernization of their military equipment, the allowance of keeping the sale proceeds actually represents a potential cost savings to the U.S. taxpayer.

Fifth, rifles, which constitute the vast majority of these guns, are not the alleged crime threat that opponents of this provision would like the American people to believe. In ATF's July, 1997 report entitled ''ATF, The Youth Crime Gun Interdiction Initiative, Crime Gun Trace Analysis Reports'' 8 out of 10 crime guns traced within a 10 month period in 1996/97 were handguns. Out of an average of the trace data that ATF compiled from 17 major cities across the United States, from July 1, 1997 through April 30, 1997, all rifles comprised only 7.98 percent of the total firearms traced to crimes. In fact, according to ATF's latest data concerning firearms traced to a crime scene'' in 1995, out of the 70,000 firearms traced to a crime scene, only .331 percent were U.S. origin firearms. In 1996, the percentage decreased: out of the 140,000 firearms traced to a crime scene, only .275 percent were U.S. origin firearms. In 1997, U.S. origin firearms constitute only .303 percent out of the total 200,000 firearms traced. In summary, these firearms are generally not attractive to criminals. They are expensive, heavy, cumbersome and not easily concealable.

Sixth, Senator LAUTENBERG's figure of 2.5 million U.S. origin ''curio or relic'' firearms that would be imported is incorrect. First of all, we do not import ''millions'' of guns into this country on an annual basis. Currently, the rough total number of all firearms that are annually imported into this country is in the 800,000 to 900,000 range. Only a relatively modest number of U.S. origin curio or relic firearms are available for importation into the United States in commercially acceptable and safe-to-shoot condition—these will not number in the millions.

Finally, current law—the International Traffic in Arms Regulations, the Arms Export Control Act, the Foreign Assistance Act and the Gun Control Act of 1968—already prohibits U.S. importers from trading with proscribed countries, such as Iran, whose foreign policy threatens world peace and the national security of the U.S. and supports acts of terrorism. The proposed appropriations language made it very clear that importation would only be permitted from non-proscribed nations.

Regarding the report language that has been added to the bill. I would like to point out that Senator LAUTENBERG's statement suggested expansion of the conference report language is contrary to what was accepted in the bill. It is clear that the items Senator LAUTENBERG offered on the floor were specifically rejected by the Conferees, which are as follows:

First, the Conferees did not accept the Administration providing a description of any law enforcement or grand jury investigations of alleged illegal conduct related to the importation of M–1 or M19911 firearms.

Second, the Conferees did not accept the Administration reporting on the number and types of weapons that have been added to the ''curios or relics'' list since 1980, the process by which those weapons are added to the list, and the entities that have petitioned to add weapons added to the list.

Third, the Conferees did not accept the Administration providing a comprehensive overview of the number of homicides and violent crimes committed against police officers and against civilians with M1s or M19911s.

In addition, Mr. President, Senator LAUTENBERG suggested by the use of term ''simple'' that the Administration should report on how ''simple'' the conversion of M–1 carbine is from semiautomatic to an illegal fully automatic gun. That is not what the report language calls for—it calls for an explanation of the facts. Converting the M–1 Carbine requires an M2 parts conversion kit; however, that is not readily or easily accomplished, since it is strictly controlled under the National Firearms Act of 1934.

In summary, this amendment is needed, and I regret we could not achieve it this year. With the additional information from the Administration, and an early start on the matter, I believe we will be able to right what has been a wrong to the gun collecting and importing community for many years.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the introduction of S. 1530 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

JUDICIAL CONFIRMATION PROCESS

Mr. HATCH. Mr. President, as we complete the 1st session of the 105th Congress, I would like to update my colleagues on how we have advanced the judicial confirmation process. Let me say from the outset that I believe one of the Senate's most important functions is its constitutional authority, and responsibility, to render advice and consent to the President in his nomination of Federal judges.

Unique in our system of Government, Federal judges serve for life, and are entirely unaccountable to the electorate. When a single Federal judge is confirmed by the U.S. Senate, he or she will exercise enormous power over our people, our States, and our public and private institutions, for years and years to come. As the scope of Federal law—both statutory and constitutional—has exploded to cover virtually all areas of our lives and culture, and as our society has become more litigious, Federal judges have come to wield vast power over countless aspects of our everyday lives. Moreover, the troubling trend toward increased judicial activism has only enhanced the power that judges exercise in our society.

As a result, I have dedicated considerable time and energy to thoroughly review each nominee in an effort to ensure that only individuals of the highest caliber are permitted to serve on the Federal bench. At the same time, of course, I am cognizant that as President, Mr. Clinton is entitled to some deference in his choice of Federal judges, and I have sought to respect the President's decisions.

To date, the Senate has confirmed 239 Clinton judges, of which 35 were confirmed this year alone. Those 239 judges represent nearly one-third of the entire Federal bench. We currently have nine judges pending on the Senate floor. If those judges are confirmed, as I hope they will be, the Senate will have confirmed 44 Federal judges during this session.

I believe that the Judiciary Committee has been proceeding fairly and at reasonable pace. Indeed, I strongly believe that we must do our best to reduce the approximately 80 vacancies that currently exist in the Federal courts. There are, however, limits to what the Judiciary Committee can do. We cannot, no matter how hard we may try, confirm judges who have yet to be nominated. Of the 43 nominees currently pending, 9 were received in the last month.

And 13 of those pending nominees are individuals simply renominated from last Congress. So, of those 80 vacancies, 45 are, in effect, a result of the administration's inaction. Forty-three total pending − 8 incomplete paperwork = 35 real nominees; 80 vacancies − 35 real nominees = 45 White House inaction.

Moreover, of the 79 total judicial nominees sent forward to the committee this year, 47 have now had hearings. Of the 47 nominees that have had hearings, 41 have been reported out of committee. Of those 41 nominees reported out of committee, 35 have been confirmed, and 9 are pending on the Senate floor.

The committee has moved noncontroversial nominees at a relatively speedy pace. In fact, I pledge that when the administration sends us qualified, noncontroversial, nominees, they will be processed fairly and promptly. Indeed, in the last few months, the administration has finally begun sending us nominees that I have for the most part found to be quite acceptable. Take Ms. Frank Hull, for example. She was nominated for a very important seat on the Eleventh Circuit. Ms. Hull was nominated June 18, had her hearing July 22, and was confirmed on September 4. This is a remarkably fast turnaround.

Or consider Mr. Alan Gold from Florida. He was nominated in February. We completed his paperwork and our review in March and April, he had a hearing shortly thereafter in May, and he was reported out of committee and confirmed before the July 4 recess.

Two other good examples are Ms. Janet Hall from Connecticut and Mr. Barry Silverman, of Arizona. Ms. Hall was nominated to the U.S. District Court June 5, 1997, the committee had a hearing on July 22, and she was confirmed September 11. Mr. Silverman may have even set the record: The committee received his nomination on November 8, held his hearing on November 12, and reported him out of committee today.

Clearly, when it comes to new, noncontroversial nominees, we are, in fact, proceeding with extraordinary speed and diligence.

More controversial nominees, however, take more time. Indeed, many of the individuals renominated from the 104th Congress have proven difficult to move for a variety of reasons. Unfortunately, of the 79 individuals nominated this Congress, only 56 have been new; the other 23 are individuals who were previously nominated, but have been controversial and proven difficult to move through the committee—much less to confirm. When the administration simply sends back nominees who had problems last Congress, it takes much more time, and is much more difficult, to process them. It is worth pointing out that there was, in virtually every instance, a reason why the Senate confirmed 239 other Clinton nominees but not those 23. And, if all we are left with are judges whom we are not ready to move, I will not compromise our advice and consent function simply because the White House has not sent us qualified nominees. As I said at the outset, the Senate's advice and consent function should not be reduced to a mere numbers game. The confirmation of an individual to serve for life as a Federal judge is a serious matter, and should be treated as such. In fact, we have sat down with the White House and Justice Department and explained the problems with each nominee, and they understand perfectly well why those nominees have not moved.

Many inaccurate accounts have been written charging that this body has unreasonably held up judicial nominations. That claim is simply not true. As of today, we have processed 47 nominees—35 confirmed, 9 on the floor, 2 are pending in committee and 1 withdrawn. Now, not all of these judges have yet been confirmed, but I expect that they will be confirmed fairly promptly. Assuming most of these nominees are confirmed, I think you will see that our efforts compare quite favorably to prior Congresses, in terms of the number of judges confirmed at this point in the 1st session of a Congress. As of today, we have confirmed 35 judges. If we confirm the 9 judges pending on the Senate floor, we will have confirmed 44 Federal judges this year.

Republicans confirmed 55 judges as of the end of the 1st session in the 104th Congress. Indeed, the Democrats confirmed only 28 judges for President Clinton at the end of the 1st session back in the 103d Congress. Although the Democrats confirmed 57 judges as of the end of the first session back in 1991, for a Republican President, they confirmed only 15 judges in 1989 and 42 judges in 1987, both for Republican Presidents. So the plain fact is that we are right on track with, if not ahead of, previous Congresses. And this is particularly significant given the fact that we have more authorized judgeships today than under Presidents Bush or Reagan. In fact, there are more sitting judges today than there were throughout virtually all of the Reagan and

Bush administrations. As of today, there are 763 active Federal judges. At this point in the 101st and 102d Congresses, by contrast, when a Democrat-controlled Senate was processing President Bush's nominees, there were only 711 and 716 active judges, respectively.

The Democrat Senate actually left a higher vacancy rate under President Bush: Just compare today's 80 vacancies to the vacancies under a Democratic Senate during President Bush's Presidency. In May 1991 there were 148 vacancies, and in May 1992 there were 117 vacancies. I find it interesting that, at that time, I don't recall a single news article or floor speech on judicial vacancies. So, in short, I think it is quite unfair, and frankly inaccurate, to report that the Republican Congress has created a vacancy crisis in our courts.

It is plain then, that current vacancies not result of Republican stall. First, even the Administrative Office of the Courts has concluded that most of the blame for the current vacancies falls on the White House, not the Senate. It has taken President Clinton an average of 534 days to name nominees currently pending, for a vacancy—well over the time it has historically taken the White House. It has taken the Senate an average of only 97 days to confirm a judge once the President finally nominates him or her, and in recent months we've been moving non-controversial nominees at a remarkably fast pace. As a result, with the exception of nominees whose completed paperwork we have not yet received, the White House has only sent up 43 nominees for these 80 vacant seats—of which 13 were received just prior to the Senate going into recess. Forty-five of those seats are, in effect vacant because of White House inaction.

Second, those vacancies were caused by a record level of resignations after the elections. During President Clinton's first 4 years, we confirmed 204 judges—a near record high, and nearly one quarter of the entire Federal bench. By the close of last Congress, there were only 65 vacancies. This is virtually identical to the number of vacancies under Senator BIDEN in the previous Congress. The Department of Justice itself stated that this level of vacancies represents virtual full employment in the Federal courts. So last Congress we were more than fair to President Clinton and his judicial nominees. We reduced the vacancy level to a level which the Justice Department itself considers virtual full employment. But after the election last fall, 37 judges either resigned or took senior status—a dramatic number in such a short period. This is what has led to the current level of 80 vacancies.

Many Judicial ''Emergencies'' are far from that: I would also like to clarify a term that is now bandied about with little understanding of what it really means a judicial ''emergency'' is simply a seat that has been unfilled for a certain period of time. In reality, though, many of those seats are far from emergencies. Indeed, of the 29 judicial emergencies, the administration has not even put up a nominee for 7 of those seats. As for the others, I think you will find that a number of the relevant districts do not in fact have an overly burdensome caseload.

And, keep in mind that the Clinton administration is on record as having stated that 63 vacancies—a vacancy rate of just over 7 percent—is considered virtual full employment of the Federal judiciary. The current vacancy rate is only 9 percent. How can a 2 percent rise in the vacancy rate—from 7 to 9 percent—convert full employment into a crisis?

It can't. The reality is that the Senate has moved carefully and deliberately to discharge its constitutional obligation to render advice and consent to the President as he makes his appointments. I am satisfied by the committee's work this session, and look forward to working with the administration in the coming months to identify qualified candidates to elevate to the Federal bench.

I yield the floor I thank the Chair.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

TRIBUTE TO SENATOR WILLIAM B. SPONG, JR., OF VIRGINIA

Mr. ROBB. Mr. President, I rise today to reflect on the life and service of William B. Spong, Jr., a distinguished statesman, a former U.S. Senator from the Commonwealth of Virginia, and a mentor to many of us who entered politics inspired by his extraordinary conviction.

Bill Spong died in Portsmouth, VA, on October 8, 1997, at the age of 77. He left behind a son, a daughter, five grandchildren, and a legacy of public service to the people of Virginia unmatched in his lifetime. As his childhood friend, Dick Davis, said so eloquently, ''the state has lost a leader that may never be replaced.''

Bill Spong epitomized the professional commitment and personal integrity that was his hallmark. He was a quiet giant.

The product of two outstanding Virginia universities—Hampden Sydney College and the University of Virginia School of Law—Bill Spong could have gone anywhere and made money. But he went home to Portsmouth, set up a law practice with his friend, Dick Davis, and successfully ran for the Virginia House of Delegates and then the State senate.

A philosopher once said, while ''every man is a creature of the age in which he lives, very few are able to raise themselves above the ideas of the time.'' We, in Virginia, will be forever grateful that Bill Spong was one of those rare individuals who thought—and acted—ahead of his time. While in the House of Delegates, he joined a moderate group of ''Young Turks'' to pressure the legendary Byrd Machine into investing more money into education. And as a member of the State senate in 1958, he exhibited what would become a lifetime understanding of the value of learning by chairing a statewide Commission on Public Education.

Then, in 1966, Bill Spong made history. In a Democratic primary, he challenged U.S. Senator A. Willis Robertson, a 20 year Byrd machine-backed incumbent, and won by 611 votes. ''We called him Landslide Spong,'' remembered his friend and campaign manager William C. Battle.

As a member of this body, Mr. President, Bill Spong focused not on politics, but on policy and principle. ''He agonized over legislation in his quest to do what he believed to be right,'' his former Press Secretary, Pete Glazer, said recently.

''Bill Spong was the kind of public servant we all try to emulate,'' said Congressman ROBERT C. SCOTT, ''a man of integrity who courageously stood by his convictions and his principles, even when it might not be the immediately popular thing to do.'' As Alson H. Smith, Jr., reflected: ''If Bill Spong thought it was right, he did it.''

Mr. President, Bill Spong was a statesman.

But 1972 taught us that Senators with great courage can be demagogued and out spent, and Bill Spong lost his Senate seat amidst George McGovern's landslide defeat to Richard Nixon. ''In the Watergate year of 1971,'' remembered his college friend, and former U.S. attorney, Tom Mason, ''Bill Spong became an early victim of the 11th hour 30-second television spots that continue to plague our political system.'' ''In my judgement,'' Mason said, ''Bill Spong's defeat in 1972 was one of the worst developments in Virginia's political history.''

The Senate's great loss, however, was the Commonwealth's great gain, as Bill Spong left this institution to continue his extraordinary service to Virginia. He became dean of William and Mary's Marshall-Wythe School of Law in 1976 and his stewardship brought our Nation's oldest law school from near ruin to national prominence. In 1989, he became the interim president of Old Dominion University in Norfolk.

''He had a real intellectual bent,'' remembered Bill Battle. ''He was probably more comfortable as Dean of the Law School at William and Mary than at any other time of his life.''

''His sense of humor was unbelievable,'' Battle continued. ''When we were in law school together after World War II, he was always where the trouble was but never in it. It's hard to believe he's no longer around.''

Mr. President, we may mourn Bill Spong's death. We may remember his life. But we may never know the breadth of his legacy, or the inspiration he lent along the way. No political leader in the Commonwealth was more responsible for my own entry into Virginia politics than Bill Spong. Dick

Davis entered public life because he was angry that his lifelong friend—who he described last week as ''a great Virginian and a great Senator'' —lost his Senate seat. There's no question that Bill Spong was an enormous force in the leadership of our State that began in 1981.

In fact, in 1977, when I was Lieutenant Governor and our party was fractured and discouraged, I asked Bill Spong to help us put the pieces back together. I'll always be grateful that the Spong Commission Report, as we called it, laid the groundwork for the unity we needed to succeed 4 years later.

Mr. President, during the time I served as Governor, I appointed Bill Spong to the Council on Higher Education and asked him to Chair the Governor's Commission on the Future of Virginia. The latter produced an extraordinary report that helped guide public policy—and progress—in Virginia for over a decade. Just last summer, I asked Bill Spong to chair a judicial nomination committee to recommend a nominee for the U.S. District Court for the Eastern District of Virginia. As always, his extraordinary judgement and unique vision were invaluable.

''Bill worked hard throughout his public and private life to bring Virginians together to make a better world for all of us,'' Congressman SCOTT said. ''I will miss his leadership and his friendship.''

''He never forgot where he came from,'' remembered his former press aide, Pete Glazer, ''and he died in the city where he was born.''

''Two hundred years ago, we were fortunate to have dedicated and enlightened leaders of this Commonwealth,'' said H. Benson Dendy III. ''Truly Senator Spong was such as a leader of our time.''

I will close, Mr. President, with two eulogies delivered at Bill Spong's memorial service in Williamsburg by Robert P. Crouch, Jr. and Timothy J. Sullivan. Their eloquence is a shining tribute to a man who has been an inspiration to so many.

I ask unanimous consent they be printed in the RECORD.

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

REMARKS ON THE LIFE OF THE HONORABLE WILLIAM B. SPONG, JR.

(By Robert P. Crouch, Jr.)

Athenians of antiquity defined a statesman as one who plants trees knowing he will never enjoy their shade. Such was the statesmanship—such was the life—of William Belser Spong, Jr.

Bill Spong entered my life in June of 1971, when I followed my friend, the Senator's good and devoted friend, Whitt Clement, as the Senator's driver and aide. I traveled with the Senator in that capacity for the remaining year and a half of his Senate service.

It was an unusual position that we who served as ''wheelman and gofer'' occupied. Callow and often bungling, just out of college, we had a staff position that was among the most humble in the office . . . in title, in rank, and in salary.

But ours was also the most privileged position on the staff. For we were with the Senator. And anyone who was with Bill Spong for much time at all became his student.

Awestruck to work for this Senator whose career I had admired from a distance, I traveled with him to his beloved Portsmouth during my first week on the job. Entering the Spong home, luggage in hand, I was met by the Senator's mother, Emily Spong. (My awe was to increase very rapidly.) She stood at the top of the stairs and said to me, with what I would come to know as unquestionable authority:

''Young man, you go tell Billy, the one you call 'Senator,' to get in here right now!''

I quickly developed a tremendous affection for Emily Spong, fueled, in part, by her sharing with me stories of youthful misbehavior of the Senator and his best friend Richard, but I never stopped calling her son ''The Senator.''

And while we of his Senate staff would, over the years, hear him referred to as ''Dean Spong,'' then ''President Spong'' (I liked that one a lot, and suspect that he enjoyed it as well), or—more familiarly as—''Bill,'' or ''Billy,'' or even ''Spongo,'' by some of his oldest and dearest friends—Tom Mason, Dick Davis, the Battle boys, John and Bill, among others—most of those of us who worked with him in Washington would always refer to him as ''The Senator.'' And always will.

The details of that Senate service—the legislation, the tough decisions on tough votes, the campaigns—are well known and have been well reviewed in recent news articles. I prefer to take this brief time to speak of the character of his public service.

An anecdote shared with me by an assistant United States attorney in our Roanoke office, Don Wolthuis, who was a student of the Senator at the Marshall-Wythe School of Law, captures that character. Faced with a difficult personal decision, Don went to Dean Spong for advice. After hearing Don explain his dilemma, the Senator simply responded: ''Whatever you do, do it well.''

But ''doing it well'' was not a simple or brief process for Bill Spong. It was a well ordered and deliberate process. And it was this he applied to his Senate service as he did to every other aspect of his life. It involved anticipating the challenges and the needs of the future; scanning the horizon of time; thoughtfully examining options and consequences; making a well informed choice, then carrying through with that decision with grace and excellence. He lived the motto of Virginia-born Sam Houston: ''Do the right thing and risk the consequences.''

The Senator delighted in one reporter's description of him as ''A gray cat in the Chesapeake fog.'' During that time, in the years since, and in the past several days, the word ''cautious'' has been frequently used to describe him. If caution is understood to mean ''risk adverse,'' then it is incorrectly applied to Bill Spong, for it is the seemingly ''cautious'' choice which is often the least popular; the most difficult to make; the least understood by others; the most frustrating to sustain; and the most expensive.

His integrity—intellectual and moral—informed all that Bill Spong did in the United States Senate, and it earned him the respect and affection of his colleagues of both political parties, and of their office and committee staff.

We who worked for him during those years learned not only from the Bill Spong of the Senate office and the Senate floor. He later acknowledged that his political fortune was the victim of his Senate duty—and it is correct that he chose to sacrifice the votes of civil club meetings to the votes duty required he cast on the Senate floor. However, it should also be understood that whenever he was free from Senate duties, he was in the State. During that year and a half, for example, we traveled to all but one of Virginia's counties. And what travels those were.

He loved two Virginias. First, Virginia Wise Galliford, the Marine Corps general's daughter he married and with whom he raised Martha and Tom. She was a beautiful, generous, and strong woman who also graced the lives of many here today, and we misss her.

And to be with the Senator was to learn of the other Virginia of his life, the Commonwealth: its magnificent natural beauty, its wonderful and diverse people, its history—colonial, Civil War, twentieth century—and, certainly, its politics; traveling with Senator Spong was a course in the rule of law; a class in big band music; a seminar in sports from Bill Belser, his Walter Mitty-sportswriter self (and if last week's resignation of UNC's Dean Smith marked the departure of the ACC's greatest coach, it has also just lost its greatest fan in Bill Spong).

We, his staff and supporters, knew then, of course, that his Senate tenure was too short. History knows it now. Yet, the Senate's loss, the Nation's loss, was clearly the gain of this great institution and of many others he cared so deeply about.

His departure from the Senate enabled him to spend more time with his family, with Virginia, with Martha, and with Tom. News articles have related his expression in later years of how important that was to him. Many of us with him in 1972 heard him say it then.

To Martha and Tom and to other members of the Spong family, our thoughts and prayers for you today will extend into the future. He was immensely proud of you, and of his and Virginia's five splendid grandchildren: Edward, Peter, Chase, Madison, and Lucy.

These beautiful and historic surroundings remind us that there have been other ''gray cats'' in Virginia's history. George Wythe, George Mason, come to mind. They turned events, and their lives sent ripples through decades and generations, and into the centuries.

As we reflect on the life of William Spong, our fine teacher, many of us know our own lives were enriched and blessed by the important place he has had, and will continue to have, in them.

We know, too, and history will conclude, that in his public service, Mr. Spong of Virginia was the best of his day, and is among the greatest of Virginians.

EULOGY FOR WILLIAM B. SPONG, JR.

(By Timothy J. Sullivan)

It all began—with bourbon—and with tuna salad. Not a few of you must be wondering what I could possibly mean. How could Bill Spong's triumphant William and Mary years have anything at all to do with bourbon and tuna salad? But that is the way they did begin, and you should know the story.

On a brilliant autumn Saturday sometime in October of 1975 I drove from Williamsburg to Portsmouth. I was the very young chair of the William and Mary Law Dean Search Committee. My job—and it seemed to me mission impossible—was to help convince Senator Spong that he really—really—did want to become dean of a law school which was at substantial risk of losing its professional accreditation.

Bill invited me to meet him at his home. We sat down to lunch at the kitchen table. His beloved Virginia provided the tuna salad—which was very good, Bill supplied the bourbon—which was also good. Martha hovered—so it seemed to me—skeptically on the

fringes of the room. Tommy would occasionally catapult through in pursuit of an errant soccer ball.

Bill and I talked—he was interested—and the rest is happy history. Bill Spong did—as we all know—come to William and Mary, and his leadership first healed a crippled institution and then raised it to a level of national distinction that none of us dared dream. He built a place of genuine intellectual excellence—but he did more. He built a law school of which George Wythe would have approved. And that is not a casual compliment. George Wythe's approval mattered to Bill—it mattered very much. Bill's inspiration shaped a place where would be lawyers learned not only their duty to their clients, but their duty to humanity—a place where professional success was and is defined not only by hours billed—but by a client's burdens lifted—by anguish eased.

During much of Bill's deanship, I served as one of his associate deans. We became friends—more than friends really—our association deepened in ways that—then and now—makes it one of the great treasures of my life.

He was my teacher, too. I learned life lessons that I have never forgotten and for which I have never failed to be grateful. As a teacher, Bill was almost magical. He taught without seeming to teach, and you learned without realizing that you were being taught—until afterwards—when you were left to discover—with manifest joy—the power of the lessons he had lodged deep within your heart.

As most of you know, Bill did not drive. When he was here, I was one of those who shared with Virginia the responsibility of getting him where he needed to go—and that led to not a few adventures.

One day he asked me whether I would like to go to Hampden-Sydney. I said yes. I had never been there—and I was anxious to see for myself—a place Bill really believed was some kind of collegiate paradise. I asked him when I should pick him up. He said—don't worry—just be here in the morning. When I arrived on the next day, I discovered he had engaged Mr. Albert Durant—a loquacious and long-time chauffeur for hire—who was something of a local institution. Mr. Durant's vehicle was a great, long black limousine—the vintage of which would have given it pride of place in President Eisenhower's first inaugural parade.

We bought sandwiches from the Cheese Shop and rolled up the road to Farmville—fully occupied by Mr. Durant's non-stop commentary while eating our lunch out of paper sacks in the back seat.

When we approached the limits of that collegiate paradise—Bill leaned forward and said—Mr. Durant . . . ''Mr. Durant . . . see that alley up there on the right—turn in there. I can't let them see me coming in a car like this.'' Now—it wouldn't have been accurate exactly—to say that we snuck on to the campus in camouflage—but it would be accurate to say that we didn't make a point of being seen until we were a safe distance from any possible connection with Mr. Durant's gleaming but antique limousine.

On the way home, we stopped to get gas in what was then the wilderness of Chesterfield. I got out with Mr. Durant to stretch my legs. Bill stayed in the car. As he serviced the car, the attendant peered in to the back window—turned to me—and asked with some awe in his voice—''Would that be the Governor in there?'' ''No,'' I said, ''but he should have been.'' I still think that. He should have been.

But now, all is memory—the life is complete. What he should have been doesn't matter. What does is what he was. And what he way—was the most thoughtful public servant of his generation—a great man who lived this Commonwealth—not uncritically—but loved it still—the beauty of the land—the decency of its people—the glory of its history.

What he was—was a teacher and builder who believe profoundly in the power of education and who struck many a powerful blow for civility and civilization.

What he was—was a friend whose friendship made you laugh for the sheer joy of it, whose love gave you strength and whose example gave you courage.

All that we must consign to memory—at the moment it is a memory that wounds—and deeply.

But we all know—that in God's good time—that the would will mostly heal—the pain will largely disappear—and we will be left with the wonder—and may I say the warming glory of having been numbered among that special band who loved and were loved by our eternal friend—Bill Spong.

Mr. ROBB. Mr. President, I note the temporary absence of anyone else seeking to speak. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MAMMOGRAPHY QUALITY STANDARDS ACT

Ms. MIKULSKI. Mr. President, I rise today to celebrate the Senate passage of the Mammography Quality Standards Act. I am delighted that the Senate acted on Sunday, November 9 to unanimously approve this important legislation. The bill that the Senate has now passed reauthorizes the original legislation which passed in 1992 with bipartisan support. This year's bill is presented to the Senate with 55 cosponsors.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in bringing facilities into compliance with the federal standards.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

This current reauthorization makes a few minor changes to the law to ensure the following: Patients and referring physicians must be advised of any mammography facility deficiency. Women are guaranteed the right to obtain an original of their mammogram. Finally, both state and local government agencies are permitted to have inspection authority.

I like this law because it has saved lives. The front line against breast cancer is mammography. We know that early detection saves lives. But a mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important. This law needs to be reauthorized so that we don't go back to the old days when women's lives were in jeopardy.

A strong inspection program under MQSA is extremely important to ensure the public that quality standards are being met. In a GAO report which evaluated the MQSA inspection program, GAO praised the program. They also recommended changes to further strengthen the program. FDA is in the process of implementing these recommendations. The FDA has proposed to direct its attention to conducting comprehensive inspections on those facilities where problems have been identified in the past, while decreasing the extensiveness of inspections at those facilities with excellent compliance records. I think it is important for the FDA to move promptly in this direction. The best way to protect the public health is for the FDA to focus its resources on the problem facilities.

I want to make sure that women's health needs are met comprehensively. It is expected that 180,000 new cases of breast cancer will be diagnosed and about 44,000 women will die from the disease in 1997. This makes breast cancer the most common cancer among women. And only lung cancer causes more deaths in women.

We must aggressively pursue prevention in our war on breast cancer. I pledge to fight for new attitudes and find new ways to end the needless pain and death that too many American women face. This bill is an important step in that direction.

As the 105th Congress comes to a close, we can look back on some great bipartisan victories and other great partisan frustrations. But one area Republicans and Democrats have always worked together on is women's health. I am proud of this bill's broad bipartisan support. I want to take this opportunity to thank all the cosponsors for making this happen. A special thanks to Senator JEFFORDS for working with me on making passage of this bill a reality. As Dean of the Democratic

Women, I want to also thank the Dean of the Republican Women, KAY BAILEY HUTCHISON, for always reaching out to work together on the issues that matter most to American women and their families.

Still, Senate passage alone does not assure reauthorization. It is my hope that the strong show of bipartisan support for this bill here in the Senate will encourage the House of Representatives to promptly move forward on this bill. I hope they will follow our lead to ensure a quick reauthorization of MQSA. America's women are counting on it.

Mr. HARKIN. Mr. President, I join Senator MIKULSKI and many of my colleagues today to support reauthorization of the Mammography Quality Standards Act. I want to especially commend Senator MIKULSKI for her invaluable leadership on this issue. She brought the problem of poor quality mammography screening to the Senate's attention several years ago and authored the historic legislation we are today reauthorizing.

As many of you know, I lost my sisters at an early age because of breast cancer. This experience has helped to make me acutely aware of the need for research on and improved early detection of breast cancer. I've always thought if they had had access to quality mammography screening, they would be alive with us today.

Starting in 1990, as chairman of the Labor, Health and Human Services Appropriations Subcommittee, I worked with Senator MIKULSKI and others to start and fund a program at the CDC to provide screening for lower income women without insurance. And in 1992, I offered an amendment to dedicate $210 million in the Defense budget for breast cancer research. Because of this legislation, funding for breast cancer research has been included in the Defense Department budget every year since 1992, and will be included again in Fiscal Year 1998.

It is clear that if we are to win the war on breast cancer we must continue to support research on improved treatments, but we must also ensure that breast cancer is detected early enough to apply these treatments effectively. The need for legislating mammography quality standards is obvious—every year approximately 180,000 women will be diagnosed and 44,000 women will die of breast cancer. We can prolong and save the lives of millions of women if we can detect the cancer early in its development. The earlier we can diagnose breast cancer, the sooner a women can begin to receive appropriate treatment, and the more likely it is that she will survive. It is vital that all women have access to mammograms which are both properly performed and accurately analyzed. This screening is a very powerful weapon in the battle against cancer.

Early diagnosis, and consequently early treatment, depend upon accurate evaluations of breast tissue. This means that the health care professionals taking mammograms and reading mammograms must be properly trained. This Act sets forth requirements that all mammography facilities meet stringent standards in terms of equipment used, personnel, and reporting of mammography findings.

Congress must act quickly to pass this reauthorization so that women throughout our nation can be confident that they are receiving the safest, most reliable mammography available. Without these standards, women do not have such guarantees. They would be forced to place their lives in the hands of a random patchwork of Federal, State, and voluntary standards. This is unacceptable. We cannot return to the days before this law was passed, when women were misdiagnosed because mammography clinics did not have standards for quality control.

Women also deserve the best technology available when it comes to early detection of cancer because advanced technology means more accurate, and therefore earlier diagnosis. One such advance is digital mammography. This screening technique involves the creation of digital images which are more easily visualized and can also be stored and forwarded to other medical sites. This can provide women in rural areas with vital access to expert medical diagnosticians.

When women and their doctors have access to the best technology available, such as digital mammography, it can mean the difference between life and death. It can also mean money saved, because it is cheaper to treat a small, confined tumor than it is to treat a full-blown metastactic cancer which has spread to other organ systems.

Breast cancer is the most common cancer among American women, but it does not have to be the No. 1 cancer killer among women in the United States because we have ways to detect it early on. The National Cancer Institute advises that ''high-quality mammography combined with a clinical breast exam is the most effective technology presently available to detect breast tumors.'' We have an obligation to American women to ensure that the mammographies they receive meet high-quality federal standards. I am proud to be an original cosponsor of this legislation and I look forward to its speedy passage into law.

Mrs. HUTCHISON. Mr. President, I rise today to commend my colleagues for passing the Mammography Quality Standards Act, assuring that national, uniform quality standards will be in place for this lifesaving, preventive procedure.

Experts universally agree that mammography is one of the best ways to detect breast cancer early. Yet, statistics show that the majority of women who need mammograms are not getting them. Nearly 40 percent of women ages 40 to 49, 35 percent of women ages 50 to 64, and 46 percent of women 65 years of age and over have not received a mammogram in the past 2 years. With 44,000 women dying annually from breast cancer, one in three of these might be saved if her breast cancer is detected early.

Since almost 10 percent of breast cancers are not detected by mammography, it's essential to remember breast self-examination and clinical screening as the other important early detection tools we have at our disposal.

This was the first year that the National Cancer Institute joined the American Cancer Society and other breast cancer organizations in support of screening mammograms on a regular basis. Dr. Richard Klausner, NCI Director, announced in March that the mammography recommendations of the National Cancer Screening Board would be adopted by NCI.

Dr. Klausner spoke movingly about NCI-conducted focus groups that found that many women are not aware that breast cancer risks increase with age and that most women who develop breast cancer have no family history of the disease. He is to be commended for launching a new education campaign featuring new breast health and mammogram fact booklets, and breast health information hotline and Internet website.

The passage of the reauthorization of the Mammography Quality Standards Act dovetails nicely with these efforts. The original legislation passed in 1992 has been successful in bringing mammography screening facilities into compliance with a tough Federal standard. Patients can be assured that their mammography procedures and results are provided by qualified technical professionals and with annually inspected radiographic equipment and facilities.

This reauthorization makes some needed improvements to existing law. Facilities are now required to inform the patient as well as the physician about the screening results, and patients may now obtain their original mammogram films and report. Consumers and physicians must now be advised of any mammography facility deficiencies, and both State and local government agencies are granted inspection authority. These improvements were recommended in a GAO report as ways to assure that this vital prevention program continues to protect the public health and address women's health needs.

Last, I want to thank all the countless radiologists, radiologic technicians, and support workers who provide this very worthwhile service and make the time spent undertaking this procedure as pleasant as possible. These are the soldiers in our war against cancer, and their contributions are invaluable. I thank you all for your support.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. THURMOND. Mr. President, I rise today to advise Members of the

Senate why I have objected to the Senate consideration of H.R. 2513. This bill, which was sent by the House to the Senate in the closing days of this session, would provide tax relief for certain matters involving active financing income from foreign personal holding company income and sale of stock in agricultural processors to certain farmers' cooperatives.

First of all, Mr. President, I have no objection to the provisions which provide tax relief in these matters. However, I do object to the manner in which the House has proposed that we pay for these tax reductions. The use of sales of defense stockpiles to finance these tax relief measures is, in my opinion, inappropriate and inconsistent with section 311 of the Budget Act.

While I am removing my objection to the consideration of H.R. 2513, I want to make clear to Members in both the Senate and the House that I do not consider that a precedent is being established for using defense assets as offsets for non-defense-related expenditures. I want to make it clear also that I intend to object to any similar tax relief legislation which is paid for in such a manner in the future.

As the majority leader moves to close out the remaining business so that the Senate can adjourn, I want to take this opportunity to commend him for his superb leadership and the outstanding manner in which he has managed the Senate's business as the majority leader. I look forward to continuing to work with him in the future.

TRIBAL FOSTER CARE AND ADOPTION

Mr. DASCHLE. Mr. President, I would like to bring to the attention of the Senate an issue which, I believe, needs to be addressed. Title IV–E of the Social Security Act, Federal payments for foster care and adoption assistance, does not provide equitable foster care and adoption services for Indian children living in tribal areas. I had hoped we might be able to amend this bill, which is designed to better serve children in need of permanent, loving homes, to include children living in tribal areas. However, it appears that we will be unable to do that at this time. Nonetheless, it is clear that the funding that provides services to Indian children is sufficient to address the compelling needs of children not equivalent to that provided for services to children not living on reservations, and for that reason, I would like to engage in a discussion about how we might address this issue.

Mr. ROCKEFELLER. Mr. President, I am happy to engage in a colloquy with the Democratic leader. Can the leader tell me what constitutes the primary impediment to Indian children and tribal government access to the Federal foster care program and Federal adoption assistance program?

Mr. DASCHLE. Mr. President, the flaw in the statute is that it provides IV–E assistance only to children placed by State courts or agencies with whom States have agreements. In doing so, the law has left out Indian children living in tribal areas who are placed in foster care and adoptive homes by tribal courts. A relatively small number of tribes—50, or 10 percent of the total number of federally recognized tribes—has been able to work out tribal/State agreements whereby foster care payments are made for children placed by tribal courts. These agreements do not provide the full services of the title IV–E program, as they by and large do not include training and administrative funding for tribal governments. A major impediment to reaching even these less-than-ideal tribal/State agreements is that State governments retain liability under the agreements, something that States are reluctant to do.

The result is that Indian children—often the poorest of the poor in our Nation—are sometimes placed in unsubsidized homes without necessary foster care services. This should not be the case. Other children in this Nation who meet the eligibility requirements are eligible for the services of the open-ended Foster Care and Adoption Assistance Entitlement Program. State governments have benefited from large amounts of Federal administrative and training funds for their foster care/adoption assistance programs. Tribal governments and Indian children have not.

The legislation being considered today is designed to improve services and encourage permanent placements for children. Indian children living in tribal areas, however, have not benefited to the same extent as other children under the current program, and we should ensure that that discrepancy is eliminated.

The IV–E program provides help to fund the basics, such as food, shelter, clothing, and school supplies for the children, but this program does not include Indian children. We need to get our priorities in order, and help all children, especially those with special needs, including Indian children. I understand the primary reason for not including an amendment to make Indian children in tribal areas and tribal government eligible for the IV–E program is that no offset was provided for the cost.

Mr. ROCKEFELLER. Mr. President, the Senator is correct. Unfortunately, there are many provisions and new investments that Members wanted to include. But we are running out of time in this session, and securing new funding and appropriate revenue offsets is an overwhelming challenge. I appreciate the concerns the Senator has raised and would like to work with him in the future. As my colleagues know, Indian children are covered under a special law, known as the Indian Child Welfare Act. We should work together to ensure that this law and other Federal programs for abused and neglected children are better coordinated.

Let me assure my colleagues, though, that this package will help Indian children. Within the Promotion of Adoption, Safety, and Support for Abused and Neglected Children, the PASS Act, is a provision to extend the 1993 law to provide funding for family preservation and family support for 3 additional years. This program is designed to support community-based programs to help innovative projects invest in prevention and programs to strengthen families. Within the existing law is a 1-percent set aside for the tribes. This will be extended 3 more years, and I hope this funding will enable the tribes to continue ongoing efforts to help Indian children.

Mr. INOUYE. Mr. President, I, too, want to express my strong interest in amending the title IV–E statute so that Indian children placed by tribal courts have access to this program on the same basis as other children and that tribal governments with approved programs be made eligible for IV–E administrative and training funds on the same basis as States. Senator CAMPBELL and I jointly wrote the Finance Committee on this matter.

I would point out that the Senate Committee on Indian Affairs, in April 1995, held a hearing on welfare reform proposals. At that hearing, a representative of the Department of Health and Human Services, Office of the Inspector General, testified with regard to its August 1994 report: ''Opportunities for Administration on Children and Families to Improve Child Welfare Services and Protections for Native American Children,'' which documented that tribes receive little benefit or funding from the title IV–E Foster Care and Adoption Assistance Program—and other Social Security Act programs. The OIG report states: ''The surest way to guarantee that Indian people receive benefits from these Social Security Act programs is to * * * provide direct allocations to tribes.'' The OIG report also noted that the State officials with whom they talked preferred direct IV–E funding to tribes:

> With respect to IV–E funding, most State officials with whom we talked favored ACF (Administration on Children and Families) dealing directly with Tribes. This direct approach for title IV–E would eliminate the need for Tribal-State agreement, and because title IV–E is an uncapped Federal entitlement, would not affect the moneys available to the States. (p. 13)

Mr. MCCAIN. Mr. President, I share the concerns expressed by my colleagues about basic fairness. Last year during consideration of welfare reform, I advocated that we use that bill as a vehicle to fix the title IV–E law with regard to tribes and Indian children in tribal areas. Under the current law, states cannot even administer a Temporary Assistance for Needy Families [TANF] program unless they have in place a foster care/adoption assistance program. I appreciate the efforts of Representatives HAYWORTH and MCDERMOTT in trying to fix this problem during the Ways and Means Committee consideration of its adoption

bill, H.R. 867, and also of former Representative Bill Richardson who early this year introduced a freestanding bill on this issue. It seems that we keep running into the issue of funding. This is, however, a clear-cut case of fairness, and we must work together to provide equitable assistance to Indian children.

Mr. CHAFEE. Mr. President, I certainly appreciate the perspective my colleagues bring to this issue. Clearly, we need to take into account the status of tribes and tribal court system and the children under their jurisdiction in determining IV–E payments. I will work with them to correct this inequity.

Mr. DORGAN. I would like to add my voice to those of my colleagues who share my belief that it is fundamentally unfair for Indian children placed by tribal courts to be ineligible for IV–E assistance even though these children otherwise meet the eligibility requirements. In my judgment, we have a responsibility, both because of the Federal Government's trust relationship with Indian tribes and because of the desperate need that exists in Indian country for this funding, to correct this oversight as quickly as possible.

Mr. DASCHLE. Mr. President, I thank all of my colleagues for joining me in this discussion and for their acknowledgment that this is an injustice that must be corrected. I look forward to working with them to make sure we provide the same resources for Indian children as we do for other children in this country.

TRIBUTE TO THE LATE BOB JONES, JR.

Mr. THURMOND. Mr. President, I am saddened to report the passing of a longtime friend, a man of integrity and honor, and someone who was well respected throughout the United States, Dr. Bob Jones, Jr.

Dr. Jones was the chancellor and chairman of the fundamentalist Christian Bob Jones University, which was founded by his father in 1927 and moved to South Carolina in 1947. Students who attend this institution learn the fundamentals of Christianity while gaining a valuable education that will prepare them for their future. The university's talented and devoted staff of educators make many contributions to the world through their service to the community and their dedication to teaching others the truths of the Bible. Graduates of Bob Jones University are employed throughout the Nation in many different fields, but each possesses the qualities and values of a good Christian upbringing, and are sound in both mind and body.

In addition to his service at the university, Dr. Jones was a well respected preacher and Christian leader throughout the Nation. Addressing crowds at church services, conferences, and meetings around the world, he was often touted as an evangelical leader who gained an unequaled respect and admiration from those who had the privilege of hearing him speak. Words cannot possibly express the degree of his devotion to the Christian faith, his community, family, and friends. His death has left a large void that will serve to remind us of the great impact he had upon each of these. Dr. Jones was a dear friend of mine, and I feel a deep loss in his death, as do so many throughout our Nation.

His family, which includes his wife, Fannie May Holmes Jones; his three children; 10 grandchildren; and his three great-grandchildren, all have my deepest sympathies. They have lost a wonderful husband, father, grandfather, and great-grandfather, and South Carolina has lost an irreplaceable son.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, November 12, 1997, the Federal debt stood at $5,429,798,432,997.19 (Five trillion, four hundred twenty-nine billion, seven hundred ninety-eight million, four hundred thirty-two thousand, nine hundred ninety-seven dollars and nineteen cents).

One year ago, November 12, 1996, the Federal debt stood at $5,246,804,000,000 (Five trillion, two hundred forty-six billion, eight hundred four million).

Five years ago, November 12, 1992, the Federal debt stood at $4,083,868,000,000 (Four trillion, eighty-three billion, eight hundred sixty-eight million).

Ten years ago, November 12, 1987, the Federal debt stood at $2,394,714,000,000 (Two trillion, three hundred ninety-four billion, seven hundred fourteen million).

Fifteen years ago, November 12, 1982, the Federal debt stood at $1,141,767,000,000 (One trillion, one hundred forty-one billion, seven hundred sixty-seven million) which reflects a debt increase of more than $4 trillion—$4,288,031,432,997.19 (Four trillion, two hundred eighty-eight billion, thirty-one million, four hundred thirty-two thousand, nine hundred ninety-seven dollars and nineteen cents) during the past 15 years.

N O T I C E

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.