United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, TUESDAY, MARCH 10, 1998 No. 24

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 10, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundegran, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1668. An act to encourage the disclosure to Congress of certain classified and related information.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY) for 5 minutes.

THE PROJECTED BUDGET SURPLUS

Mr. VISCLOSKY. Madam Speaker, I rise today to address an issue which is of great importance to me: the nearly balanced Federal budget and what to do with the projected budget surpluses. First, let me say that I am extremely pleased at projections which show that the budget is nearly balanced. The most recent figures from the Congressional Budget Office say that by the year end, the Federal budget will not only come into balance but will actually produce an $8 billion surplus.

While we have certainly made tremendous progress from 1992, when the deficit hit a record high of $290 billion, more work needs to be done. Even if the deficit does disappear on paper, the budget will not really be balanced since the true size of the deficit is masked by borrowing from the Federal trust funds.

It is estimated that for fiscal year 1998, trust fund surpluses from programs such as Social Security and the Highway Trust Fund will make the deficit appear $155 billion less than it actually is. Therefore, I believe we must redouble our efforts to make sure that the budget is really balanced without borrowing from the trust funds. If a surplus does occur, I am committed to working for the following three goals:

First, we should take steps to provide for the long-term fiscal health of Social Security, Medicare and other Federal retirement programs without, I would repeat that, without increasing the payroll tax. Under current CBO projections, Medicare is scheduled to run out of funds by the year 2010 while Social Security will start to lose money in the year 2012 and be unfunded by the year 2029.

These glum predictions are not the result of gross mismanagement or because anyone is guilty of stealing money from the programs. Rather, these programs are in trouble because the average American is living longer and because health care costs are rising so fast. Therefore, it is our responsibility to make the tough choices necessary to ensure that these programs can support not only us, but more importantly, our children and the generations that come after them.

Secondly, I believe it is absolutely imperative that we begin paying down the massive Federal debt. Since 1980, the gross Federal debt has grown more than five times in size to nearly $5.5 trillion. Today, the debt is two-thirds the size of our Nation's gross domestic product and interest payments on the debt consume 15 cents of every dollar in Federal spending. Think about how much better off we would be if this money did not have to be spent on interest payments. At today's average interest rate of 6.7 percent for every $1 billion in debt we retire, we would save $55 million each and every year in interest payments.

Most economists say that by reducing the debt and thereby shrinking interest payments, we would reduce interest rates, increase savings rates, keep the tax burden down, and make more money available in both the public and private sectors to continue to fuel economic growth. It will not happen in the next 10 years, 20 years or even 30 years. But if we begin paying off the debt now, eventually we will reduce it to a manageable level so it does not eat up such a large portion of our national output.

Finally, we should be investing more in this country's economic infrastructure such as roads, bridges, inland waterways, sewage treatment plants and airports in order to make American workers and businesses more productive and profitable.

There is little doubt that investing in economic infrastructure has positive benefits for all Americans. Improving roads, updating sewer systems, modernizing airports and making sure our communications system is ready for the 21st century enhances our international competitiveness and helps American workers remain the most productive in the world.

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Despite the obvious benefits, many infrastructure projects are not today receiving adequate funds or are simply being ignored. For instance, a 1995 Department of Transportation study found that nearly one-third of the roads in this country are in poor or mediocre condition.

The Department of Defense estimates that it will be at least 12 years before adequate housing can be built for every soldier in the U.S. armed forces.

And in 1996, the Federal Aviation Administration said it would need at least $33 billion over the next 5 years to meet its capital improvement needs. Yet last year the Federal Government spent only $1.46 billion for airport development projects.

Madam Speaker, we have a moral responsibility to provide a solid and fiscally secure future for the generations that will follow us.

THE 2000 CENSUS

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

Mr. MILLER of Florida. Madam Speaker, today I rise to discuss the current status of the 2000 census.

Most Americans do not realize the size and scope of the decennial census. It is the largest peacetime mobilization of the Federal Government in history. The Census Bureau will hire and train about 500,000 Americans to carry out and conduct the 2000 census.

Under our system of government, we do not consider engaging in such a huge operation that spends billions of dollars without involving the United States Congress. Unfortunately, that is exactly what this administration has decided to do, ignore the Congress.

Most Americans do not know what the dispute over the 2000 census is all about. So let me take a moment to try and explain.

For 200 years we have conducted the census by trying to count all Americans. The fancy term for this is full enumeration. Of course, it is a difficult undertaking to count all Americans, but that is what we have been doing for 200 years. The administration does not want to do that anymore.

They no longer want to attempt to count all Americans. Instead, with the help of experts, they have designed the largest statistical experiment in U.S. history. I do not want to bore everyone with the details, but let me try and give my colleagues a basic outline of this grand experiment.

There are 60,000, 60,000 separate census tracts in the United States, each contains approximately 4,000 people. Under this new, untested theory, the administration wants to count 90 percent of the people in each of the 60,000 census tracts. And then they will use 60,000 simultaneous polls to estimate the other 10 percent in each of the census tracts. That is just step one.

And step two only gets worse. The scope of this experiment is simply breathtaking. When you see a poll in the New York Times or CNN or USA Today, the pollsters normally talk to about 1,000 or so Americans. What this administration is talking about is doing 60,000 separate polls at the same time. It has never been tried before and the potential for mistakes and errors is quite large.

The Commerce Department's own Inspector General said in December, ''We can conclude that although the 2000 census design is risky, the Bureau's fundamental problem is that it simply may not have enough time to plan and implement a design that achieves its dual goals of containing costs and increasing accuracy.''

The Inspector General goes on to state, ''Because this process is long, complex and operating under a tight schedule, there will be many opportunities for operational and statistical errors.''

Madam Speaker, I include for the RECORD the report, as follows:

U.S. DEPARTMENT OF COMMERCE,
THE INSPECTOR GENERAL,
Washington, DC, December 30, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During the Committee's May 14, 1997, oversight hearing on the Department of Commerce, you requested our views on what needs to be accomplished by what dates in order to ensure a successful 2000 decennial census. You planned to use this information as a benchmark to track the progress of the census.

In response to your request, the enclosed paper discusses decennial census milestones and associated risks. This paper does not take into account the recent decision to include plans for conducting the decennial without the use of sampling. The Census Bureau is currently in the early stages of adjusting its scheduling and cost models to reflect that decision, and we will closely monitor and report on the bureau's progress in making these adjustments.

We conclude that although the 2000 census design is risky, the bureau's fundamental problem is that it simply may not have enough time to plan and implement a design that achieves its dual goals of containing cost and increasing accuracy. The problem is evidenced by the decennial Master Activity Schedule—the primary decennial program management tool. The schedule's tightness is due to changing design details, lagging progress in some critical activities, less than full implementation of strategies and procedures, and a continuing lack of agreement between the Administration and the Congress on the appropriate use of sampling.

A recurring theme of this paper is our conclusion that, as a result of its lack of time to complete various aspects of the design, the bureau will need to ask for additional funding, reprogram funds, or accept potential quality shortfalls. To minimize the need for such actions, the bureau should immediately (1) prioritize and assess the readiness of its major design components, (2) simplify the design, (3) realistically reassess costs, (4) communicate results both internally and externally, and (5) redirect the 1998 dress rehearsal accordingly.

We discussed our findings and recommendations with senior bureau managers who generally concurred. They stated that some planned corrective actions had been delayed by the Fiscal Year 1998 continuing resolution and the recent legislation requiring both a sampling and a non-sampling 1998 Dress Rehearsal. However, the bureau has initiated a comprehensive design review to be completed in January 1998 that is intended to address our concerns. We look forward to assessing the adequacy of those corrective actions.

If you have any questions about this paper, your staff may contact either me at (202) 482–4661 or Jessica Rickenbach, our Congressional Liaison Officer, at (202) 482–3052.

Sincerely,

FRANCIS D. DEGEORGE,
Inspector General.

Enclosure.

U.S. DEPARTMENT OF COMMERCE, OFFICE OF INSPECTOR GENERAL, DECEMBER 1997

2000 DECENNIAL CENSUS: KEY MILESTONES AND ASSOCIATED RISKS

INTRODUCTION

History of Decennial Census Design

The Census Bureau, in consultation with expert advisory panels, ''reengineered'' census-taking methods to meet the challenges of accurately and cost-effectively counting an increasingly hard-to-count population in 2000. An accurate census is crucial because the Constitution requires that it be used to apportion seats in the Congress. Additionally, census data are used for a host of other important activities, including federal and state redistricting, the implementation and enforcement of the Voting Rights Act, and the distribution of billions of dollars of federal and state funds each year. Because of its centrality to decisions that last 10 years, the bureau must address concerns about the content and method of conducting the census raised by its stakeholders—federal, state, and local governments and a myriad of advocacy groups whose constituents are affected by census results.

The 1990 census was long, expensive, and labor-intensive, a situation exacerbated by a lower-than-expected public response. Because of the low response, the bureau required additional appropriations from the Congress during the census to complete the count. Despite the census' higher cost, post-analysis concluded that the count was less accurate than that of the 1980 census. Particularly alarming to the Congress and other stakeholders was the increase over past censuses in the disproportionate undercount of minorities.

The Congress convened a panel of experts from the National Academy of Sciences to study these problems and recommend actions to address them. In 1994, the panel determined that traditional counting methods alone are no longer sufficient, and recommended that to contain cost and increase accuracy, the bureau use statistical sampling and estimation as an integral part of the 2000 census design. In addition, the panel recommended that the bureau rethink and reengineer the entire census process and operations. The bureau agreed with the panel's recommendations and decided to incorporate sampling and estimation, multiple response modes, updated computing tools, and an improved national address file into the design.

The dress rehearsal, scheduled to begin in the spring of 1998, offers the Census Bureau its first opportunity to test the interrelationships of the various decennial design components. The bureau plans to closely approximate all major decennial components and their supporting automated systems in the dress rehearsal. Only a complete dress rehearsal will allow the bureau and outside

observers to document the efficacy of the 2000 census design.

OIG Monitoring of Decennial Census Design

The OIG has long been concerned about the need for the bureau to develop a sound decennial design. In an inspection report issued two years ago, we concluded that the bureau had not sufficiently refined and optimized a design that was supported by adequate research and analysis and that it lacked a credible cost estimate.[1] Among our recommendations was that the bureau derive a coherent, substantiated, cost-effective design for meeting decennial goals. Since that time, we have continued to monitor the bureau's progress in finalizing its design, offering our views on what actions needed to be taken.

This paper was developed in response to a request made by Senator John McCain, Chairman of the Committee on Commerce, Science, and Transportation, at a May 14, 1997, oversight hearing on the Department of Commerce. The Chairman wanted the OIG's perspective on milestones that the Census Bureau needs to meet in order to ensure a successful census, intending to use this information as a benchmark to track the progress of the census.

To define the requested decennial census milestones and associated risks, we present several analyses of the design using some of the bureau's activities for the dress rehearsal and the census itself. First, we identify the key activities and design components in each of the four phases of the census. Then we briefly describe how the Master Activity Schedule defines relationships between activities and calculates start and finish dates. Based on the body of work done by our office, we next provide a design risk analysis, component by component. Since few dress rehearsal activities, and even fewer decennial activities have yet occurred, we identify potential future delays in milestone activities.

BACKGROUND

Decennial Census Phases

Pre-Enumeration. Before census enumeration can start, the Census Bureau must produce, distribute, and publicize the 2000 Census questionnaire. Perhaps the most complex step in this process is creating the Master Address File (MAF)—the list of addresses of all households to be counted in the census. The MAF is being developed from information obtained from the Postal Service, the 1990 census, local governments, and field checks. Rural address capture requires temporary staff to canvass areas that have rural delivery routes or post office boxes. Before the MAF is finalized, it will be sent to local governments for review and correction.

Enumeration. Once all address information is complete, the bureau will create the address file that will be used to label questionnaires. Questionnaires will then be distributed to households in one of two ways, depending on whether they are in urban or in rural areas. Questionnaires with urban, city-style addresses will be delivered by Postal Service mail carriers. In rural areas, temporary census staff will drop off questionnaires at each household and verify the location of residences in the process.

There will always be some individuals who do not return a questionnaire or do not receive one in the first place. To allow residents to obtain census forms at locations other than their residences, the bureau will distribute additional census forms, known as ''Be Counted'' forms, at high-profile public places. Distribution sites in each community will be determined through consultation with local officials and community organizations. Additionally, temporary staff will visit shelters and soup kitchens to enumerate transient populations.

The Census Bureau anticipates that about two-thirds of all households will mail back a census form. To obtain information on the remaining one-third of households, temporary staff will visit them and attempt to conduct in-person census enumeration. Interviewers will obtain responses from at least 90 percent of all households in each census tract before terminating their activities. The bureau will use statistical estimation to determine the characteristics of the remaining nonrespondents.

Processing. As census questionnaires are mailed back, collected through follow-up interviews, or received over the telephone, they are sent to one of several processing centers. The data is then ''captured,'' or translated from paper to electronic format for computer processing. Questionnaires from within a defined geographic area are compared to eliminate any duplicate responses from a single household. The results are compiled into the unedited census file, which is used in the post-enumeration phase to produce final counts.

Post-Enumeration. After enumeration and processing, the Census Bureau will conduct an independent survey, called the Integrated Coverage Measurement (ICM) survey, during which 750,000 households will be re-interviewed by temporary staff. These second interviews serve as a quality check on all preceding census activities. Responses to the ICM survey will then be matched to each household's original census form, if one was obtained, and the data transmitted to census headquarters. The results of the quality check will be used in calculating the final statistical adjustment of the census count.

At the end of December 2000, the Census Bureau will deliver to the Congress the population counts to be used in reapportionment. By April 2001, the bureau will release the redistricting data to the states. Later, the census database will be formatted for use by other data users—federal agencies, state and local governments, and the general public.

Project Management

To help manage the planning for the 2000 Census, the Census Bureau spent much of 1997 building its Master Activity Schedule (MAS) for the census. The schedule was developed using Primavera Project Planner (P3), a sophisticated project management software tool. P3 allows the bureau to identify relationships among activities in the schedule, such as whether one activity must be completed before another can start, or whether two must end at the same time. Using activity durations developed by the bureau, P3 calculates the earliest date an activity can begin based on its relationship to predecessor activities, as well as the latest date an activity can begin before it delays successor activities. The interval between those two dates is known as ''float'' time.

The bureau's planned beginning and ending dates for each activity generally fall within the float period. Activities with zero or negative float are considered critical, meaning that they either are delaying or will delay subsequent activities unless their durations are shortened. In part because P3 provides the bureau with the opportunity to vary activity durations or relationships as part of ''what if'' analyses, it is an important tool in determining the cost, schedule, and performance trade-offs inherent in implementing the census.

The milestones identified throughout this analysis come from the MAS as of late October 1997. For major milestones, we selected important end points from a possible list of several thousand activities in the schedule. Unless otherwise specified, we used the bureau's planned start and finish dates. Appendixes I and II to this paper lists key dress rehearsal and decennial milestones from the schedule. Appendix III depicts the interrelationships among those key activities as portrayed in the schedule. Appendix IV provides a summary of our results.

RISK ANALYSIS

Phase One: Pre-enumeration

Master Address File (MAF)

Background

In 1990, the bureau purchased commercial address lists, available only for metropolitan areas, to begin its address-building process. Temporary field staff went door-to-door nationwide in 1989 to develop the 1990 Census Address Control File. Because the address list was the source of millions of errors, it was a good candidate for reengineering. Further, the list was of particular interest to local officials, who believed that they could help to improve it. In October 1994, partially in response to local government requests, the Congress passed Public Law 103–430, which requires the bureau to allow local governments to review its address list before the 2000 decennial. Consequently, bureau officials adopted an address-building program that centered on partnerships with the U.S. Postal Service and up to 39,000 local governments to build and review the MAF before the census.

This program was designed to produce an improved list at a lower cost by assigning a unique georgraphic code to city-style addresses based on the bureau's mapping system. This list is a combination of addresses from the Postal Service, the 1990 census, and local governments. Rural address capture would still require temporary staff to canvass areas that had rural delivery routes or post office boxes. The address list that emerged from both sets of activities would be sent to local governments for review and corrections. In addition to meeting the legal requirement for local government review of the address list before the 2000 census, this review would enable the bureau to obtain the most current information available while receiving early acceptance from local officials to preclude challenges after the census.

Activities at risk

Developing base MAF. Although the MAF program seemed sound in concept, when bureau staff began implementing it, a number of deficiencies became apparent. The quality, currency, and usability of the Postal Service and local government address lists varied greatly. Additionally, few local governments participated in the address-building part of the program. The bureau addressed these deficiencies by planning for targeted canvassing operations, such as a search for hidden units and checks of multi-unit structures. However, as time progressed, bureau analysts became increasingly alarmed about their inability to clearly identify the attributes of areas where errors would be most likely to occur. If it cannot identify such attributes, the bureau will be unable to accurately select the areas in need of the planned targeting, resulting in error-prone areas not being among those checked.

Acknowledging the MAF program concerns, during this past summer, the bureau's Deputy Director established a team to assess the 2000 decennial address-list building strategy. Finding this strategy to be complex, risky, and incapable of providing an adequate final product, the assessment team concluded that a 1990-style, 100-percent field check was essential and that the local review process needed to be redesigned. Consequently, the bureau has requested an additional $108.7 million to complete the MAF

See footnotes at end of article.

building process. Bureau officials say that, if the funding request is denied, they will reprogram the money from other areas to conduct the field operation.

Conducting local review of MAF. Despite its conclusions and the associated need for additional funds, the assessment team developed performance measures based on the number of local governments participating in MAF building. These participation measures seem to be considered as important as quality measures. This apparent emphasis is troubling since evidence suggests that, in some cases, local lists may contain significant numbers of inappropriate or erroneous addresses.

Further, the redesigned process calls for a more interactive process with greater technical assistance from the bureau; as a result, depending on the intensity of the bureau's efforts and the number of local governments participating, the bureau could be facing an enormous unanticipated resource drain. For example, local officials may require detailed geographic assistance to conduct reviews consistent with MAF requirements or technical assistance to match and unduplicate multiple lists using computer software. However, the current program infrastructure calls for staff whose primary skills are in public relations, not technical support. If the emphasis on local participation is not subordinated to quality concerns and the local reviews become unexpectedly numerous and intense, either cost and complexity will further increase or MAF accuracy will decrease.

Conclusion

To deliver the decennial MAF on schedule, the bureau must receive additional funding, reprogram funds, or accept potential quality shortfalls.

Phase Two: Enumeration

Nonresponse Follow-up

Background

The largest single operation in the decennial census is nonresponse follow-up—repeat mailings, visits, and telephone calls to nonresponding households. In 1990, 35.7 million housing units required follow-up. In 2000, nonresponding housing units will reach nearly 40 million, if the bureau's projections of voluntary mail response are correct.

After the traditional mail-out/mail-back phase of the census, the 2000 plan calls for applying new methods, such as making questionnaires (known as Be Counted forms) widely available in up to 32 languages, and other coverage improvement programs to further boost participation. Then, the bureau will end the initial enumeration phase, tally the responses in each census tract, and select a sample of the remainder of sufficient size to increase response rates in each tract to at least 90 percent. Using this strategy, according to bureau projections, will reduce the nonresponse workload to about 22 million housing units.

In addition to using statistical methods, another strategy for the 2000 census is building partnerships at every stage of the process with state, local, and tribal governments; community-based and other organizations; and the private sector. The bureau believes that such partnerships are valuable because local officials and community leaders understand and know their communities, and can therefore help to tailor plans for conducting the census. Local and tribal governments will have the opportunity to review, confirm, and augment the list of neighborhoods identified for targeting methods, including distributing Be Counted forms in multiple languages. Additionally, community-based organizations and local governments will help the bureau to identify strategic and high-visibility locations to serve as Be Counted form distribution sites.

According to bureau officials, despite the significant reduction in workload under the current sampling strategy, the single biggest threat to a successful census is completing nonresponse follow-up within six weeks so that the ICM survey can be completed in time to meet the December 31, 2000, legislative deadline.

Activities at risk

Making Be Counted forms widely available in multiple languages. The 2000 decennial census program to improve coverage of the hard-to-enumerate by targeting questionnaires in multiple languages may not be necessary and may conflict with the bureau's dual goals of increasing accuracy and containing costs.[2] The program may be unnecessary because the bureau has made sampling an integral part of its 2000 design to compensate for ineffective coverage improvement programs used in past censuses. Further, the 1995 Census Test results indicated that targeting areas with blank census questionnaires in multiple languages did not increase response rates for the intended populations.

Although specific program details are not yet in place, if the program is large and results in an unanticipated increase in the workload, it could hamper the bureau's ability to complete nonresponse follow-up on schedule. According to decennial census managers, the limited period available to complete nonresponse follow-up in time to conduct the ICM survey is the single biggest risk in the census. A delay in the start of the survey could compromise the bureau's ability to deliver the appointment counts to the President by the legal deadline.

Acknowledging these limitations, bureau managers have identified the goal of promoting partnerships as a justification for expanding the number of languages included, suggesting that measures of cost effectiveness are less important. Given bureau managers' intensive efforts to communicate and implement partnerships, community leaders are likely to expect to play a significant role in determining the program's ultimate scope and nature. In light of past experience, local officials will probably advocate an expansive program. Unless cost-effectiveness is a fundamental criterion, program cost growth is likely.

Conducting non-response follow-up. A long standing bureau concern has been the difficulty and expense of recruiting, hiring, training, and retaining a qualified, temporary workforce. Even under a sampling scenario, this task involves recruiting millions of people to ensure the hiring of about 500,000 staff to maintain a peak workforce. The magnitude of the problem is exacerbated by a number of potential external developments over which the bureau would have little or no control; e.g., a decline in voluntary mail response rates below the projected 67 percent, a booming economy shrinking the available workforce, or a greater-than-expected difficulty in enumerating nonrespondents.

To help address the workforce problem, the bureau contracted with WESTAT Inc. to devise a formula to calculate the optimal pay rate for each area of the country to minimize staff turnover without unnecessarily increasing wages. WESTAT concluded that the bureau could achieve an 80 percent turnover rate (a significant improvement over 1990) by setting wage rates at 70 percent of locally prevailing rates and by increasing the number of enumerators working at any one time by 50 percent over 1990. Given the nearly unprecedented pace and scale of hiring involved, however, WESTAT's calculations are subject to uncertainty. (For the discussion of some of the estimation issues related to nonresponse follow-up, see the ICM/Estimation section.)

Phase Three: Processing

Data Processing

Background

Unlike with previous labor-intensive decennial censuses, the bureau's plan for the 2000 decennial depends heavily on technology and automation. In previous censuses, the bureau used internally designed and developed technology for data processing. A prime example is its approach to data capture, the process of translating data from paper questionnaires to an electronic format for computer processing. Because the system that the bureau used in 1990 is expensive, obsolete, and unsupportable, it is acquiring a modern system, called Data Capture System 2000 (DCS 2000), which uses electronic imaging. The bureau is seeking to maximize the use of commercial-off-the-shelf components for DCS 2000, but the unique and stringent decennial census requirements necessitate customizing parts of the system. Further, DCS 2000 is a key system for the 2000 census because every response to a census questionnaire or personal visit must be processed through the system in order to become a part of the census.

Once all census questionnaires are processed, questionnaires potentially from the same address or person must be matched and ''unduplicated.'' In the 1990 census, census questionnaires were tightly controlled, with a unique identification number printed on each, and only one was sent to each household. Conversely, a key strategy for the 2000 Census is making questionnaires widely available. The bureau plans to mail two questionnaires to every household in the nation; mail a follow-up questionnaire to large households; place unaddressed questionnaires, called ''Be Counted'' forms, in public places; and allow responses by telephone and possibly over the Internet. The potential for duplication is therefore much greater than in previous censuses.

Activities at risk

Capturing data from census questionnaires. The bureau's plan for testing and implementing DCS 2000 appears feasible, but only if two conditions are met. First, the bureau must fund the contractor at agreed-upon levels. Second, the processing plan cannot be altered significantly to accommodate changes from other decennial census activities. If the bureau fails to meet the first condition, the contractor will be unable to provide full functionality. The DCS 2000 project faces the continuing threat of funding shortfalls. Without needed funds, the contractor will be unlikely to complete the full range of planned testing, which increases the risk of delays during operations.

If other parts of the decennial census require changes (e.g., in the questionnaire design or to the duration of the Be Counted program), either increased funding will be needed to pay for additional equipment and tasking, or the system will be unable to perform at the required level. For example, the bureau will be unable to process Be Counted forms in languages other than English until they are translated. If large quantities of Be Counted forms are submitted late in the census, the bureau will have to wait for translators to complete their work. To compensate for the delay, the bureau will have to process data in extra shifts, reduce quality assurance procedures, or extend the processing period. If the bureau is unable to process all questionnaires by its ''drop dead date,'' the matching of the census data to the ICM survey will be delayed, jeopardizing timely census completion.

Conducting matching and unduplication of census questionnaires and concluding all ICM matching. Because limited time is available

for processing the millions of questionnaires involved in the 2000 census, the bureau must rely heavily on automated procedures to match potential duplicate questionnaires. Preparing the algorithms necessary to automate the matching process requires a set of detailed rules indicating what constitutes a match and a duplicate. Those rules cannot be completed until the programs under which questionnaires will be made available are fully defined. The uncertainties associated with the bureau's plan to use the telephone, the Be Counted campaign, and a second questionnaire mailing, as well as each one's interaction with the sample design, have delayed the preparation of the automated matching rules.

In fact, it appears the bureau's concern about its ability to automate this process caused it to limit to one block the size of the area it will search for potential duplicates for both the census and the ICM survey. Limiting the search area decreases computational complexities and timing constraints, but increases the likelihood of duplication because housing units placed erroneously in adjacent blocks will go undetected. This limitation is particularly problematic for matching the ICM survey and census results because it increases the likelihood that a household could be incorrectly designated as undercounted.

For example, if a household at 1075 Main Street is mistakenly recorded as 1076 Main Street in the ICM survey, the household will be incorrectly sorted across the street from its actual location and placed in an adjacent block. A matching process that searched nine blocks, as was previously considered, would probably discover that this household had been enumerated in the census. A single-block search would not find this household's census enumeration and would erroneously include the household in the undercounted population. An abbreviated search area would virtually guarantee more errors in the ICM survey.

Errors in both the census and the ICM matching will be further exacerbated without adequate software development and testing. To date, however, the bureau has not completed defining the matching rules and other procedural requirements needed to develop the specifications to guide software developers. Without adequate software, the matching and unduplication process will ultimately depend more heavily on labor-intensive clerical procedures, which are expensive, time-consuming, and error-prone. A high rate of errors in this arena could result in overcounts for certain groups, which could exacerbate the differential undercount, given that the method used in the ICM survey operates through ''netting out'' over- and undercounts. (See the Post-Enumeration Phase for more discussion about issues associated with completing the survey.)

Conclusion

Completing processing of census questionnaires in time to deliver the census unedited file to the ICM survey will require stability in the rest of the design, which appears unlikely. Moreover, to deliver accurate apportionment counts on time, the bureau must have well-defined, automated procedures to match and weed out duplicate questionnaires. Without improvements in this area, quality may suffer.

Phase Four: Post-Enumeration

Integrated Coverage Measurement

Background

The census has always had an undercount. Since 1940, the Census Bureau has been able to measure the undercount; since 1990, methods have been sophisticated enough to consider correcting for it. In the 1990 decennial census, the bureau intentionally produced two sets of numbers: the census counts and the counts ''adjusted'' through a quality check called the Post Enumeration Survey (PES). The PES was a separate operation conducted upon the completion of regular census operations, in order to provide the option of adjusting the census counts for over- and undercounts. The results did not have to be completed as early as the first set of counts. Opposition to the adjustment ranged from technical to parochial, and the adjustment was not made. Bureau statisticians later conducted extensive analysis of the PES design, methodology, and results to help them develop the next-generation PES—the 2000 ICM survey.

The 1990 PES and the 2000 ICM survey differ in size, precision, and function. A major criticism of the PES was the use of indirect state estimates, which were based on samples from several states combined. In response to this criticism, the bureau increased the 2000 ICM sample size fivefold (to 750,000 households) to ensure that each state would have a large enough sample to allow for direct state estimates. This increase will provide every state with comparable levels of accuracy, as well as the assurance that corrections to a state's count are derived from residents of that state. Partially as a result of this change, the ICM survey should define the undercounted groups more precisely than the PES would. The survey should also feature improved categorization of subgroups that would share a probability of being counted or missed.

The most significant difference is that the ICM survey will be integrated into overall census operations, producing a single set of official Census Bureau counts. This ''one-number census'' is intended to be a seamless, accurate calculation of the population that will not distinguish between a housing unit determined through the ICM survey and one enumerated in any other manner. The bureau plans to provide data users with a single point estimate of a relevant population count and its combined level of error.

Activities at risk

Conducting ICM Field Interviews: ICM Size and Schedule. Because of its complexity, the ICM survey is highly vulnerable. In particular, the survey's magnitude, quality demands, and tight schedule all present serious challenges. Other than the census itself, the ICM is the largest survey the bureau will ever have undertaken—the bureau must survey 750,000 households in 25,000 census tracts nationwide. Because the ICM survey serves as a quality measure and adjustment for the entire census, it must also be extremely accurate. The bureau has stated that the survey must have a 98-percent response rate to produce a high-quality, accurate adjustment.

Perhaps the biggest obstacle facing the implementation of the survey is the time pressure it faces at both ends. At the front end, survey interviews cannot take place until the bureau receives a household's initial census response. Because the survey is one of the last census operations, it is already at risk of delay from lags in earlier projects, like nonresponse follow-up. If the survey begins late, ICM activities themselves could require ad hoc operational shortcuts, sure to compromise quality. At the back end, the bureau must implement a whole host of complex estimation and review steps.

Interview Mode. As one approach to ensure quality, the bureau plans for its thousands of interviewers to use laptop computers, rather than paper and pencil. Originally, the bureau selected Computer Assisted Personal Interviewing (CAPI) to save time by eliminating the need to process paper questionnaires and to improve quality through standardization of interviews and built-in quality control measures. Unfortunately, this area is subject to cost growth, because the bureau's cost estimates for the ICM survey do not fully capture the costs necessary to successfully manage, implement, and process it. Areas of likely cost growth include better-trained interviewers, a technical support structure, a more complicated field structure to implement laptop use, additional telecommunications to transmit data to headquarters for processing, special contractual arrangements with vendors to ensure the readiness of CAPI software, and hardware delivery nationwide.

To alleviate time pressures, the bureau recently decided to include in the dress rehearsal some early ICM interviews over the telephone after a household has returned its census questionnaire but before nonresponse follow-up has been completed in the block. Not having been tested, this approach introduces new risks and complications. Using two ICM interview techniques poses methodological concerns, and early enumeration could violate the separation of the census and the ICM survey. The integrity of the ICM design hinges on the assumption that it is fully independent of nonresponse follow-up. If residents or enumerators realize that a block is in the ICM sample before nonresponse follow-up is complete, independence is comprised, error is introduced, and the ICM survey becomes a less effective correction for the undercount. Ultimately, because early telephone ICM interviews only recently became the subject of serious consideration, there has not been enough time to develop a solid understanding of their implications. An attempt will be made to validate this approach during the dress rehearsal.

Concluding All ICM Matching: Matching. The most sensitive aspects of ICM quality control arise after initial field interviews, when ICM responses are matched to census responses and when interviewers conduct follow-up,or reconciliation, interviews. The two sets of responses must be compared to identify who was missed or erroneously counted in census operations. Households that have not yet been counted in the ICM survey, or who have offered incomplete or inconsistent responses, must then be contacted by expert interviewers. These final steps will be critical to minimize error and to raise response rates to the necessary 98 percent.

Response Rate. Current ICM interview plans propose a response rate of 98 percent, since research has shown that the undercount correction could be imprecise at response rates as high as 95 percent. Raising response rates to 98 percent will require exhaustive efforts to contact all households. In fact, some senior decennial census field division managers do not find that goal realistic. If the ICM survey begins late, the probability of achieving such a high response rate is further reduced. Perhaps the only solution involves using statistical methods (imputation) or sampling of ICM nonrespondents (subsampling). The bureau is considering the implications of both of these options. Continued indecision in this area limits the bureau's opportunities to address the ICM survey's quality assurance measures. However, at present, the bureau does not fully understand how the treatment of ICM nonrespondents will interact with other design components, contribute to error, or otherwise influence the results.

Movers. Further, the bureau has yet to finalize decisions about handling ICM responses from households that move in and out of ICM blocks between census day and ICM enumeration. Since the 1990 census, there have been concerns about accurately enumerating movers in the ICM survey. The

bureau's decision to select a means for handling movers was expected during the summer of 1997. Instead, the bureau will test different methods for the treatment of movers during the dress rehearsal, and will select an approach after analyzing dress rehearsal results. Because of the delay of this decision, there will be limited time to evaluate the selected method, address any questions arising from the dress rehearsal, and prepare software specifications and quality assurance measures relating to movers. The treatment of movers is yet another example of the questions that remain about the reliability of matching and follow-up and the adequacy of quality control in these operations.

Combining All Estimation Streams to Produce Final Counts. Census 2000 includes numerous avenues for data collection and statistical adjustment; late in the census, all these elements must be brought together into one file. Nonresponse follow-up will estimate the characteristics of the final nonresponding portion of the population and merge the results into the census data file. Included in nonresponse follow-up are a number of unique treatments for a series of special populations. For example, the bureau must estimate how many housing units in the address file are vacant buildings and adjust census files to include counts for transient populations. Finally, the file will incorporate ICM estimates.

Estimation Design and Quality Control. Because this process is long, complex, and operating under a tight schedule, there will be many opportunities for operational and statistical errors. These conditions heighten the need for procedures to control for sampling and non-sampling error, while also managing the interplay of estimation and software components. Given the importance of ensuring that undiscovered errors do not creep into the final results, the bureau must ensure timely development, refinement, and testing of the software. These activities cannot be undertaken until the bureau solidifies the estimation design.

However, estimation associated with the ICM survey in particular faces lingering methodological questions. Decennial census managers intend to make all sampling and estimation design decisions by December 31, 1997. Since significant research questions have not yet been answered, the bureau is unlikely to have the information it will need to announce a fully adequate integrated sampling and estimation plan by then.

Conducting Estimation for Small Areas and Groups. Among the research yet to be completed is research to address two issues related to the accuracy of the ICM survey. First, ICM estimates have higher error rates for small geographic areas. The survey is intended to increase accuracy by significantly reducing the differential undercount. Although the ICM survey does introduce error, for larger geographic areas it improves the data quality greatly. However, in its current design, the survey introduced increasingly error-prone estimates for small localities and in particular for block-level data.

Second, the assumption that members of demographic subgroups share a probability of being missed in the census, called the homogeneity assumption, limits the accuracy of the estimates. The ICM survey estimates a person's chances of being undercounted based on only a few characteristics. In reality, a person may be missed for many diverse reasons. Therefore, the survey offers only an approximation of who is undercounted. The bureau examined several techniques for addressing this problem. Only one showed promise, and it has serious unresolved mathematical questions. Therefore, the bureau will be forced to address this important issue with a tool that may not be fully evaluated and tested before implementation.

Applying Estimation to Blocks. The bureau is reconsidering its initial plan for applying all estimates to individual census blocks. The bureau intended to produce all population estimates in the form of households, making enumerated and estimated households indistinguishable. This approach was designed to address data user concerns about the 1990 PES method, which added an additional ''group quarter'' to each census block to hold all persons estimated as undercounted. This new approach raises fundamental questions about how results will be formatted for the data file and provided to all data users. Because of difficulties in applying the new technique, the bureau is considering reusing the 1990 method.

Implementing the One-Number Census. To deliver a one-number census that is accurate and credible requires not only mathematically proven sampling and estimation methodologies, but also highly reliable, robust, and confidentiality-assured software programs. Software of this caliber requires a controlled development approach and rigorous testing and retesting. Before the software development begins, decennial census statisticians should produce numerous sampling and estimation requirements specifications, or detailed sets of rules to implement the intended methodology, which can guide software developers. These specifications address selecting households for many applications ranging from receiving a long form to being included in the ICM survey. However, since many design decisions will not be made until December 1997, and the dress rehearsal begins in March 1998, the period available for specification preparation and subsequent software development is extremely limited.

In fact, even the long form sampling specifications, which are not based on a new technique, are almost a month late. Bureau officials plan to address delays in sampling and estimation specifications by having knowledgeable staff begin programming before the specifications are completed and formally delivered. They will then make software adjustments in an iterative manner as the dress rehearsal progresses. In a recent inspection of the decennial census software development area, we found that (1) software is not being developed in accordance with any well-defined process, (2) estimates of software development schedules and resources are not realistic for the dress rehearsal or the census, and (3) requirements for headquarters processing are immature, volatile, and likely to be late.[3] These findings call into question the bureau's ability to develop and implement complete, accurate software for the census.

Bureau managers acknowledged the deficiencies and are taking steps to address them. For example, they have contracted with a recognized software expert to recommend improvements to the software development and testing process that will assist in achieving decennial census goals. However, there is not enough time to make significant changes before the dress rehearsal software development effort begins.

FOOTNOTES

[1] *Inadequate Design and Decision-Making Process Could Place 2000 Decennial at Risk* (OSE–7329–6–0001, November 1995).

[2] *2000 Decennial Census: Expanded Targeted Questionnaire Program May Be Unnecessary and Counterproductive* (ESD–9610–7–0001, September 1997).

[3] *Headquarters Information Processing Systems for the 2000 Decennial Census Require Technical and Management Plans and Procedures* (OSE–10034–8–0001, November 1997).

Mr. MILLER of Florida. Madam Speaker, as the Chairman of the Subcommittee on the Census and a member of both the Committee on Appropriations and the Committee on the Budget, I have to stop and scratch my head. Let me get this straight. This administration has unilaterally designed the largest statistical experiment in history. Their own Inspector General raises serious concerns that it will work. The majority of Congress disapproves of the plan. Yet, the administration is moving full steam ahead with their theory. They continue to stonewall the Congress.

On November 26, 1997, President Clinton signed the Commerce, State, Justice Appropriations bill. The law states, ''that funds appropriated under this Act shall be used by the Bureau of the Census to plan, test, and become prepared to implement the 2000 decennial census without using statistical methods which will result in the percentage of the total population enumerated being as close to 100 percent as possible.''

That legislation was signed last November. Secretary Daley testified last week before the Subcommittee on Commerce, Justice, State, and Judiciary, chaired by the gentleman from Kentucky (Mr. ROGERS), and the Chairman asked a simple question, ''Do you have an enumeration plan in place?'' And Secretary Daley replied, ''If you are asking for a physical document, none is available.''

Let me respond to Secretary Daley with the same words used by Chairman ROGERS. Why not? We paid for the plan. We need cooperation, not stonewalling from this administration.

The stonewalling continues. Congress, in the exercise of its responsibility for oversight, has been repeatedly thwarted by the lack of timely and complete responses for requests for information by our oversight subcommittees. Last year, Congress had to pass legislation to force the administration to give us a status report on their plan. Then the report was full of mistakes and had to be resubmitted.

As recently as last week, the Commerce Department took the position that the Subcommittee on the Census staff should not be allowed to interview Bureau employees. They are deemed to be the best source of oversight information. The National Academy of Sciences is allowed to talk to them. The Government Accounting Office is allowed to talk to them, but not the Congress, not the elected representatives of the people, not the branch of government directed by the Constitution to carry out the census.

Our ranking member of the subcommittee maintains that ''the planning process for the next Census has been the most open and inclusive ever and has been carried out in direct accord with the wishes of Congress. . . .'' Certainly the record has shown and continues to demonstrate that this is not true.

Finally, Madam Speaker, I want to quickly change topics. There's a growing controversy out at the Census Bureau in Suitland, Maryland about a fence around the parking lot. It was put there because of repeated car thefts

and vandalism. Now, the junior Senator from Maryland is threatening to go out there and cut down the fence. Employees of the census bureau are busy trying to prepare for the 2000 Census. Is it to much to ask for them to have peace of mind that their cars will be protected from vandals while they are at work? I mean really. All they want is to keep their fence. Doesn't the Junior Senator have more pressing issues to consider?

LET US HAVE AN UP OR DOWN VOTE ON SCHOOL VOUCHERS FOR EVERYONE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized during morning hour debates for 3 minutes.

Ms. NORTON. Madam Speaker, if the average American had a kid in almost any public school today, what do you believe she would say if someone advertised free money for scholarships to attend private or religious schools? How about you colleagues?

If you are like most Americans, you believe that private schools are more selective, have better classes in some important subjects, have a better teacher/student ratio. Why not apply? Private certainly have better reputations in many parts of the country. Free money for such schools would probably get many takers if advertised anywhere in this country among any group.

Last year, some District of Columbia ministers were asked to sign on to a letter to support free scholarships—that is how it was called—for D.C. kids. They, too, jumped at the opportunity.

When they found out that these scholarships were, in fact, publicly funded vouchers, which take taxpayer dollars away from public schools, they felt deceived, had a press conference, and took their names off of the letter and off of the campaign.

In public meetings around the District, I have raised this subject regularly with my constituents who have now applied in numbers over 7,000 for some free scholarship money. Who in America would not? They are no different, however, from the 69 percent of Americans who say that they do not want public money to go to vouchers for private schools. In the District, 89 percent have voted against private school vouchers.

What the majority puts up against this vote is a poll slanted with words to try to defeat what the people said at the polls. Why is the majority picking on D.C.? If they are for vouchers, why not bring a bill to the floor to have an up or down vote for everybody for vouchers? What are they afraid of? Why do they go for the smallest, least powerful district in America? We are not the only district, I have to tell my colleagues, that has poor public schools.

I think it just may be because so many States have turned down vouchers at the polls, just as D.C. has. Listen to hear whether your State is in this list.

□ 1245

New York, Michigan, Nebraska, Oregon, Idaho, Maryland, Washington, Missouri, Alaska, California, Massachusetts, Utah, Colorado. What a cross-section of America has turned down private vouchers with public money at the polls!

Even when voucher advocates lose, however, they double back and lose again, always by more than they lost the first time. In California they lost first by 61 percent; then by 70 percent. In Washington State first by 61 percent; then they lost by 65 percent. In Massachusetts the first time they lost by 62 percent, then they lost by 70 percent. And here in the District, vouchers, public vouchers with public school money, have lost by 89 percent.

My constituents do want a better education for their children, but they are neither foolish nor selfish. They want educational choice but not at the expense of their own public schools here in the District.

I ask my colleagues: Do we want to help poor children get a better education, or do we want a veto, or do we want a lawsuit? Because that is all we will get out of a voucher bill for the District coming to the floor at this time.

If we are serious, there is a way to get scholarships for the remaining kids. Please join me in a group committed to raising private money for children who want to attend private schools in the District of Columbia.

STOP THE VIOLENCE IN KOSOVA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan (Mr. BONIOR) is recognized during morning hour debates for 3 minutes.

Mr. BONIOR. Madam Speaker, our morning papers carried the grim news of the makeshift morgue in Kosova where Serbian authorities displayed the remains of 51 ethnic Albanians who died in an attack on their village. Bodies were proudly displayed by the Serbian police, showing the world the results of their destruction of a tiny village in Kosova. Some of the dead were women and children, and many were innocent civilians. The men had been executed by the police, often in front of their wives and their children.

Although this news has come as quite a shock to most of the world, we should have all seen it coming. For 9 years Serbia has repressed and harassed the people of Kosova and dozens have died. But within the past 10 days this campaign of terror has escalated into full-scale violence. Seventy-seven have died and scores more have been beaten and jailed and harassed.

We must say strongly and forcefully that this repression and this violence cannot continue. The lessons we learned from Serbian aggression in Bosnia cannot be forgotten now. We and our allies cannot sit idly by on the sidelines. We cannot allow Milosevic to carry out his campaign of ethnic intimidation, violating the human rights of the people of Kosova.

Imposing an arms embargo and sanctions is the least we can do. Milosevic must know that any more bloodshed will not be tolerated. He must also know that the wishes of the people of Kosova cannot be ignored.

Madam Speaker, in the past we have taken to the floor to make the case for giving the people of Kosova greater freedom and independence, but today we come to the floor with a more urgent purpose, to make a plea for their lives. We must remember the commitments that have been made to protect ethnic Albanians in Kosova. We must not stray away from those commitments now, even though it means making difficult decisions.

We brought peace to the people of Bosnia only after we showed Milosevic that his brute force would be countered with swift and decisive military action. Now is the time to make sure he knows that he faces the same consequences if the violence in Kosova is not put to a stop.

This crisis has far-reaching implications but we must also keep it in focus. The people of Kosova are being brutalized and we must not allow it to continue.

RECESS

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

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Reverend Dr. Thomas F. Gulbronson, Senior Pastor, First Assembly of God Church, Alexandria, Virginia, offered the following prayer:

Our gracious Heavenly Father, the one who gives grace to all people, we exalt Your name and implore Your righteousness. Thank You for this day and this particular time in history. You have blessed this Nation and we trust that You will continue to do so. May You draw together this great country of many cultures under the banner of love.

We thank You for these lawmakers that have dedicated their lives to the service of this great Nation. May You continue to give each one of us strength and the fortitude to make choices according to Your divine will.

May we walk in love, humility, gentleness, patience and peace, which are the attributes that the Apostle Paul described as worthy of our vocation or calling. By faith, we receive these blessings and glorify You.

In the name of Jesus Christ our Lord. Amen.

JOURNAL

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

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

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

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

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

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

The SPEAKER. Pursuant to clause 5 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from the District of Columbia (Ms. NORTON) come forward and lead the House in the Pledge of Allegiance.

Ms. NORTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO REVEREND THOMAS F. GULBRONSON

Mr. MORAN of Virginia. Mr. Speaker, I do not know when it was that Pastor Tom Gulbronson realized what a gift from God and a calling for God that he had. It may have been when he was serving in the United States Air Force. I do know that since serving his country in the Air Force, Pastor Tom has been a pastor for 40 years. In fact, 20 of those years he has been Pastor at the First Assembly of God Church in Alexandria, Virginia.

Now, during that period of time he has gotten all kinds of awards, and I could list all of them, and he has spoken on the 700 Club and he has become nationally known, both for his sermons and his books and his leadership. But we know him because he is a dynamic figure in our community. People gather together under his leadership and are inspired by his commitment to God and to the principles that he has dedicated his life to.

So it is a particular pleasure to have him address this body this day. I thank the majority leader for arranging it. I thank Pastor Tom for all of the many, many years that he has served our community and our country. Thank you, Tom.

U.S.-LAOS BILATERAL RELATIONS JEOPARDIZED BY RELIGIOUS PERSECUTION

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

Mr. BEREUTER. Mr. Speaker, this Member comes before the body to alert his colleagues to a troubling situation in the Southeast Asian country of Laos. While the Laotian Constitution guarantees religious freedom for its citizens, in reality the government restricts freedom of religion, especially for Christian denominations. Recently, 40 Laos citizens and 5 foreigners, 3 of whom were Americans, were arrested and imprisoned. The official reason given for their arrest was ''illegal assembly;'' however, the real cause was related to their practice of the Christian faith.

The record of Laos in this regard is troubling. According to the State Department's Country Reports on Human Rights for 1997, the Lao government has harassed, arrested and jailed clergy members. Members of the Lao Christian community are often looked upon with distrust by their government as having connections to ''foreign influences.'' There are also unconfirmed reports that Christians have been barred from joining the Lao People's Revolutionary Party or from securing government employment.

As chairman of the Subcommittee on Asia and the Pacific, this Member sincerely hopes that the United States and Laos can develop warm and cordial relations. The potential is there. However, Mr. Speaker, this Member, through this forum, now urges the government of Laos to stop the growing trend of religious persecution within their borders.

NO FEAR OF GOVERNMENT FOR AMERICANS

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

Mr. TRAFICANT. Mr. Speaker, the IRS says, do not change the law. Taxpayers should remain guilty in a civil tax case. Unbelievable.

Let me remind Members of the recent testimony of an IRS employee before the other body about IRS reform. She demanded that she be behind a screen to hide her identity and she said she must have a voice scrambler to disguise her voice. I want to quote what she said, Mr. Speaker. ''I am afraid. I am afraid of retaliation by the Internal Revenue Service'' that she worked for.

Beam me up, Mr. Speaker. No American should fear their government, and let me say this to Congress. There can be no true substantive reform of the Internal Revenue Service without shifting the burden of proof to the government in a civil tax case. We know it, the IRS knows it, I know it, and by God, the American people know it, and the American people demand it.

GOVERNMENT THAT GOVERNS LEAST GOVERNS BEST

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

Mr. GIBBONS. Mr. Speaker, everyone outside of the bloated Federal bureaucracy knows that government that governs least governs best.

Never was this more apparent than on Friday when California reached a historic agreement with local Indians regarding Indian gaming in California. In fact, the tribal chairman there is quoted as saying ''a turning point in tribal-state relations'' has been reached.

The real significance of this agreement, however, lies more in its origin than in its content. Despite numerous attempts by Secretary Babbitt to backdoor his way into negotiations and the approval process, California has rightly asserted its sovereign status and jurisdiction. This compromise between California and sovereign Indian nations is proof that Federal intervention was not necessary, nor would it have been appropriate in this issue. California correctly and repeatedly told the Interior Department to butt out, that they do not need to be told by the Federal Government what is best for their State. Now we have proof. The Tenth Amendment works.

I urge my colleagues to cosponsor H.R. 3094, a bill which will ensure that no State must sit back while the Federal Government tramples the Constitution and blatantly disregards their sovereignty.

IN HONOR OF WOMEN'S HISTORY MONTH

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

Ms. DEGETTE. Mr. Speaker, I rise today in honor of women's history month to recognize the achievements of business women in my community and across the country. In my State of Colorado, women have had a dramatic impact on the economy. There are over 160,000 women-owned businesses in my State, which account for 40 percent of all firms in Colorado. Women employ over 350,000 people in Colorado and were responsible for generating $39 billion in sales in 1996.

While many of the businesses owned by Colorado women are traditional, such as service and retail, the greatest

increase in women-owned firms has been in industries like transportation, communications, construction, and mining. Women are making significant contributions to the economy in Colorado and across the country. I am pleased to recognize not only the advancements made by women in business, but also the vital role they play as employers and investors in today's economy.

Despite challenges and initial setbacks, women-owned businesses are at the forefront of many new and innovative ideas.

WE MUST WIN THE WAR AGAINST DRUGS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, heroin has claimed another young life in my hometown of Plano, Texas. A total of 13 young people have died from heroin there within the past year.

The local police are doing their very best to stop drugs in our schools, but they are being stretched beyond their limits. They need our help now.

I have been working with members of the North Texas delegation to have the Dallas-Fort Worth area designated as a HIDTA, a High Intensity Drug Trafficking Area, but this administration has been dragging its feet. This is a real war, and we need the resources and armor of our Federal law enforcement agencies to stop drug flow now. I urge General McCaffrey to approve the HIDTA designation as soon as possible.

Speaker GINGRICH said just yesterday our first goal ought to be to win the war against drugs. We must win this war. The survival of our children depends on it.

INTERNATIONAL WOMEN'S DAY

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

Ms. NORTON. Mr. Speaker, I choose today, International Women's Day, to call to the attention of this body that women business owners are proving to be a major factor in the most robust economy since World War II. Women business owners are showing remarkable staying power. Three-quarters of the women businesses that were in existence in 1991 are still in existence, compared to the overall American average of two-thirds of all firms.

What does this signify? What does it tell us about women? What we have already known: that the stability and hard work for which women have been known in the home, they are bringing now not only to the workplace but to owning businesses themselves.

The bipartisan Women's Caucus has put special emphasis on women-owned business. I salute the bipartisan team leaders in our caucus, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and the gentlewoman from New York (Ms. KELLY) for their leadership on women-owned business issues. They have introduced House Resolution 313, which I invite all Members to sign on. The Federal Government has a goal of 5 percent women-owned businesses. We are only at 2 percent.

TIME FOR TAX REFORM

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

Mr. JONES. Mr. Speaker, today the average American will work 2 hours and 49 minutes of an 8-hour work day just to pay his or her taxes. Many of them will go home not to spend quality time with their families, but to tackle a complicated maze of IRS rules and forms simply so they can figure out how much of their hard-earned money they will send to Washington this year.

Mr. Speaker, this is not what America should be about. The tax burden of this country is far too high, both in the size of the checks that taxpayers must write to the IRS each year and in the amount of time and money: 5 billion hours and $225 billion annually they must spend complying with the lengthy and complicated Tax Code.

□ 1415

The American people want, need and deserve a fairer, simpler tax system. I hope my colleagues in this Congress will join a bipartisan effort to provide them with the very critical tax relief they deserve.

DUE PROCESS

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

Mr. PITTS. Mr. Speaker, I try to watch the network news every day. I watch some of the political talk shows that cover the strange world of Washington, D.C. I keep waiting to see some discussion of 18 U.S. Code, section 1503.

Most people are not lawyers, but there are a lot of lawyers out there, including a lot of journalists, who know perfectly well what 18 U.S. Code, section 1503 means. It is a criminal statute that absolutely prohibits government employees from interfering in a Federal investigation. Government employees may not attempt to influence, obstruct or impede a Federal investigator.

This is not a controversial law. It is obvious that one may not impede or interfere in any way with a Federal investigation. Mafia dons may try it, but a person conducting a smear campaign to intimidate or discredit judicial officials is in violation of the law. It is not even a debatable issue.

Due process must proceed without interference immediately, period.

SURPLUS? WHAT SURPLUS? WATCH THE DEBT MOUNT

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

Mr. BARTLETT of Maryland. Mr. Speaker, for the first time since 1969, 29 years ago, the Federal Government is supposed to balance its budget and have a surplus. But will we really? Here is a lesson in government accounting.

In 1998, the Congressional Budget Office, CBO, projects there will be a surplus of $8 billion, and the national debt will be $5.5 trillion. Remember, the national debt is the total from accumulated deficits and interest payments.

In 2002, after 5 years of balanced budgets, CBO projects the surplus will be $67 billion, and the national debt will be $6.4 trillion. Let me repeat, the national debt in 1998 will be $5.5 trillion; after years of surpluses, the national debt in 2002 will be $6.4 trillion.

What is wrong with this picture? How can the government say the Federal budget will be in surplus at the same time that the national debt will increase by nearly $1 trillion? It is easy, if we do not count billions spent every year from government trust funds like Social Security.

Clearly there is no surplus. If the debt continues to go up, the budget is really not balanced, now is it?

JUDGE KENNETH STARR

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

Mr. WELDON of Florida. Mr. Speaker, what is happening right now to Judge Kenneth Starr is absolutely disgraceful. The amazing thing about it is that the smear campaign directed at Judge Starr is happening right before our eyes. Attorney General Janet Reno, the Attorney General of the United States, not some right-wing partisan, appointed Judge Starr to investigate the allegations of perjury and obstruction of justice.

Judge Starr was appointed by Attorney General Janet Reno because he had a track record of distinguished and honorable service and because he had a record of integrity, honesty and fairness. If Judge Starr has acted improperly in any manner, Attorney General Janet Reno should remove him immediately as Independent Counsel. If Judge Starr has shown himself to be conducting his investigation in an unfair, partisan manner, the Attorney General must act immediately to replace him. But if Judge Starr has done nothing wrong or improper, Attorney General Janet Reno should make a statement demanding that friends of the White House stop interfering with his investigation and stop the campaign to destroy him.

All Federal prosecutors must be free of outside interference.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:20 p.m. today.

Accordingly (at 2 o'clock and 20 minutes p.m.), the House stood in recess until approximately 4:20 p.m.

□ 1621

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 4 o'clock and 21 minutes p.m.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2495

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 2495, the Higher Education for the 21st Century Act.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

PERMITTING USE OF ROTUNDA FOR CEREMONY IN COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 206) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The Clerk read as follows:

H. CON. RES. 206

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridian until 3 o'clock post meridian on April 23, 1998, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

Mr. Speaker, the concurrent resolution that we have before us is a renewal of what has become an annual and a moving event. House Concurrent Resolution 206 permits the use of the rotunda in the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. The two names most associated with requesting this event through the House of Representatives are the gentleman from Illinois (Mr. YATES) and the gentleman from New York (Mr. GILMAN). The sum and substance of this concurrent resolution is to allow for the physical use of the Capitol rotunda to remember, quite appropriately at the seat of freedom, the victims of the Holocaust.

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

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, it is a small irony that I am here today as the ranking Democrat on this committee. Both my parents survived the Holocaust in Europe. My father's village was liquidated. Certainly after Pearl Harbor, my mother was lucky enough to flee her homeland and was saved in much of the war in Kazakhstan and other deep parts of Russia.

It is, for me, a particularly important statement to make to the world not simply to remember the cruelty that occurred, but also to recognize the incredible courage of those who survived, who shortly after these dark days, went out, formed families, moved their families. Many of them came to the United States to create new lives and meet new challenges.

But it would not be enough if we simply have this historic event just to remember, because we all need to learn a lesson where hatred and bigotry and prejudice existed. Hitler had many victims, not just the Jews; gays, gypsies and others were also victims of Hitler's torture, terror and death.

I would hope, as we continue this tradition, we also continue to remember that hatred is not dead among us today, and we need to continue that fight.

Mr. Speaker, I commend the gentleman from California for his efforts here today.

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

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

Mr. Speaker, I want to commend the gentleman from Connecticut because what he has done is pointed out the fact that although a number of people believe this to have been a historical event with no real relevance to the present, the clear indication that there are people who are living who actually have this as a portion of their lives brings home how close it is to a number of Americans.

I want to underscore the fact that when we began this commemorative, it was before the opening of the Holocaust Museum, and that it tended to appear to be an annual event. One of the nicer aspects of the Holocaust Museum as one of the key places to visit in the Capital today is that it is an ongoing remembrance, because clearly we do not want to just commemorate what occurred; we want to remember to make sure that it does not happen again.

Mr. GILMAN. Mr. Speaker, I rise in support of H. Con. Res. 206, sponsored by our distinguished colleague from Illinois, Mr. YATES, and wish to also commend the Chairman of the House Committee on House Oversight, Mr. THOMAS, for the expeditious consideration of this bill.

House Concurrent Resolution 206 will permit the use of our Congressional Rotunda for the annual ceremony to commemorate the days of remembrance of victims of the Holocaust.

The annual days of remembrance, sponsored by the Holocaust Memorial Council of which Mr. YATES and I are both congressional members, will be held on April 23, 1998.

This important commemorative program allows Congress and the Nation to observe the days of remembrance for victims of the Holocaust, to pay tribute to the American liberators of the concentration camp's survivors, and by commemorating this enormous tragedy, ensuring that it will never happen again anywhere in the world.

Accordingly, Mr. Speaker, I am pleased to join in urging adoption of this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 206.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

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

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

There was no objection.

BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

The Clerk read as follows:

S. 419

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Birth Defects Prevention Act of 1997''.

(b) FINDINGS.—Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

(5) Public awareness strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance programs to prevent Fetal Alcohol Syndrome, are essential to prevent the heartache and costs associated with birth defects.

SEC. 2. PROGRAMS REGARDING BIRTH DEFECTS.

Section 317C of the Public Health Service Act (42 U.S.C. 247b–4) is amended to read as follows:

''PROGRAMS REGARDING BIRTH DEFECTS

''SEC. 317C. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

''(1) to collect, analyze, and make available data on birth defects (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and on the incidence and prevalence of such defects;

''(2) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects; and

''(3) to provide information and education to the public on the prevention of such defects.

''(b) ADDITIONAL PROVISIONS REGARDING COLLECTION OF DATA.—

''(1) IN GENERAL.—In carrying out subsection (a)(1), the Secretary—

''(A) shall collect and analyze data by gender and by racial and ethnic group, including Hispanics, non-Hispanic whites, Blacks, Native Americans, Asian Americans, and Pacific Islanders;

''(B) shall collect data under subparagraph (A) from birth certificates, death certificates, hospital records, and such other sources as the Secretary determines to be appropriate; and

''(C) shall encourage States to establish or improve programs for the collection and analysis of epidemiological data on birth defects, and to make the data available.

''(2) NATIONAL CLEARINGHOUSE.—In carrying out subsection (a)(1), the Secretary shall establish and maintain a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and the general public information on birth defects, including the prevention of such defects.

''(c) GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants to and enter into contracts with public and nonprofit private entities.

''(2) SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.—

''(A) Upon the request of a recipient of an award of a grant or contract under paragraph (1), the Secretary may, subject to subparagraph (B), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

''(B) With respect to a request described in subparagraph (A), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

''(3) APPLICATION FOR AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the award is to be made.

''(d) BIENNIAL REPORT.—Not later than February 1 of fiscal year 1998 and of every second such year thereafter, the Secretary shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report that, with respect to the preceding 2 fiscal years—

''(1) contains information regarding the incidence and prevalence of birth defects and the extent to which birth defects have contributed to the incidence and prevalence of infant mortality;

''(2) contains information under paragraph (1) that is specific to various racial and ethnic groups (including Hispanics, non-Hispanic whites, Blacks, Native Americans, and Asian Americans);

''(3) contains an assessment of the extent to which various approaches of preventing birth defects have been effective;

''(4) describes the activities carried out under this section; and

''(5) contains any recommendations of the Secretary regarding this section.

''(e) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

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

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

Mr. BILIRAKIS. Mr. Speaker, S. 419, introduced by Senator BOND of Missouri, calls for a national strategy to prevent birth defects. This legislation has a history of bipartisan support with key provisions having passed both the House and Senate previously.

It passed the Senate by voice vote on June 12, 1997. The bill was cosponsored by 34 Senators, including both the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE. The companion House bill, H.R. 1114, was introduced by the gentleman from Texas (Mr. ORTIZ) and the gentleman from Texas (Mr. BONILLA) and has 162 cosponsors.

The Birth Defects Prevention Act was first introduced by the gentleman from Texas (Mr. ORTIZ) in 1992 in response to a tragedy that occurred in south Texas where a cluster of devastating birth defects escaped detection for several years. I want to particularly, Mr. Speaker, commend the gentleman from Texas (Mr. ORTIZ) for his commitment to preventing birth defects and for his leadership on this legislation; and to best exemplify that commitment, I would share with my colleagues the fact that when I called him as a matter of courtesy with a plan to offer Senator BOND's bill, rather than his, because the Bond bill was already passed by the Senate unanimously, he without hesitating said, ''Mike, I don't care about credit. The important thing is to get the bill passed.''

Mr. Speaker, each year 150,000 infants are born with serious birth defects according to the Centers for Disease Control and Prevention. Many more children are found to have such disorders later in life. According to the March of Dimes, birth defects have been the leading cause of infant mortality for more than 20 years. Birth defects cause one out of every 5 infant deaths and they are responsible for about 30 percent of all pediatric admissions to hospitals. Among the babies born with birth defects who survive, a large number develop serious disabilities with high emotional and social costs.

Families from all racial, ethnic and economic groups share the risk of having a child with a serious birth defect. S. 419 authorizes a national plan to prevent birth defects. These efforts would be coordinated by the CDC as a partnership between the Federal and State governments, as well as health and education groups involved in birth defects prevention.

□ 1630

The strategy has three components: surveillance, research, and prevention.

First, surveillance is necessary to track the incidents of birth defects and identify communities and populations at higher risk. Currently, 31 States

have some surveillance program. In my own State of Florida, a surveillance system was approved and funded in 1997 and will become operational in 1998. According to the Florida Department of Health, 21 percent of infant deaths in Florida are related to birth defects. Florida's Secretary of Health, Dr. James T. Howell, has expressed strong support for the measure under consideration today.

S. 419 directs the CDC to carry out through the States a program to collect, analyze and report statistics on birth defects. Over the past several years the CDC has received additional Federal support to provide this technical assistance and to fund cooperative agreements to help States establish or improve the State-based surveillance programs. Additional funds were included in the fiscal year 1998 budget which will provide assistance to additional States this year.

The second component of the bill relates to CDC research activities. The causes of 75 to 80 percent of birth defects and developmental disabilities are unknown. Until the causes are known, prevention strategies cannot be developed. S. 419 authorizes at least 5 regional centers to conduct and apply epidemiological research on the prevention of birth defects.

As of October 1, 1997, 8 centers for birth defects research and prevention are already in operation, and these are located in Massachusetts, Iowa, California, New York, Texas, Arkansas, New Jersey and Georgia. These centers contribute cases into an ongoing collaborative study to determine causes of birth defects. The National Birth Defect Prevention Study is one of the largest case control studies of birth defects ever conducted, Mr. Speaker. The study also provides a mechanism for collaboration among the most prominent national researchers into the causes of birth defects.

In addition, each center will expand and approve their State birth defects surveillance systems and will conduct additional studies of potential genetic and environmental causes of birth defects. The research conducted by these centers will dramatically increase our understanding of the causes of birth defects and will provide information for developing effective programs to prevent the tragedy of birth defects.

Finally, prevention activities also include professional and public education about birth defects as called for in the bill. The CDC has helped to establish a new organization called the National Birth Defects Prevention Network. This network provides technical assistance to States in the development and implementation of programs, publishes a newsletter, conducts special projects, and holds workshops for members. The network will play a major role in improving the quality of data collected about birth defects.

The goal of birth defects surveillance and research is to develop intervention strategies to integrate into our public health and medical care systems. Preventing those defects will reduce costs for medical care and other services for affected families and society.

S. 419 is supported by many groups representing families of children with birth defects, researchers working to find the causes, and health officials trying to prevent birth defects. Passage of the bill is also the top Federal legislative priority of the March of Dimes. This organization's mission is to prevent birth defects and infant mortality. The March of Dimes has 99 chapters around the country and 3 million volunteers.

Last September over 500 March of Dimes volunteers and staff came to Capitol Hill to urge passage of the bill. I was impressed by the commitment of the volunteers from my district, John and Suzie Haden and their daughter, Lindsey, who live at Palm Harbor, Florida.

Mr. Speaker, 1998 marks the 60th anniversary of the March of Dimes and I believe that passage of this bill is a fitting way to commemorate this important anniversary. Passage of S. 419 today will underscore this Congress's strong commitment to the most vulnerable in our society, our children, and particularly those with special health care needs.

Again, Mr. Speaker, I thank my colleagues, the gentleman from Texas (Mr. ORTIZ) and the gentleman from Texas (Mr. BONILLA), for their leadership in sponsoring this legislation. And I certainly thank the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. BROWN) for their willingness to basically waive the rules and bring this to the floor, and I urge all of my colleagues to support passage of S. 419.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 150,000 children in the United States are born each year with a serious birth defect. Depending on the severity of the defect, many of these children die at a young age. Almost 1 out of every 5 infant deaths can be attributed to birth defects, according to recent data from the National Center for Health Statistics. Those who grow up to be adults oftentimes develop serious mental, emotional and physical disabilities.

Compounding these human costs are the staggering financial burdens facing the families whose children suffer from birth defects.

Fortunately, there are reasons to hope that the future is brighter for individuals suffering from birth defects and that we will ultimately be successful in our efforts to prevent more infants from suffering from these horrible illnesses in the future.

As the ranking Democrat on the Subcommittee on Health of the Committee on Commerce, I am pleased to join the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Michigan (Mr. DINGELL) in bringing legislation to the floor today to address this serious public health problem.

I would also like to say a special thanks to the gentleman from Texas (Mr. ORTIZ) who has worked so hard on this issue. He has dedicated many years to passing legislation to provide CDC with the tools to reduce the number of children born with birth defects and reduce the economic costs associated with this national tragedy. The gentleman from Texas has been a tireless champion in the fight against birth defects, and without him and his efforts, we probably would not be here today considering this bill.

Many birth defects are preventable, and with integrated systems in place to help health care providers evaluate needs and deliver services and implement effective prevention strategies, we can win the fight against birth defects. Just as we have eradicated life threatening and crippling diseases like smallpox and polio, we can similarly win the battle against birth defects. I urge my colleagues to support this legislation which will ensure that millions of children have an opportunity to grow up healthy and strong, free of debilitating and life-threatening birth defects.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I want to encourage my colleagues to support this legislation. I certainly want to thank Senator BOND for the leadership role he has played in the Senate, and the gentleman from Texas (Mr. ORTIZ) here in the House for addressing this problem that is really the number one cause of infant death.

As the gentleman from Florida (Mr. BILIRAKIS) has already said, 150,000 births every year are affected with serious birth defects, but about 3 percent of all births have birth defects. Three out of 100 families with new babies deal with birth defects.

This bill will put a system in place where we can begin for the first time to collect and share that information. It also puts a system in place where for the first time we can begin on a project basis to look and see if we cannot solve these specific problems that lead to these results, and eliminate this problem.

This is an incredible challenge, not only important to the families and individuals involved, but it is a challenge in our society that we should not let continue to be a challenge for our society. We can solve it. This bill does solve it. I urge my colleagues to support this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 8 minutes to the gentleman from Texas (Mr. ORTIZ).

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

I am extremely pleased to see this legislation come to the floor of the

House. This has been a bipartisan effort from the very, very beginning.

Mr. Speaker, there are many people to whom this effort means so much, and I want to thank them. They include the gentleman from Florida (Mr. BILIRAKIS), the subcommittee chairman, the gentleman from Ohio (Mr. BROWN), the ranking member of the subcommittee, and their staffs; along with Committee on Commerce chairman, the gentleman from Virginia (Mr. BLILEY), and the gentleman from Michigan (Mr. DINGELL), the ranking member, and their staffs; the March of Dimes, for their undying support; Senator CHRISTOPHER BOND, who moved the companion legislation in the Senate; and my colleague from Texas, (Mr. BONILLA), who as lead cosponsor of this bill worked hard to push this legislation. Lastly, I would like to thank all of the 163 cosponsors who have joined to champion the cause of reducing the rate of birth defects in our country.

This legislation was first introduced in 1992, in response to the tragedy that occurred in part of my district of Cameron County, Texas, where a cluster of devastating birth defects escaped detection for several years. In March of 1991, a nurse helped deliver 2 babies in a 36-hour period. Both babies had anencephaly, a lethal birth defect in which the baby either has only a partial brain or is born with no brain at all. This pattern triggered this very competent nurse to review recent hospital birth records where she found a pattern of six babies born with anencephaly in the previous month.

These incidents caused unbelievable anguish and misery in my south Texas community. However, I want my colleagues to understand that anencephaly and other birth defects are not only prevalent in south Texas but all over the United States. I was told that there are no means to detect such birth clusters around our Nation, so I introduced this bill to establish a surveillance system.

This bill creates regional birth defects centers to study the information about birth defects. It creates a clearinghouse for the Centers for Disease Control so information on birth defects is centralized. Families all over the Nation, from all racial, ethnic and economic groups, share the risk of having a child with a birth defect.

Birth defects are preventable. This bill will provide an important first step in helping our country's next generation to be healthy and active members of our communities.

Birth defects research is a wise investment. The children and the families of Cameron County sounded this alarm, and I am proud that today Congress answers the call for investigation. Nothing is more important than our kids.

Mr. Speaker, at this time I would like to engage the distinguished gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health and the Environment, in a colloquy for a few moments, if I may.

Some of my constituents, Mr. Speaker, wrote to me raising a concern about whether the Birth Defects Prevention Act will impose a burden on their religious practices. It is not my intent that this bill detrimentally affect religious practices or religious freedom.

Let me ask a question. Nothing in this act is designed to preempt existing State religious accommodation laws which allow those with religious objections to decline to have personal health information about themselves, or their minor children, included in birth defects information collection, analysis and reporting; is that correct?

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

Mr. ORTIZ. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, the gentleman from Texas is very certainly correct. States have historically provided accommodations in their laws for individuals whose religious beliefs and practices would be burdened by certain governmental programs. This act does not preempt those existing State religious accommodation laws. Moreover, this bill does not limit a State's authority to enact religious accommodation laws in the future.

Mr. ORTIZ. Mr. Speaker, I thank the gentleman and the ranking member for their support because without that help, this would not be on the House floor today, and I thank my colleagues for their support.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume to say that the gentleman from Texas (Mr. ORTIZ) has thanked me and others, but all of us as well as the little children out there should be grateful to him, because he has worked awfully hard on this particular issue. The only reason we brought up Senator BOND's bill is because it has already been taken care of in the Senate and it would just expedite the process.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, there is nothing in the world that can possibly console a family when they learn that their newborn child has been victimized by a preventable birth defect. Sometimes there is nothing in our universe of knowledge that can explain to proud new parents why their child has been born with a debilitating condition that he or she will carry for the rest of their life. Still worse, because birth defects are the leading cause of infant mortality, that debilitating condition will often lead to tragic death. We can and must take prudent actions to respond to this public health tragedy, which is why this bill before us today, the Birth Defects Prevention Act, is of such importance.

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As a mother, I can tell my colleagues that Bill and I were blessed with happy and healthy children. There is not a day that goes by that I do not thank the good Lord and say many prayers for that wonderful blessing.

But some people are not so fortunate. In fact, the district that I represent in southern Missouri is home to the highest rate of birth defects in the State. Scientists cannot yet tell us what causes all birth defects, but we know from the brilliance of modern science that many birth defects can be prevented.

The March of Dimes, which is leading America's battle against this national tragedy, informs us that if American women consumed just 400 milligrams of the B vitamin folic acid each day, 50 to 75 percent of all cases of spina bifida and anencephaly would be prevented. The discovery that the use of this simple, widely available vitamin is proven in the prevention of neural tube defects is one of most exciting medical findings of the last part of this century.

According to Dr. Godfrey Oakley, director of the Centers for Disease Control's Division of Birth Defects and Developmental Disabilities, ''Not since the rubella vaccine became available 30 years ago have we had a comparable opportunity for primary prevention of such common and serious birth defects.''

Mr. Speaker, I am especially excited about the outreach efforts called for under this bill. I know from my own experience that expectant mothers need all of the information they can get about what it takes to raise a healthy child. The strategy called for under this bill to track regional incidences of birth defects also will help public health officials identify opportunities to prevent future occurrences of birth defects.

In closing, I want to thank the gentlemen from Texas (Mr. ORTIZ) and (Mr. BONILLA) for taking an early lead here in the House by sponsoring the Birth Defects Prevention Act. I also want to extend my great appreciation to the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) for their efforts to pass this bill, as well as the gentleman from Ohio (Mr. BROWN).

Certainly, not the least, my State's senior Senator, KIT BOND, who is sitting with me here in the House Chamber right now, seized the initiative by writing this bill and guiding it through the other body by a firm unanimous vote. He has been a true leader in this endeavor to help promote the public health by taking common-sense steps to prevent birth defects.

Mr. Speaker, I want to encourage all of my colleagues to join in supporting the Birth Defects Prevention Act. With Mother's Day fast approaching, I can think of few better responsive actions we can take to help promote the health of America's children.

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

Mr. DINGELL. Mr. Speaker, I do not want to take up too much of this body's valuable time so I will be brief.

I am pleased to join my distinguished colleagues Mr. BILIRAKIS, Mr. BROWN, and particularly Mr. ORTIZ, in support of the enactment of S. 419, the Birth Defects Prevention Act. This important public health measure should provide significant dividends by reducing preventable birth defects. I am disappointed to think how much more good this bill would have done had it been enacted when first proposed by my good friend and distinguished colleague, Mr. ORTIZ. He should take justifiable pride in his work on this bill.

Thousands of healthy babies will be born in the future whose lives would have been far different if not for my colleague's efforts. When these babies grow up they will not know to thank him, nor should they. Such is the nature sometimes of the work we do here.

Although a regrettable situation in Texas involving children born with spina bifida demonstrated the need for this legislation, the Birth Defects Prevention Act will have powerful and positive benefits everywhere in America. The heart wrenching statistics on birth defects have been vividly set forth by my colleague, Mr. ORTIZ, and by my other colleagues who have spoken in favor of this bill. The collection of surveillance data and epidemiological research to study the incidence of birth defects and their causes will lead directly to the design and implementation of prevention programs. Two leading causes of preventable birth defects, spina bifida and fetal alcohol syndrome, will be among those targeted for public and professional information and education programs.

Mr. Speaker, this bill is a fitting capstone to the strong leadership and sustained effort on this issue by the gentleman from Texas and others. I commend him and my other colleagues here and in the other body for their superb efforts and I am delighted to join with Mr. ORTIZ and the rest of my colleagues in support of this important legislation.

Mr. BLILEY. Mr. Speaker, I am pleased to rise in support of this bill. As you know, the Committee on Commerce has a long and proud tradition of promoting and improving the health of America's children.

That is why the committee discharged S. 419—to make today's vote possible.

Mr. Speaker, birth defects are one of the most serious and compelling health problems in the United States today.

Ironically, they are also one of the most overlooked.

Birth defects affect over 3 percent of all births in America, and they are the leading cause of infant deaths.

S. 419 addresses this problem in a number of important ways:

It broadens public and professional awareness of birth defects and new prevention strategies. It is our intention that this effort will expand the practice of pre-natal surgery—a remarkable step forward that can prevent birth defects and save countless lives.

This bill also establishes a national clearinghouse for data on birth defects.

Finally, it puts in place a meaningful State surveillance effort.

In response to concerns raised by some, I think it important to clearly state what this bill does not do: S. 419 does not make any funds available for abortion or euthanasia. Instead, these funds are for the prevention of birth defects—and it is the unanimous intent of the Congress that this goal not be met through the use of these funds for abortion or euthanasia.

In closing, Mr. Speaker, I would like to note that this bill is strongly supported by the March of Dimes Birth Defects Foundation, which has worked very hard on this critical issue. I hope all my colleagues will join me in adding our support to it, as well.

Mr. PAUL. Mr. Speaker, I rise in opposition to S. 419, yet another circumvention of the enumerated powers clause and tenth amendment by this 105th Congress in its continued obliteration of what remains of our national government of limited powers.

For most of the past thirty years, I have worked as physician specializing in obstetrics. In so doing, I delivered more than 4,000 infants. Despite what I believe to be a somewhat unique insight on the topic of birth defect prevention, today, I address the house as a Congressman rather than as a physician.

As a Congressman, I have repeatedly come to the house floor to denounce the further expansion of the federal government into areas ranging from ''toilet-tank-size mandates'' to ''public housing pet size;'' areas, that is, where no enumerated power exists and the tenth amendment reserves to state governments and private citizens the exclusive jurisdiction over such matters. My visits to the floor have not gone uncontested—proponents of an enlarged federal government and more government spending have justified their pet spending and expansionist projects by distorting the meaning of the ''necessary and proper'' and ''common defense and general welfare'' clauses to encompass the constitutionally illegitimate activities they advocate. Even the Export-Import Bank and Overseas Private Investment Corporation during Foreign Operations Appropriations debate were constitutionally ''justified'' by the express power to ''coin money and regulate the value thereof''? In other words, where money exists, credit exists—where credit exists, loans exist—where loans exist, defaulters exist—and from this, the federal government has a duty to bail-out (at taxpayer expense) politically connected corporations who make bad loans in political-risk-laden venues?

In the Federalist Papers, Madison and Hamilton strongly denied such views with respect to the necessary and proper clause. Madison was similarly emphatic that the ''defense and welfare'' clause did not expand the enumerated powers granted to Congress. To the extent these clauses encompass the enumerated powers (rather than merely serve as their preamble), one must ask why then the federal powers were, in fact, enumerated in Article One, Section 8.

Chiefly to resolve ambiguities about the national powers, the tenth amendment, proposed as part of the Bill of Rights by the Federalist-controlled first Congress, was added, declaring that the ''powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'' According to constitutional scholar Bernard Siegan, University of San Diego College of Law, the Constitution might never have been ratified had the Federalists' representations in this regard not been accepted by a portion of the public. Siegan also reminds us that the Framers rejected the notion of empowering the national government to grant charters of incorporation; establish seminaries for the promotion of agriculture, commerce, trades, and manufactures; regulate stages on post roads; establish universities; encourage by premiums and provisions, the advancement of useful knowledge; and opening and establishing canals. Each notion was introduced during the convention and voted down or died in committee.

Jefferson, in one of his most famous remarks, when addressing the issue of whether to grant a federal charter to a mining business, recognized below the slippery slope of a lax interpretation of the ''necessary and proper'' clause:

> Congress are [sic] authorized to defend the nation. Ships are necessary for defense, copper is necessary for ships; mines, necessary for copper; a company necessary to work the mines; and who can doubt this reasoning who has ever played at ''This is the House that Jack Built''? under such a process of filiation of the necessities the sweeping clause makes clean work. [1 c. Warren, The Supreme Court United States History 501 (Rev. ed. 1926]

Cleary, while engaging in such congressional activism makes ''clean work,'' it also makes for an oppressive national government involved in every aspect of its citizens' lives. Remember that in engaging in such activism, the next liberty upon which the Congress infringes, may be your own.

I, for one, am uninterested in further catapulting this country down this ''road to serfdom'' albeit a road paved with the good intentions of, in this case, ''preventing birth defects''. If this matter is so vital that it can only be done via the power of the federal government, then I suggest that members of the House convince their constituents of this and amend the constitution accordingly. I, despite my extensive work as an obstetrician, remain unconvinced. A volunteer group, private charity, hospital trade association, or university could certainly, in this age of advanced computer technology, maintain a database necessary to adequately address the information needs of those hoping to advance the cause of birth defect reduction. This, I believe would be a solution compatible with the framer's notion of a national government of limited powers.

For these reasons I oppose S. 419, the Birth Defects Prevention Act of 1997.

Mr. BONILLA. Mr. Speaker, I rise today in support of S. 419, The Birth Defects Prevention Act. This bill is aimed at curbing a very serious problem that hits over 150,000 American families each year, birth defects.

Birth defects strike over three percent of all births in America and are the leading cause of infant death. The real tragedy is that many of these birth defects and deaths could be prevented.

The horrifying impact of birth defects touched my home state of Texas just a few years ago. In the early 1990's health officials noted extremely high numbers of children born with neural tube defects in Cameron County, in my colleague SOLOMON ORTIZ'S district.

Unfortunately, the tragedy did not stop there. During a short four month period of 1995, six infants were born without brains or with only partial brains in Eagle Pass, Texas, a city in my congressional district. Despite a massive investigation by medical researchers, the cause of these outbreaks were never discovered. Nightmares like these must never happen again.

That's why I was proud to join my colleague, SOLOMON ORTIZ in introducing the Birth Defects Prevention Act. This bill will link

the researchers and health care providers to the important information they need to curb birth defects and prevent other tragedies like the ones along the Texas/Mexico border.

Biomedical researchers are making progress in preventing birth defects. Recently, scientists discovered the crucial role of the vitamin folic acid in preventing birth defects. Despite discoveries like this, the fact remains that researchers and health care professionals just don't know what causes most birth defects.

That's why this bill is so important. The bill establishes a National Information Clearinghouse on Birth Defects. This national, state-based, tracking system will count the number of babies born with birth defects, identify the causes and start community prevention programs. By learning all the facts surrounding birth defects, we have a chance to get ahead in the fight against them.

Education and research are key to fighting birth defects. With the programs established in the Birth Defects Prevention Act, hopefully fewer American families and children will be forced to live with the tragedy of birth defects.

I would like to conclude by recognizing the dedication of the March of Dimes in the fight against birth defects. Their hard work in trying to eradicate the number one killer of American babies is truly outstanding.

Mr. BRADY. Mr. Speaker, today I rise in support of S. 419, the Birth Defects Prevention Act, and am pleased to be a cosponsor of its companion bill in the House of Representatives, H.R. 1114, which was introduced by two of my colleagues from the Texas delegation. As you know, this legislation was first introduced in the 102nd Congress in response to the tragedy that occurred in South Texas where a cluster of devastating birth defects escaped detection for several years.

S. 419 builds on legislation I introduced in the Texas House of Representatives in 1993 and that was signed into law. Anne Andis, from The Woodlands, Texas, was told when she was 10 weeks pregnant that her baby would be born with anencephaly, the same birth defect plaguing women and infants in South Texas. Her physician advised an induced delivery immediately. However, after agonizing over this decision with her husband and their two young daughters, they decided to have the child. Emma was born in February 1992 and lived for five days.

After Emma's death, Anne became involved in lobbying efforts to establish a birth defects registry in Texas after learning of the tragic situation in South Texas where an unexplained cluster of babies were being born with partial brains. Anne is a heroine because she agreed to make a very private tragedy public and was the motivator of Texas' efforts.

As you know, S. 419 calls for the establishment of a National Information Clearinghouse on Birth Defects to collect and disseminate to health professionals and he public information on birth defects, including prevention measures. It also directs the Centers for Disease Control to carry out, through the states, a program to collect, analyze and report statistics on birth defects.

Mr. Speaker, 150,000 infants are born each year with a serious birth defect. Many more children are found to have such disorders later in life. Families from all racial, ethnic and economic groups share the risk of having a child with a serious birth defect. Furthermore, for more than 20 years, birth defects have been the leading cause of infant mortality. Surveillance is necessary to track the incidence of birth defects and reduces their impact of public health. Again, I am proud to be a cosponsor of this legislation. We can not begin to stop birth defects until we know when and where they are occurring. For families across our Nation like the Andis family, we must pass this legislation.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 419, the Senate bill presently under consideration.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, we have Senator BOND here, who I know must be chomping at the bit to get up and talk about this. We are certainly very grateful to him for his leadership in the Senate. I guess our rules do not allow that.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 419.

The question was taken.

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 4 o'clock and 49 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 5, rule 1, the Chair will now resume proceedings on approval of the Journal and put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approval of the Journal de novo; House Concurrent Resolution 206, by the yeas and nays; and S. 419 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on agreeing to the Speaker's approval of the Journal.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 365, nays 39, not voting 26, as follows:

[Roll No. 40]

YEAS—365

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos

Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—39

Becerra
Bonior
Borski
Brown (CA)
Chenoweth
Clay
Clyburn
Costello
Crane
DeFazio
Dickey
English
Ensign
Fazio
Filner
Fox
Ganske
Gephardt
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Kingston
Kucinich
Lewis (GA)
LoBiondo
Moran (KS)
Nussle
Ramstad
Sabo
Schaffer, Bob
Sessions
Taylor (MS)
Thompson
Waters
Watts (OK)
Wicker

NOT VOTING—26

Barton
Blagojevich
Brady
Buyer
Davis (VA)
Fattah
Furse
Gilchrest
Gonzalez
Harman
Hefner
Hinojosa
Inglis
Kennedy (MA)
Luther
McCarthy (NY)
Pickett
Poshard
Riggs
Rodriguez
Rush
Schaefer, Dan
Schiff
Schumer
Weller
Young (FL)

☐ 1722

Mr. TAYLOR of Mississippi changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF MEMBER AND APPOINTMENT OF MEMBER AS CONFEREE ON H.R. 1757, STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER. The Chair wishes to announce that pursuant to clause 6(f), rule X, the Chair removes the gentleman from Iowa (Mr. LEACH) as a conferee on H.R. 1757 and appoints the gentleman from Indiana (Mr. BURTON) to fill the vacancy.

The Clerk will notify the Senate of the change in conferees.

PERMITTING USE OF ROTUNDA FOR CEREMONY IN COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 206.

The Clerk read the title of the concurrent resolution.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 206, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 24, as follows:

[Roll No. 41]

YEAS—406

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

NOT VOTING—24

Barton
Blagojevich
Brady
Buyer
Davis (VA)
Fattah
Furse
Gilchrest
Gonzalez
Harman
Hefner
Hinojosa
Inglis
Kennedy (MA)
McCarthy (NY)
Pickett
Poshard
Riggs

Rodriguez
Schaefer, Dan
Schiff
Schumer
Weller
Young (FL)

□ 1733

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, On roll call votes 40 and 41 had I been present, I would have voted yes.

BIRTH DEFECTS PREVENTION ACT OF 1997

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the question of suspending the rules and passing the Senate bill, S. 419.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 419, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 23, as follows:

[Roll No. 42]

YEAS—405

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

NAYS—2

Johnson, Sam
Paul

NOT VOTING—23

Barton
Blagojevich
Brady
Buyer
Davis (VA)
Doggett
Fattah
Furse
Gilchrest
Gonzalez
Harman
Hefner
Inglis
Kennedy (MA)
McCarthy (NY)
Poshard
Riggs
Rodriguez
Schaefer, Dan
Schiff
Schumer
Weller
Young (FL)

□ 1741

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MCCARTHY. Mr. Speaker, on Tuesday, March 10, I missed rollcall vote Nos. 40, 41 and 42, as I was unavoidably delayed at the airport en route to the Hill. Had I been present, I would have voted ''aye'' on rollcall No. 40, ''aye'' on rollcall No. 41, and ''aye'' on rollcall No. 42.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CELEBRATING WOMEN'S HISTORY MONTH

Ms. MILLENDER-MCDONALD. Mr. Speaker, as we continue to celebrate Women's History Month, today we have gotten together, both my colleague and friend, the gentlewoman from New York (Mrs. KELLY) and I, who are cochairs of the Women's Caucus on Women-Owned Businesses, to come tonight to speak on women-owned businesses. I am pleased that such a strong showing of Members will be coming forth to speak on this issue.

The gentlewoman from New York (Mrs. KELLY) and I, in cochairing the Women-Owned Businesses Caucus, had, for the first time ever, a women's caucus hearing on woman-owned businesses on September 25 of last year. In that hearing, a lot of things were revealed. We delved into the problems facing women-owned businesses and explored the obstacles that these women continue to face in trying to obtain contracts with the Federal Government.

Current procurement rates to women-owned businesses is 1.8 percent. The Federal goal is 5 percent. This was a concern of ours, and as we began to probe, we wanted to get down to the real issue as to why women, who are making up the largest growth of jobs and growth of businesses, were unable to get the Federal procurement goal of 5 percent.

The hearing further brought up the problems of the lack of access to the Federal contracting process, the bundling of contracts, the need for more outreach to women business owners, poor and incomplete feedback provided to businesses when their bids are not accepted, and frustration in the certification process.

The certification process was one particular concern of ours. Thus, our introduction of House Resolution 313. This resolution was introduced so that we can begin to recommend to agencies that they make a part of their outreach information on contracting practices and opportunities readily available to women-owned businesses and recommend the ''Rule of One'' where at least one woman-owned business is solicited on all competitive acquisitions.

We would also like to mention that the Clinton Administration supports doubling the funding from $4 million to $9 million for SBA women's business centers, and then, in addition to that, funding the Census Bureau's Survey of Women-Owned Businesses. We must ensure that women-owned businesses get the type of support that they need in order for their growth as well as their opportunities to expand.

I would also like to congratulate the SBA for launching a new initiative for women entrepreneurs, the On-Line Women's Business Center, which helps women start and expand their businesses.

Mr. Speaker, the statistics are really exciting. In California, from 1987 to 1996, the number of women-owned businesses have grown by 78 percent, employment has increased by 255 percent, and sales have grown by 313 percent. California ranks first out of 50 States in the number of women-owned businesses, first in employment and first in sales.

So as my colleagues can imagine, we are excited about women-owned businesses and are really eager to ensure that the women get their rightful 5 percent Federal contract procurement, procurement contracts, so that they can continue to expand and grow as we look at women who are coming off of welfare-to-work and are in need for strong support from women-owned businesses for entrepreneurship and other ventures that they might enjoy.

There are now approximately 8 million women-owned businesses providing jobs for 15.5 million people and generating nearly $1.4 trillion in sales. We are absolutely ahead of the game in ensuring that women-owned businesses are out there to ensure that jobs are created for women and to provide the type of leadership that is necessary for women to go into business.

In the 37th District of California, women-owned businesses are generating $105 billion in sales in the Los Angeles-Long Beach metropolitan area. This area ranks second out of the top 50 metropolitan areas in the number, employment and sales of women-owned businesses.

GENERAL STATISTICS

There are now approximately eight million women-owned businesses, providing jobs for 15.5 million people and generating nearly $1.4 trillion in sales. Women-owned businesses now employ 35% more people in the U.S. than the Fortune 500 companies employ worldwide.

Between 1987 and 1996, the number of minority women-owned businesses increased by 153%, which is three times the rate of overall business growth in the U.S. The rate of employment by minority businesses grew by 276% and revenues rose by 318%.

Between 1987 and 1996, women-owned businesses grew by 171% in construction; by 157% in wholesale trade; by 140% in transportation/communications; by 130% in agriculture; and by 112% in manufacturing.

Between 1987 and 1996, minority women-owned businesses grew by 319% in construction; by 276% in wholesale trade; and by 253% in transportation/communications/public utilities.

ORGANIZATIONS YOU COULD COMMEND

Small Business Administration—Aida Alverez.

Office of Women's Business Ownership within SBA—Sherrye Henry.

National Women's Business Council—Amy Millman.

National Association of Women Business Owners—Susan Peterson.

Women's Business Enterprise National Council—Susan Bari.

ORGANIZATIONS HELPING WOMEN BUSINESS OWNERS IN/NEAR THE 37TH

Women's Business Exclusive in Torrance.

Association of Black Women Entrepreneurs in Los Angeles.

Los Angeles County Office of Small Business.

Mr. RUSH. Mr. Speaker, I rise today, in honor of Women's Month, to pay tribute to the contribution that women-owned businesses make to our economy.

Carolyn Sanchez Crozier founded CSC Consulting six years ago. An Hispanic American, she employs over 25 people—mostly women and people of color. She has won recognition from the Small Business Administration (SBA) and the Entrepreneur of the Year Award.

Deborah Sawyer, African American founder of a multi-million environmental engineering company, employing over a dozen women and people of color, was just inducted into the Entrepreneurial Hall of Fame. And Ida Hinman, publisher of Minority Entrepreneur, was just named the SBA Minority Advocate of 1998.

What do these businesses have in common?

They are all women business owners, vitally involved in the fastest growing segment of our U.S. economy, AND they are clients and supporters of the Women's Business Development Center (WBDC) in Chicago, IL.

Over 2,000 women a year have benefitted from the programs of the Women's Business Development Center in Chicago. And tens of thousands of women business owners have grown and thrived with the advocacy support of the National Women's Business Council and local women's business assistance programs like the WBDC.

Based in Chicago, the WBDC successfully serves women starting and expanding their companies with counseling, training, financial assistance, certification, procurement and advocacy on women's economic empowerment. The programs of the Chicago-based Center are effective, and benefit a diverse group of women and their families. The programs emphasize micro enterprise development for women transitioning off welfare, as well as business development and expansion and job creation for growing businesses.

The U.S. economy is strengthened by the expansion of women's business development nationally. In the Chicago metropolitan area, women-owned businesses represent 37 percent of all firms and employ 22 percent of all workers. During 1996, over 225,000 women-owned firms generated more than $96 billion in sales in the Chicago area.

With funding from the U.S. SBA Office of Women's Business Ownership and other public and private sector support, the WBDC and women's business assistance centers throughout the United States continue to make a vital contribution. These programs serve my constituents by offering quality programs that leverage scarce resources into successful job creation, new business startups, and business expansion. These Centers are dedicated to promoting economic self-sufficiency programs.

Women business owners are making history in the United States. It is appropriate that we salute and pay honor to them during Women's History Month.

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to pay special tribute to a woman business owner in my district who is a shining example of the dramatic impact that women business owners are having on our economy. In the state of Connecticut there are approximately 104,000 women-owned businesses. This female entrepreneurship accounts for 35 percent of all firms in the state of Connecticut, employing 23 percent of all Connecticut workers.

In June 1985, Betsy Perkins and her husband Jack opened the doors of Perkins Travel. Betsy, a former executive in American Express' travel division, had always wanted to be a business owner. She found herself ready to take the plunge into entrepreneurship when all of her children went off to college. One of her sons had unknowingly provided her with this golden opportunity when he chose to attend the Naval Academy. His decision gave his parents the financial flexibility to strike out on their own, and Perkins Travel was born.

While Betsy maintained close ties to her old company, Perkins Travel struggled in its early years. Betsy called on many corporate executives who were concerned that her new company could not handle their $3 million dollar a year travel budgets. But, Betsy saw a need in the community and set out to fill it with determination. Perkins Travel created a niche serving small- and medium-sized companies that the large travel agents were not serving. By offering an unprecedented level of service, such as ticket deliveries 7 days a week/24 hours a day, she enticed clients and became essential to their business.

However, Betsy remained committed to working with the community and developed a division to work with senior citizens and school groups to promote culture and the arts. Most recently, she was contacted by a local high school drama club. A teacher wanted to take his students to New York to see a Broadway show on a shoestring budget. Once again, through Betsy's determination, she was able to make this opportunity a reality for the drama club.

One of the greatest testaments to Betsy's success is the stability that her business has brought to her workforce. Perkins Travel now

has 17 employees, 4 of which were with her when the business opened its doors in 1985. Indeed, since that time only 2 employees have left to pursue other opportunities. Over the years, Betsy has also lent her support to other business owners by counseling and mentoring innumerable men and women about starting a business. Some have gone on to open successful businesses while some decided entrepreneurship was not for them. Unfortunately, Betsy notes that she has watched many of the women go on to struggle the way she did in her early years.

When I asked Betsy what drove her to be an entrepreneur, she replied "I didn't want to leave the earth wondering if I could do it." I applaud her pioneering spirit and that of the 8 million women business owners who have taken risks to secure the financial future for themselves, their families and the American economy. These women deserve our tribute during Women's History Month because they are actively shaping the world for our daughters and granddaughters.

INTERNATIONAL WORKING WOMEN'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. KELLY) is recognized for 5 minutes.

Mrs. KELLY. Mr. Speaker, today as we celebrate International Working Women's Day, I think it is fitting that we also celebrate the impressive presence of women-owned business owners in our Nation. Women business owners are impressive, wonderful people who are out there helping to generate small businesses that are vital to the well-being of our economy.

As a former small business owner, I wholeheartedly believe that we must support these women-owned businesses as an integral part of the well-being of our economy. Nationally, women-owned firms make up approximately 36 percent of all U.S. firms in America. We employ more people than the Fortune 500 companies combined. We will own 50 percent of all businesses in America in the 21st century.

In fact, in my State of New York, which was ranked third out of the 50 States in the number of women-owned firms, there are more than 527,000 women-owned firms in New York. They account for 36 percent of all New York firms. These women-owned firms employ nearly 1.4 million people and generate $205.8 billion in sales. Between 1987 and 1992, the National Foundation for Business Owners estimated that the number of women-owned firms in New York increased by 70 percent, and employment in women-owned businesses has grown by 141 percent with their sales rising by 180 percent.

However, as we celebrate these women and their accomplishments, it is necessary that we also recognize that inequities exist. I would like to bring to the attention of my colleagues the fact that America's largest purchaser of goods and services is Uncle Sam, but Uncle Sam dispenses a mere 1.8 percent of all Federal procurement contracts to women-owned businesses. This sad underutilization of women-owned businesses is most unfortunate.

I recently learned of a startling statistic that puts this inequity into perspective. On the heels of the exciting news that NASA appointed its first woman shuttle mission commander, it came to my attention that of the total of 516 shuttle astronauts, 40 have been women. This makes up 13.56 percent of our shuttle astronauts to date. It is shocking to think that with respect to their field, women have greater access to space travel than obtaining a Federal Government procurement contract. It is time for us to open government contract opportunities to women-owned businesses.

For this reason, I have introduced House Resolution 313 with my colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD). The resolution is designed to highlight problems in the Federal acquisition system, but more importantly, it makes concrete recommendations for Federal agencies striving to achieve the unmet goal of having at least 5 percent of Federal contracts awarded to women-owned businesses.

My commitment to improving Federal procurement access for women-owned businesses will not waiver until such access is assured. The time has come to open the doors for women business owners, level the playing field, and create real competition among our Nation's businesses. This will only be achieved when every Federal agency commits to improving access for women-owned businesses. House Resolution 313 helps set us on this path, and I believe its passage is a critical first step for women and for our country's economic prosperity.

HUMAN RIGHTS VIOLATIONS IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, in recent weeks we have seen a seemingly new conflict begin to emerge in the Balkans with fighting in Kosovo. I say seemingly because it is really a conflict that has been around for quite some time.

As the co-chairman of the Helsinki Commission in the mid-1980s, human rights violations were the first issue regarding the former Yugoslavia with which I and the Commission was confronted. In April 1990, 2 years before Bosnia would enter our foreign policy debates, I and other Members of the commission traveled to Kosovo and witnessed firsthand the repression which was building in Kosovo as the basis for Slobodan Milosevic's rise to power.

During the Croatian and Bosnian conflicts, Kosovo no longer became a leading concern, as the Serbian regime directed its nationalist ambitions toward the north, and the Kosovar Albanians attempted to avoid bloodshed through a highly commendable passive resistance to Serbian rule. Even at that time, the Commission had focused on Kosovo in hearings and briefings as a potential site for spillover of the conflict.

Finally, in the post-Dayton period the Commission has seen that Kosovo remains explosive, as indicated in a Commission visit and report in the summer of 1996. So for me and for other Members, the gentleman from New York (Mr. ENGEL), the gentleman from Virginia (Mr. MORAN), the gentlewoman from New York (Mrs. KELLY), and the gentleman from New Jersey (Mr. SMITH), Kosovo is not new.

Despite the complexities of the Balkans, the simple fact is that the regime of Slobodan Milosevic has fermented hatred between the peoples of the former Yugoslavia as a means to maintain power and ward off democratic development in Serbia itself.

In 1989, Milosevic unilaterally revoked Kosovo's previous autonomy. He made discrimination against ethnic Albanians, who constitute 90 percent of the population of Kosovo, official policy, especially in terms of employment. His police force in Kosovo, which is, in effect, more of an army, has arbitrarily harassed, detained, tortured, and yes, even murdered innocent Albanians on a regular basis.

The front page of the Washington Post shows an Albanian mother and her small child, victims of this Serbian onslaught.

□ 1800

On a regular basis, when students protest the lack of a university education, they announce it in advance and make clear their desire is to do so peacefully. The response to the exercise of freedom of assembly and expression? They are beaten.

The recent fighting in central Kosovo can be traced to a few Kosovar Albanians who have formed a Kosovo liberation army and seek to fight repression with terrorism. They are wrong and their actions should be condemned.

That said, and I say it strongly, the presence of these individuals cannot and must not be the pretext to justify further human rights violations by the Milosevic regime. The attacks on several Albanian villages which left dozens dead and many others injured or displaced is absolute and undeniable contravention of the standards for the behavior of governments as stated in the Helsinki Final Act and other documents of the OSCE. They are to be condemned by this country and all freedom-loving peoples.

At a high-level meeting of the contact group yesterday, at which Secretary of State Albright represented the United States, there was agreement to take action, as we must. In particular, I would like to focus on three of them which I, along with the gentleman from New Jersey (Mr.

SMITH), raised with the Secretary beforehand.

First, the contact group supports a new OSCE mission led by former Spanish Prime Minister Felipe Gonzalez and the return of the mission to Kosovo, the Sandzak and Vojvodina. Getting an international presence on the ground which can deter human rights violations and report objectively on the situation is absolutely critical.

Frankly, I believe there has not been a sufficient effort to get a mission back on the ground. Milosevic kicked out the mission and opposed its return because of Yugoslavia's suspension of the OSCE, yet he invited the OSCE to come to Serbia during and after elections in 1996 and 1997, when he found it convenient.

Whatever else we do, Mr. Speaker, we must create this international presence on the ground as a first step.

Second, the contact group urged the prosecutor of the international criminal tribunal for the former Yugoslavia to gather information related to the violence in Kosovo which may fall within its jurisdiction.

Third, the contact group recommended adoption of the mandate for UNPREDEP, the U.N. peacekeeping force in neighboring Macedonia, which has a U.S. contingent.

Mr. Speaker, this House, the Senate and this Nation must speak out for the safety of those in Kosovo.

If Kosovo explodes, its potential for direct spillover into neighboring countries is actually greater than it was for Bosnia, and we must be prepared for that threat.

As far as political and economic sanctions on Belgrade, Russia has indicated opposition at this time. I hope Moscow reconsiders this position. While it calls for sanctions on Latvia resulting from a demonstration in which no injuries were reported, the Russian Government opposed sanctions against a regime which brutally attacked whole villages and caused more than 75 fatalities, including women and children.

Finally, I want to make clear that my opposition to Slobodan Milosevic is not opposition to the Serbian people. They, too, are victims in all of this. They are denied their basic human rights through limits on a free media, rigged elections and harassment by the authorities. Ultimately, Mr. Speaker, we need to focus more squarely not just on ethnic conflict in the Balkans, but on democratization in Serbia. Ultimately, we cannot rely on Slobodan Milosevic to maintain stability in the Balkans, a democratic Serbia is essential to that end, in Bosnia and in Kosovo.

Given our witness to the horrors which took place in Bosnia, we should be aware of the dangers of Kosovo. As Polish foreign minister, and OSCE chairman, Bronislav Gerememek said in February, "In Kosovo we are witnessing a conflict in preparation * * * it would be inexcusable for the OSCE to remain passive regarding Kosovo." I fully agree, and hope my colleagues will support strong action to prevent a new and potentially more dangerous conflict in the Balkans.

FEDERAL CREDIT UNION MEMBERSHIP ACT

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, after months of waiting, the Supreme Court recently rendered a decision in the AT&T Federal Credit Union case. The court held in a 5-to-4 decision that five North Carolina banks had standing to challenge the NCUA's 1982 common bond interpretation. Furthermore, of the justices that contemplated the "field of membership" issue, the court held 5-to-0 that some credit unions had overstepped the membership limits contained in the 1934 Federal Credit Union Act.

All eyes are on Congress to resolve this important issue.

Mr. Speaker, I rise today not to talk about the problems facing credit unions, but to offer a solution. Today I will be introducing the Federal Credit Union Membership Act of 1998. While there are many "field of membership" proposals on the table and indeed a bill that codifies the 1982 interpretation, I am taking a quite different approach to resolving this issue.

The purpose of my bill is not to placate either side, the banks or the credit unions. Rather, I wish to restore credit unions as we the Congress intended them to be when originally chartered, not what some credit unions have become or what banks want them to be. Congress chartered credit unions with the purpose of restricting them to members who share a common bond. Quite simply, the common bond constitutes the union in credit union.

The 1982 interpretation and current legislative proposal supported by the credit unions establishes no discernible limit on membership and therefore no common bond or union.

In fact, Justice Thomas wrote in a Supreme Court ruling that "Section 109 cannot be considered a limitation on credit union membership if at the same time it permits a limitless result." Accordingly, my bill restores the limitations originally placed on credit union membership.

As times have changed and financial markets have evolved from the post-Depression era, I recognize credit union membership must be made available to a broader segment of our population. Further, in today's society we most closely identify ourselves by our profession or career. Thus, my bill creates a new "field of membership" entitled "trade" credit union.

The "trade" credit union is defined as members of a group that share a common trade, profession or occupation. As promised to my constituents, my proposal maintains the tax status of credit unions and exempts them from regulatory burdens like CRA. Imposing such conditions begs the following question: If a credit union is not subject to membership limits, pays taxes and conforms to CRA requirements, what is the distinction between such an institution and a mutual savings bank? I contend it would be so similar there would be no justification for maintaining the Federal credit union charter and the NCUA.

Finally, my bill protects current credit union members by grandfathering all members of a Federal credit union prior to February 25, 1998. The bottom line, Mr. Speaker, is that credit union members do not need to worry about being divested or losing the membership privileges they currently enjoy.

Industry groups have dug in on both sides of this debate. Still, I hope and believe this bill will serve as a middle ground which addresses legitimate grievances by banks with regard to the limits of field of membership and allows credit unions to expand and prosper in a safe and sound manner.

As Congress moves forward, Mr. Speaker, with modernizing banks and other financial institutions, we should also update the 1934 Credit Union Act and bring credit unions into the 1990s.

For my colleagues who are interested in my approach and seek to resolve this important issue, I ask that they join me as a cosponsor of the Federal Credit Union Act of 1998.

URGENT APPEAL FROM CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, March 8 is commemorated as the International Day of Women's Rights. With that motive and also because of what has been going on in Cuba since the Pope's visit in January, an urgent appeal went out from Cuba yesterday, March 9, signed by a very distinguished group of women dissidents and independent journalists. And their urgent petition to the international organizations for human rights and all women, which went out yesterday, I would like to read at this point.

It reads as follows:

"The so-called 'pardons' that the government of Fidel Castro has instrumented in the last few months as an attempt to obtain the good graces of international heads of State have not been acts of clemency or goodwill.

"It is an outrage that within two years of the next millennium Cuba maintains in its prisons more than 100,000 prisoners and another significant number of detainees at adjacent interrogation facilities. In proportion to population, the penal population on the island is perhaps the largest in Latin America, and even more criminal still is the cruel and brutal treatment that is suffered by political prisoners, especially women.

"Very few women have been released, a significant number of women still remain incarcerated, among them Rosa Maria Pujol Llanes, Rosalina Gonzalez

Laffita, who is currently at Villa Marista, a state security facility and still remains detained even though her name appears on the list of prisoners scheduled to be deported from Cuba to Canada, Marta Beatriz Roque Cabello, Migdelis Pozo Casanova, Esperanza Micaela Atencio de la Rosa, Daula Carpio Matas, Avianes Jordan Contreras, Mayda Barbara Jordan Contreras, Ana Maria Agramonte, Anaismiel Sanchez, Reina Isabel Rojas Sanchez, and many others.

''Currently on a hunger strike since February 24 and after being released from the hospital at Santa Clara are Lilian Meneses Martinez and Ileana Penalver Duque, both charged with illicit association and sentenced to 18 months in prison due to their participation with the opposition group that recently carried out the 120-day hunger strike in that city.

''In light of so much injustice and ignominy, we join our voices of opposition so that the world may learn of the spitefulness and indignity with which Cuban women political prisoners are treated.

''We call on all free citizens of the world to join in support of these women that suffer.''

It is signed Soiris Aguiar Callejas of the Popular Democratic Alliance, Geronima Rosa Soto of the Association in Favor of Constitutional Democracy, Vicky Ruiz Labrit of the Committee of Peaceful Opposition Members and Coordinator of the National Centers for Studies on the Family, Celia Jorge of the Liberal Current, Maria Antonia Escobedo Yaser of the Democratic Front Oriental, Neri Gorostiza Campoalegre of the Movement Pro-Human Rights, Adis Alcolea of the Organization of Social Christians, Ana Luisa Lopez Baeza of Cuba Press, Isabel del Pino, Humanitarian Association Followers of Christ Jesus, Beatriz Garcia of the Association of the National Front Against Injustice, Dr. Iraida Leon of the Independent Medical Association, Daisy Carcases Batle of the Feminist Forum, Gladys Linares Blanco of the Humanitarian Feminist Front of Cuba, Nancy Sotolongo Leon of the Democratic Action Movement, Marta Parga of the Movement in Favor of Solidarity and Peace, Cecilia Zamora Cabrera of the Independent Feminist Organization of Cuba, Odilia Collazo Valdez of the Pro-Human Rights Party of Cuba.

Just another reality check, Mr. Speaker, with regard to the horror of Cuba today and what has been going on despite the hope that much of the world had that things could change pursuant to the Pope's visit. And things will change in Cuba.

A seed has no doubt been planted for the future of spirituality. But the reality of today is totalitarianism and continued repression. I think it is important for the international community to know the plight of Cuban human rights violations and of prisoners of conscience, especially women prisoners of conscience that languish at this very moment in Castro's dungeons.

Mr. Speaker, March 8th is commemorated each year as international women's rights day. At this moment a great number of dignified Cuban women patriots are in dungeons of the dictatorship for the sole crime of seeking freedom for their country. Silence before their suffering is unacceptable and constitutes a form of complicity with the jailers of Cuban women prisoners of conscience. I will not cease denouncing the existence of political imprisonment in Cuba until it is but a tragic chapter of past history.

ON WOMEN-OWNED BUSINESSES IN CELEBRATION OF WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, as we celebrate Women's History Month, I rise to pay tribute to the achievements of businesswomen, both in my own congressional district and across the Nation. In Montgomery County, Maryland, the district that I represent in Congress, we have one of the highest percentages of women entrepreneurs and working women in America.

The growth of women-owned businesses has been extraordinary. Women are starting businesses at twice the rate of men according to the Small Business Administration. The SBA anticipates that women will own 50 percent of the small businesses in America in the 21st century. At present, there are 9 million women-owned businesses that generate $2.3 trillion in annual revenues, an increase of approximately 236 percent over the last 10 years.

Women business owners employ one out of every four company workers. Women-owned businesses generate more jobs than all of the Fortune 500 companies combined. According to the National Foundation for Women Business Owners, women employers are more likely to offer flexible work arrangements, child care subsidies and health care benefits.

I would be remiss if I did not mention that of the 9 million women business owners, 1.1 million are minority women entrepreneurs. Of the 1.1 million minority-owned businesses, approximately 35 percent are owned by African American women; 33 percent by Hispanic American women, and 26 percent by Asian American women. Although Native Americans represent only 1 percent of the American population, 6 percent of all women-minority-owned businesses are owned by Native American women.

□ 1815

Despite all of their progress, women entrepreneurs still have difficulty obtaining access to capital. Women and minorities still only receive 5 percent of total loans for major financial institutions. Although government agencies and corporations have initiated successful minority lending programs to compensate for these shortfalls, much still remains to be done.

On this important day, in celebration of the achievements of women in business, I am proud to join with the Business Women's Network in saluting the strong trends represented by women's organizations. Under the leadership of Edie Fraser, president of BWN, this group provides an extraordinary network, bridging together 1,200 business women's business and professional organizations.

BWN has shared some special examples of women helping women:

BWN has been working with 30 women's organizations to provide 13,000 jobs for women who have been on welfare.

Dare to Dream is a special program that provides mentors to girls in school.

The American Women's Economic Development Center, AWED, offers new women business owners one-on-one counseling with a successful entrepreneur.

The Association for Women in Science has developed a mentoring guide and programs to encourage young women to enter the fields of science, engineering and technology.

Today, more than 52 percent of all web users are women. BWN located 169 women's resource web sites last year, and that number has now increased to 750. From 169 to 750.

As we look toward the new millennium, it is clear that women will continue to be leaders in the business arena. My congratulations to the Business Women's Network and the 1,200 women's business and professional organizations for their accomplishments in promoting women-owned businesses. I salute women in business for their outstanding achievements and their contributions to the economic well-being of America.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

TRIBUTE TO WOMEN IN BUSINESS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as we celebrate Women's History Month, I rise today to pay tribute to women in business and to express pride in the fact that the women of Chicago and Cook County have benefitted from the successful programs of the Women's Business Development Center.

Based in Chicago, the Women's Business Development Center serves 2,000 women annually with counseling, training, financial assistance, certification, procurement and advocacy on

behalf of women's economic empowerment. The programs of the Chicago-based center are effective, successful, and benefit diverse women. These centers service an array of women and their families, including self-employment for former welfare recipients, business development, expansion and job creation.

The work of the Women's Business Development Center and other women's business assistance centers are essential to strengthening the economy of this Nation by fostering women's business development nationally.

The WBDC and women's business assistance centers are funded by the United States SBA office of Women's Business Ownership and by private and public sector support. They help support a diverse and growing population of new and emerging job-creating women entrepreneurs, including women transitioning off welfare.

These centers are unique in that they provide long-term training, involve public and private partnerships for their support, and can be measured on the basis of their economic impact. These centers have served tens of thousands of women.

The women's business assistance centers serve our constituencies by offering quality programs to effectively leverage scarce public and private resources into successful job creation, new business start-ups, and business expansion. Most of them, even after they are no longer eligible for Federal funding, continue to be sustained by the private sector.

These centers are committed to economic self-sufficiency programs that are as diverse as the women served: women of color, women on public assistance, women seeking self-employment, rural and urban women, and women starting home-based businesses. Therefore, it is appropriate that we pause to recognize the great work of the Women's Business Development Center and women's business assistance centers throughout the country.

I take special note of the work of Hedy Ratner of the Women's Development Center, Counselo Pope of the Cosmopolitan Chamber of Commerce, Jaribi Kitwana, director of the Women's Business Development Center, and Pam Bozeman, director of the Women's Self-Employment Project, all outstanding women in the City of Chicago who provide immeasurable help and support to other women seeking to go into business.

RECOGNIZING ACHIEVEMENTS OF WOMEN-OWNED BUSINESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, it is my pleasure to welcome the United States and the Congress to Women's History Month. As a member of the Women's Caucus, I stand to recognize the achievements and the remaining obstacles of women-owned businesses.

I would also like to take this opportunity to thank the co-chairs of the Women's Caucus and the women-owned business legislative team, my colleagues, the gentlewoman from California (Ms. JUANITA MILLENDER-MCDONALD) and the gentlewoman from New York (Mrs. SUE KELLY), for organizing us to come to the floor today. They should be congratulated for their efforts on this issue, specifically for introducing legislation, House Resolution 313, which outlines the findings from last year's first-ever Women's Caucus hearing on women-owned businesses.

This legislation expresses the sense of the House of Representatives that all Federal agencies would benefit from reviewing specified recommendations for the purpose of improving equitable access for women-owned businesses to the Federal procurement market.

Women-owned businesses are important sources of economic development in my community in Miami, Florida, one of the poorest districts in the country. But low income does not mean low ambition, Mr. Speaker, nor does it mean low potential. Microcredit programs that lend small amounts to nontraditional borrowers have proven to be very promising tools for change, allowing women to build businesses, income and pride for themselves and their families.

Small loans, yes; microcredit, yes; but it does bring respect and ownership to these women who otherwise could not find work. This in itself is another remedy for getting off welfare and moving into work.

The microcredit concept has been notably developed by Working Capital Florida. That is the name of the group. It is a local nonprofit group in south Florida. This program serves approximately 350 businesses in Miami, Dade County. The loans average about $725, and they have to be paid back in less than a year. And guess what, Mr. Speaker? These loans have been coming back in and being paid and being rotated and other women are taking advantage of this money.

Many of the borrowers of the money comprise single-family mothers with not a man in the House. These are minority mothers who have children they must care for, and certainly Working Capital Florida is helping them.

Programs like Working Capital Florida provide women with the opportunity to develop their entrepreneurial talents. Working Capital Florida provides the loans necessary to launch businesses, and also provides education about business practices through workshops and training sessions, allowing women to further tune their skills for successful enterprises.

In the wake of welfare reform, this is a particularly critical time for business enterprise, and specifically business enterprise for women. There are few jobs for female welfare recipients in inner-city areas. In Miami many women have taken the giant step of employing themselves to make ends meet for their families.

In Liberty City, my own neighborhood in Miami, many women create their own private businesses. Many of them make dolls. They sell them. They make head scarves. They make ethnic clothing. They capitalize on their own personal talents in order to make ends meet. Innovative businesses run the gamut from day care and house cleaning to hair braiding and stick-on nail specialists.

These women simply could not launch these businesses without the required financial backing to bring their initiatives to fruition. Programs like Working Capital Florida enable these women to devise their own business plans and get on their feet. These are small loans, Mr. Speaker, between $500 and $5,000, and they maintain the ability to produce significant life changes. They generate economic activity in our communities and a sense of self-pride.

I believe that the community development opportunity that is provided through group lending programs is vitally important, especially during a time that long-time safety nets for the poor are unraveling. Further support from other private sources, commercial banks, and State and Federal governments, helps to further build programs like Working Capital Florida.

Mr. Speaker, thousands of poor women are responsive, creative and hard-working. They have to spark. All they need is a little leadership to turn that spark into a flame. And that is what Working Capital Florida is doing and that is what many programs throughout this country are doing to help women get on their feet. They have the skills. They have the ability.

U.S. OBSESSION WITH WORLDWIDE MILITARY OCCUPATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, last week it was Saddam Hussein and the Iraqis. This week's Hitler is Slobodon Milosevic and the Serbs. Next week, who knows? Kim Chong-il and the North Koreans? Next year, who will it be, the Ayatollah and the Iranians? Every week we must find a foreign infidel to slay; and, of course, keep the military-industrial complex humming.

Once our ally, Saddam Hussein, with encouragement from us, invaded Iran. Was it not logical that he might believe that we condone border crossings and invasions even into what Iraqis believe rightfully theirs, Kuwait, especially after getting tacit approval from U.S. Ambassador Glaspie?

Last week U.S. Special Envoy to the Balkans Robert Gelbard, while visiting Belgrade, praised Milosevic for his cooperation in Bosnia and called the separatists in Kosova ''without question a

terrorist group.'' So how should we expect a national government to treat its terrorists?

Likewise, our Secretary of State in 1991 gave a signal to Milosevic by saying, ''All Yugoslavia should remain a monolithic state.'' What followed was to be expected: Serb oppression of the Croats and the Muslims.

All our wise counsel so freely given to so many in this region fails to recognize that the country of Yugoslavia was an artificial country created by the Soviet masters, just as the borders of most Middle Eastern countries were concocted by the British and U.N. resolutions.

The centuries old ethnic rivalries inherent in this region, and aggravated by persistent Western influence as far back as the Crusades, will never be resolved by arbitrary threats and use of force from the United States or the United Nations. All that is being accomplished is to further alienate the factions, festering hate and pushing the region into a war of which we need no part.

Planning any military involvement in Kosova is senseless. Our security is not threatened, and no one has the foggiest notion of whether Kofi Annan or Bill Clinton is in charge of our foreign policy. The two certainly do not speak in unison on Iraq.

But we cannot maintain two loyalties, one to a world government under the United Nations and the other to U.S. sovereignty protected by an American Congress. If we try, only chaos can result and we are moving rapidly in that direction.

Instead of bringing our troops home from Bosnia, as many Members of Congress have expressed an interest in doing, over the President's objection, we are rapidly preparing for sending more troops into Kosova. This obsession with worldwide military occupation by U.S. troops is occurring at the very time our troops lack adequate training and preparation.

□ 1830

This is not a result of too little money by a misdirected role for our military, a role that contradicts the policy of neutrality, friendship, trade and nonintervention in the affairs of other nations. The question we should ask is: are we entitled to, wealthy enough, or even wise enough to assume the role of world policemen and protector of the world's natural resources?

Under the Constitution, there is no such authority. Under rules of morality, we have no authority to force others to behave as we believe they should, and force American citizens to pay for it not only with dollars, but with life and limb as well. And by the rules of common sense, the role of world policemen is a dangerous game and not worth playing.

Acting as an honest broker, the U.S. may help bring warring factions to the peace table, but never with threats of war or bribes paid for by the American taxpayers. We should stop sending money and weapons to all factions. Too often our support finds its way into the hands of both warring factions and we never know how long it will be for our friends and allies of today to become our enemy and targets of tomorrow.

Concern for American security is a proper and necessary function of the U.S. Congress. The current policy, and one pursued for decades, threatens our security, drains our wallets, and worst of all, threatens the lives of young Americans to stand tall for Americans' defense, but not for Kofi Annan and the United Nations.

PLANNING THE 2000 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, earlier today one of my colleagues came to the floor of the House and complained about the Census Bureau and the Department of Commerce not providing information about the 2000 Census.

I am here to put the facts of the matter before the Members of the House so that they can make up their own minds about the openness of the planning for the 2000 Census.

First, let me remind my colleagues that the process of planning the 2000 Census has been the most open planning process of any census in history. The only thing that is closed in this process is the minds of those who are opposed to sampling.

First, a few of the facts. As I have pointed out before, the planning for the 2000 Census has involved an Advisory Committee of over 50 organizations, including House and Senate members who sit on the authorizing and appropriations committees and subcommittees.

In the 102nd and 103rd Congresses, there were several hearings on the 2000 Census. Unfortunately, there have been very few since then. The Census Bureau Director and the Secretary of Commerce have held dozens of town hall meetings to involve the public in the planning of the 2000 Census. There have been no secrets in the past about planning the census and there are no secrets today.

Last week, there was much ado about the plans for a nonsampling census and some Members have complained because one has not been produced. Mr. Speaker, there is a plan for the 2000 Census and it is a good one. Here it is: The Congress has asked for yet a second plan to be developed and that is being done. But there was no staff at the Census Bureau to develop a second plan for a census when that request was made. Every available staff member of the Census Bureau was hard at work trying to get the 2000 dress rehearsal under way, or working on the Economic Census, or working on one of the many current population programs the Census Bureau is responsible for. To develop a second plan for the 2000 Census means that they have to hire new staff. That takes time.

Once that staff has been hired, they have to be trained before they can be turned loose to design a census. If Members think that plan should be ready today, they either badly misunderstand the complexity of the task, or do not care about the quality of the product. I for one, want to make sure that the next census is the best possible. I fear that some of my colleagues will settle for a census that leaves out millions of Americans, as long as it suits their own political purposes.

Finally, Mr. Speaker, I would like to suggest that there is inappropriate and appropriate oversight. The opponents of sampling have repeatedly claimed that the use of sampling left the census open to political manipulation by the political officials at the Commerce Department. Now, it is my understanding that the Census Subcommittee staff has requested to interrogate the staff at the Census Bureau doing some of the most sensitive statistical work, before that work is completed.

Why I ask? The Census Bureau offered to give the subcommittee staff full access to any documents or individuals once the research was completed. Why is the subcommittee insisting that they must have access during the research process?

Congressional staff has no more reason to interfere with this statistical process than do officials at the Department of Commerce. If the political officials at Commerce asked for the kind of access requested by the subcommittee's staff, they would be turned down. That is as it should be. The subcommittee staff needs to learn the difference between oversight and interference.

The Census Bureau is an agency of impeccable integrity. I, for one, stand here ready to defend their integrity against any who attack it, be they Congresspersons, Congressional staff, or officials in the administration. The subcommittee staff are not being stonewalled, they are being told that there should be no political interference with the statistics of the census. That is correct, and I will defend it to the end.

CONGRESSIONAL CHILDREN'S CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I come today on the floor of the House for two issues that I think are extremely important. First of all, I would like to thank all of the participants who joined the Congressional Children's Caucus today in a hearing on emotional disorders of children.

Shockingly, one after another witness presented to our Congressional committee the fact that the services and funding for treating children with emotional disorders was at the lowest end of any sort of health care service in this country. In fact, we were told by the administration, that two-thirds of America's children needing assistance with emotional disorders are without treatment and care. We are also told of the complicated process of HMOs that does not cover care for emotional disorders and mental illness in children.

In fact, running between two hearings, one of the remarks that I made in coming to the Congressional Children's Caucus hearing on this matter is that we might even call the system bankrupt; the fact that our children are so very important and when, in the greatest need of their time, when they are young, when they may be suffering from attention deficit disorder or they may be suffering from depression, we in this very powerful nation do not have the wherewithal or funding to fix these broken lives.

Parents came and presented to us tragic instances of suicide and what could have been done or what should be done to prevent this. But more importantly, what they did say to us is this is something that could be remedied. A child aged 7 or 4 or 5, 8, 10, 12 or a teenager suffering from depression can be helped. That family can be helped.

Why, in this powerful country, do we spend so much money on so many different things; do we argue and debate on the floor of the House on so many different things, and yet we cannot find the funding or any of the resources to truly help those children who are in need?

With that, Mr. Speaker, I would like to say that I will be looking to offer legislation to increase the amount of funding that we have to implement centers around the country, some centers, that we now have only 31 centers in 22 States, 22 out of 50 States, where we have the resources to help our children suffering from emotional disorders. And clearly, I will be looking to question HMOs as to how they treat the reimbursement to families for coverage of this whole question of mental or emotional disorders of our children and hope to support House Resolution 212 sponsored by John Lewis that emphasizes the importance of this question.

TRIBUTE TO WOMEN-OWNED BUSINESSES

Let me complete my remarks, Mr. Speaker, by saying that I do want to pay tribute to women-owned businesses. Certainly, one would ask the connection. But I thought these were two important issues that I needed to mention this evening.

My tribute to women-owned businesses is simply this: These represent the backbone of America's economy. How many women do I meet who are moved out of the workforce without any opportunity for employment and have found economic independence through the idea of women-owned businesses. I am a major supporter of the Small Business Administration's effort in helping cottage-owned industries owned by women.

In fact, there was a pilot program in Houston, Texas, spearheaded by Milton Wilson of our SBA, that helped to fund what we call cottage-owned agencies, such as Mary Kay, which has been expanded by the one-stop capital store. The U.S. general store allows small businesses to go in and access contracts in the Federal Government all over the country. The one-stop capital store allows small businesses and women-owned business to access capital.

If I ever heard anything from our women-owned businesses, it is that it is so difficult for them to prove themselves as a worthy credit risk. How shameful in 1998 that we still have the problems of saying the little lady can't handle it.

Well, let me salute all the women-owned businesses who have turned into the big ladies who are doing quite well. Let me encourage them to continue to be the pioneers that they are. And let me say to them that I, for one, will give to them my full commitment for ensuring that they are treated with the dignity and equality for capital, for investment, for access to opportunities, and for access to opportunity in this government.

I close by simply saying that women-owned businesses have benefitted from affirmative action. And for all my colleagues who might be listening, that is why I think it is extremely important to turn back anyone who attempts to undermine what affirmative action stands for, providing an equal opportunity, acting affirmatively to open the doors of opportunity for all.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. TAUSCHER) is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Speaker, I rise today in honor of Women's History Month and in particular to pay special recognition to the millions of women business owners in the United States today. I think that it is particularly significant and important that we honor the nearly 8 million women-owned businesses that exist in the United States, because the right of a woman to legally own or run a business has been won only very recently in the course of United States history.

Women were historically denied the right to legally run a business or hold assets in their name, which prevented them from ever achieving financial self-sufficiency. This is not to say that women did not run businesses or make financial decisions every day. They not only ran shops and mercantiles, but farms and other businesses on a regular basis. But this was done in the name of a husband, a father, a brother, or a son. The economic contributions women have made to this country have been tremendous, but they remain largely unrecognized. We need to acknowledge this not only during Women's History Month but every month.

As a former businesswoman, I know how difficult it is to break into business, period, and how particularly difficult it is if you are a woman. Every business needs capital to succeed. In our business-friendly environment, one where we value hard work and entrepreneurship, one would think that all talented, educated individuals would have access to capital.

Despite the tremendous advances women have made in every field, access to capital is still a significant problem for many women. There are still banks that deny business loans to qualified women entrepreneurs.

The Congressional Caucus for Women's issues last year heard testimony from a number of businesswomen owners who stated that they were forced to use credit cards to finance their first business ventures. But despite the barriers that women business owners have had to face, they have continually proven themselves to be a success.

The nearly 8 million women-owned firms in the United States provide jobs for 15.5 million people and generate nearly $1.4 trillion in sales. The number of women-owned companies increased at twice the rate of male-owned businesses from 1987 to 1992.

Businesses owned by women are extremely stable. For example, nearly three-quarters of the commercially women-owned firms that existed in 1991 are still successfully operating today. However, in comparison, only two-thirds of all commercially active firms in 1999 are successfully operating today.

□ 1845

I am especially proud of the fact that my home State of California leads the country in the number of women-owned business firms. There are nearly 1.1 million women-owned businesses in California, which employ approximately 2.3 million people and generate $314 million in sales.

Women-owned businesses make a difference in the economic health of not only the State of California but the entire United States. In return, we must do more for them.

Encouraging women to start their own businesses, for example, is an excellent way to move them off the welfare rolls. Microcredit programs across the country provide low-income women with marketable skills; many of them are moving from welfare to work with small loans to start their own businesses. These women might set up something as small as a stall in a flea market or as challenging as a catering service. Whatever business they choose to start, the fact is that they are working to make themselves and their families self-sufficient.

Women are twice as likely to start a business as men, and we must encourage that and ensure that a level playing field is available to women for access to capital and information. In 1995, as a small business owner, I was a delegate to the White House Conference on Small Business where many of these issues were discussed. Now, as a Member of Congress, I have not forgotten the issues that we discussed then and I believe that we need to bring them again to the forefront.

I would like to take a moment to acknowledge the many women who fought so hard for the right of women to achieve economic self-sufficiency. Let us carry on that tradition by honoring the millions of women business owners today and by supporting the millions of business owners we have to come.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 992, TUCKER ACT SHUFFLE RELIEF ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–430) on the resolution (H. Res. 382) providing for consideration of the bill (H.R. 992) to end the Tucker Act shuffle, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1432, AFRICA GROWTH AND OPPORTUNITY ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–431) on the resolution (H. Res. 383) providing for the consideration of the bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa, which was referred to the House Calendar and ordered to be printed.

REPUBLICAN LEADERSHIP NEEDS TO ACT NOW ON BASIC PATIENT PROTECTIONS

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to discuss an issue which I have addressed on the floor of the House many times before and probably will deal with a lot more as we move through the session in this year, 1998; and that is the need for managed care reform.

I believe that the American people have the best health care in the world. Unfortunately, the quality of care is being limited by HMOs or managed care plans. I think that Congress must act now to enact basic patient protections, but to put the ''care'' back in managed care.

Many of us have talked for the last year or so about the types of things that should be included in an effort to reform managed care. The President had an advisory committee that issued a report that went through various patient protections that could be included. At the same time, in his State of the Union address the President talked about the need for patient protections and basically called upon the Congress on a bipartisan basis to pass managed care reform. I have actually introduced a bill, a number of our colleagues have introduced legislation that would put patient protections in effect in the context of managed care organizations.

But what has not happened and what needs to happen is that this House and this Congress must pass legislation and should get to doing so as quickly as possible. The time for talk is over. The time for action is now. We do not have a lot of time left because of a shortened legislative calendar in 1998, and I think we need to move in committee, we need to move on the floor and we need to move in both Houses towards managed care reform.

I have to say that I believe very strongly from every indication that I have received that the Republican leadership is not interested in moving forward on managed care reform. There has been a tremendous amount of money coming from special interest groups, from the insurance companies, in particular, that have been lobbying Members of Congress not to pass a managed care reform or patient protection act legislation in this session of Congress.

The Republican leadership has been out there saying that they do not want to do it, and I think what we have to do as Democrats and those Republicans that are willing to join us, is to push the Republican leadership. Because they are in the majority, we have to push them to bring this legislation through committee to the floor so that the President can sign it.

I have to say that this is a very important issue for our constituents. Every time I go back home and hold a town meeting, constituents ask me when Congress is going to provide common-sense managed care reform.

In New Jersey, the voters spoke loud and clear and the State legislature, along with Governor Whitman, a Republican, enacted model patient protections. It was not radical legislation in New Jersey. It has not substantially increased costs as the special interest lobbyists would have us believe. Instead, it was principled on choice, access and quality health care.

Let me just give my colleagues an idea, if I could, about the types of things that we are talking about when we talk about a Democratic managed care reform initiative.

Basically what we are saying is that individuals enrolled in managed care plans would be guaranteed that their health plan will have enough doctors and health providers in its network to ensure that they get the care they need on a timely basis, that they would have the right to choose to see providers outside their health plan, that they would have the right to see specialists when necessary outside their health plan, that they would be guaranteed that their doctor would be allowed to tell them about all their treatment options, that is, no plan would be able to use gag rules to restrict doctors' communications with patients, that they would have access to emergency care without prior authorization in any situation that a prudent lay person would regard as an emergency.

For women with breast cancer, they would be allowed to stay in the hospital following surgery for a minimum of 48 hours for a mastectomy, or 24 hours for a lymph node dissection. For a women to be guaranteed the right to direct access to their obstetrician-gynecologist and be able to choose their obstetrician-gynecologist as their primary care physician.

When a service and procedure is covered by their plan, that they be guaranteed that they and their doctor, not the insurance bureaucrats, would decide what care is medically necessary for their treatment, that they be able to get authorization for care from their plan in a timely manner based on clear, objective written guidelines, that they be guaranteed that if they were denied care by their plan, there would be a timely, reasonable and meaningful system of recourse for those with life-threatening illnesses allowing them to participate in a clinical trial for experimental therapies at no extra cost to them, that they have protections against discrimination on the basis of health status, genetic information and other factors, that for women who have had a mastectomy, guaranteed coverage for reconstructive breast surgery, that they have access to medically necessary drugs, that they be guaranteed that their health plan does not use discriminatory practices when choosing doctors or other health providers who participate in its network, that they be guaranteed that their health plan would be subject to these new protections regardless of whether it is licensed at the State or Federal level and that they be provided full, relevant information about their plan, including which benefits are covered and which are excluded, what the individual costs are, what the plan policies are regarding authorization and denial of care and what their plan's policies are regarding selection and payment of providers.

Mr. Speaker, these are a few of the common-sense provisions that the American people want enacted. New Jerseyans in my State are fortunate to have a responsive State legislature that addressed these issues but unfortunately not all in New Jerseyans will be able to enjoy the same level of patient protections. That is because the

Employee Retirement Income Security Act of 1974, ERISA, says that State laws do not apply to companies that self-insure. This means that many of the constituents of my State are left without adequate health care quality standards.

In a sense there is a two-tiered standard in my State and in many others. Only Congress can act to address this shortfall. ERISA comes under Federal law.

The Democrats are gearing up to fight for the rest of the American public's right to common-sense, quality health care. We understand that it is good that State legislatures passed these individual laws in their State, but it does not apply to a lot of people who are self-insured. It also obviously does not apply from one State to the other. That is why we need Federal action.

I am pleading with the Republican leadership not to sit on the sidelines. They have to basically realize that regardless of what the special interests say, this is the type of legislation that the American public wants, that the American public needs, and that we should be addressing here during our debate this year in 1998.

One of the things that I noticed, Mr. Speaker, is that when we have forums back in my district in New Jersey, and we have had some and we are going to have a lot more on the issue of managed care reform, that many people will show up and basically tell the story, if you will, about their individual problems that they have had, or their children have had or their mothers, their fathers have had, or friends with managed care plans that have denied them coverage or denied them certain services, and how difficult it has been for them to appeal with the denial of certain coverage and to get through the bureaucratic process that many managed care plans necessitate when you try to get some service or some procedure that they deny or that they will not allow.

I could give my colleagues many examples of that, but I wanted to give one example tonight because this was a woman who came to our hearing that we held in January. Her name is Cheryl Bolinger. She in particular, I thought, explained very well the morass or the maze, if you will, that one has to go through when trying to get the managed care plan to approve a service or procedure that they do not want to approve.

I do not know if I am going to read the entire thing, because I know I am going to be joined by another Member here, but I wanted to at least start with some of the testimony that Ms. Bolinger gave at a hearing that I held, along with Senator TORRICELLI, back in January on the issue of managed care reform.

She said that she is the mother, Mrs. Cheryl Bolinger from New Jersey, of a 15-year-old child who has multiple developmental disabilities and complex chronic mental problems. Her daughter Kristin's medical problems began shortly after her birth. At 6 weeks of age, she developed unexplained intractable seizures. Because of the severity and the debilitating effects of her condition, she must be followed by many specialists and undergo many specialized and expensive diagnostic tests.

''Today, that was in January, Kristin remains nonverbal and nonambulatory and requires customized durable medical equipment for every aspect of daily living. Customized equipment is also needed to prevent and minimize the effects of orthopedic problems. She also requires physical and occupational therapy to enhance and maximize her potential in terms of her orthopedic status and general medical condition.

''During Kristin's infancy and early childhood we were fortunate enough to have a fee-for-service insurance plan. As long as our medical documentation was current and in place, in other words, prescriptions, follow-up care and letters of medical necessity, we did not encounter problems obtaining adequate and proper medical care regarding all areas of our daughter's acute and long-term care. In 1993, however, our insurance plan was changed to an HMO.''

This is something, Mr. Speaker, that of course has happened to many people who had a fee-for-service plan where they could choose their doctor and switched and were forced basically because their employer switched to an HMO.

Ms. Bolinger goes on to say that at that point, when she changed to the HMO, ''We encountered many difficulties regarding Kristin's medical care. According to the plan, we had to choose a pediatrician who had contracted with the HMO to serve as her primary care physician. The pediatrician who had been seeing Kristin for many years was not a participant in the plan. Likewise the specialists who had been treating her for so long also were not plan participants.

''My husband and I were very upset over this change and need to give up the excellent care Kristin had been receiving from these physicians. We were very concerned about the future of our child's health care. Nevertheless, we tried to be optimistic, and we visited a plan-approved pediatrician who would serve as Kristin's primary care physician. To our dismay and disappointment, we were not satisfied with the level and quality of care provided.

''Our freedom to choose a suitable physician for our child, while receiving adequate insurance coverage have been taken away by the HMO.''

If I could just stop here, Mr. Speaker, from Ms. Bolinger's statement before our hearing, this is, of course, the problem. Now that people who for many years had been taken care of by primary care physicians whom they knew and whom they respected and who they felt were doing a good job, now all of a sudden had to be replaced by someone within the HMO.

I think what I am going to do at this point is to stop here in talking about Ms. Bolinger's case, because I can go back to it later on, because I want to, if I can, give time to one of my colleagues from the Committee on Commerce, the gentleman from Texas (Mr. Green). He, I know, has been involved with this managed care issue for some time now and has had many experiences in his own district where people have come up to him and talked about some of the problems that they have had.

□ 1900

Mr. GREEN. Mr. Speaker, I want to thank my colleague from New Jersey (Mr. PALLONE) for requesting this hour special order talking about managed care and patient protection. A lot of folks, though, and I found out in my own district in Houston, I represent a very urban district, we had a managed care town hall meeting not yesterday, but the week before, and just asked senior citizens, average working folks, we had physicians, providers, even some hospital representatives come talk about managed care.

What I found out is that first of all, for the discussion tonight, we need to make sure that people know that some States like New Jersey and Texas have passed legislation but that only covers insurance policies or HMOs that are licensed to practice in that State.

A great many employers come under what we call the ERISA Act. It is a Federal act that was passed in the early 1970s. Because so many of our employers are multi-State and sometimes multinational, an employer in Texas and New Jersey, obviously, they would not want to have to jump through both restrictions in each State, so Congress passed something that said, okay, you can come under Federal law for your health care, and so many of our constituents now come under Federal law.

So what is happening, though, is that we are lagging behind some of the innovative efforts that States are doing to provide for more patient protections. Both the bill of the gentleman from New Jersey (Mr. PALLONE), and of course the gentleman from Georgia (Mr. NORWOOD) has his bill that has over 200 cosponsors, and the gentleman from New Jersey (Mr. PALLONE) and I are members of the Democratic Health Care Task Force where we are working on legislation that will be similar on managed care reform, patient protection reform. The gentleman from Michigan (Mr. DINGELL), our ranking member on the Committee on Commerce, is putting that together and will be the lead sponsor on that.

We need to ensure that every American enrolled in an HMO or a PPO or a PSO, also known as managed care, gets first-rate health care with benefits and the quality and the protections that both they come to expect and that they also deserve. Americans should not be required to give up access to their quality health care just because we in

Congress are not doing our job in bringing the Federal law into the same realm that the private industry is doing.

The gentleman and I were both here in 1993 and 1994 when we heard the fear of government-run insurance. Well, we did not pass any of those bills and now we do not have government-restricted care, we have industry-run insurance. So we have seen the fear of 1994 and 1994 come to light, and in 1996, 1997 and 1998, because we are seeing restriction in choice, and it is not because the government is telling someone that they have to do it, it is because the market is doing that. Employers are trying to cut the cost for their bottom line, and I understand that and I am for that, but I also know that is what one can do, when we are seeing a cutting of the cost and also a cutting of the benefits and what people are assuming hopefully will be quality health care.

There are some great managed care networks in our country, and some of them are really good. What I would like is just to have, whether it be the Norwood bill or the Pallone bill or the Dingell bill, that would just give some guidance to managed care networks in our country so people will know what they can expect, that they have some flexibility; that, importantly, they should not lose control of the decisions regarding their personal health care.

Although I have to admit trends are bleak unless we pass legislation, the picture is limits on access, limits on information, and even limits on accountability. The trend is not acceptable and must be corrected by those of us who the people elect in Congress to deal with that.

An individual in my district, they do not have the ability to negotiate. Their employer often does, and I have even had employers who come up to me and say, ''I would like to have some guidance.'' Our concern is to provide the best care for our employees at the cheapest rate and the cheapest price. But there is bound to be a convergence of that, and I do not think we are seeing that, whether it be in my district or around the country.

It is time for the managed care companies, the insurance companies and the plans to be more accountable in delivering quality care and respecting basic human rights, consumer rights. By setting this standard and the guidelines, what we could have will be an effective tool for delivery of first-rate health care. But it also will give people, the consumer, the ability to know that when they go out on the market, whether it is as an employer or employee, they will also know some of the guidelines that each company that is bidding on their business would have to comply with.

Our health care task force and our full committee and our subcommittee, we have not had as many hearings as I would like to have, but our Democratic Health Care Task Force has adopted an agenda that will assure patients high-quality health care by requiring these HMOs or insurance companies or managed care plans to provide patients with access to specialists, coverage for emergency services which cannot be denied by the plan. I have heard it, and I have heard it from other Members of Congress, and I have had constituents who have gone to an emergency room because they had chest pains, and because they did not have time to preclear going to a different hospital than was on their plan, their plan will not pay for it because their chest pains turned out to not be a heart attack.

Well, the gentleman and I are not physicians and we are not the people, and neither are our constituents, that should diagnose their illnesses. They go immediately because we know with heart conditions, the quicker you get to health care, the better. So that is why it is important to have easy access to emergency services.

Also, internal and external appeals process, so if someone is watching who is making those decisions, that is what is important; and then confidentiality of medical records.

Mr. PALLONE. Mr. Speaker, if I could just interrupt my colleague for a second on that last point, when I was using this example of Ms. Bollinger as one of the people that has written to me and talked to me about the problem that she had with her child, one of the things that was most important to her was the last thing you mentioned about the grievance and appeal procedure. Because my colleague understands and I understand, but I think a lot of people do not, that if you are an individual like her that has a daughter that needs this kind of care that has been denied, it is very difficult, first of all, in that strenuous situation which she was in, to be calling up the bureaucrats and telling them this is what you want them to do, and getting the papers together and trying to find a means, if you will, to overturn a decision that they have made to deny the care. So if there is not some sort of expedited procedure that is easily accessed by someone to make an appeal or to express a grievance, they are not going to be able to succeed in changing the decision the insurance companies made.

So I just wanted to mention that, because even though it does not seem like it is very important, it is crucial to these people that are trying to get justice and make sure that the coverage is there.

Mr. GREEN. Again, it is just some guidance so people will know that if they make that call for pre-clearance, that if that decision is made that they have some appeal process, and that is just fair. I do not want to particularly go hire a lawyer to do it, I just want to have some process that that layperson can do.

The confidentiality of medical records, I know it is part of the President's plan; and also, with what we are concerned about with genetic privacy, we need to make sure that our medical records are as confidential as possible and yet still allow for research. But with what is happening in the National Institutes of Health and the discovery of genetic makeup of ourselves, we need to make sure that we protect individuals so that they are not excluded from health care because of their genetic makeup that they do not have anything to do with, because we are forcing them then onto the public system where all taxpayers have to pay.

In the patient participation in medical decisions, during our town hall meeting on health care about 8 days ago I had a hospital come in, it is Texas Children's Hospital in Houston, that is a secondary HMO, because they only deal with children, and they talked about the scenario that they are a recent HMO, they have only gotten in the business as a PSO or provider service organization.

But one of the things they want to do is sit down, and they are doing it with the parents and the children, so that the parents will know, and it is even more important with children, because as a parent we are concerned about what happens to our children, so we want to make sure that those decisions are made cooperatively and that we understand what is happening with our children. Like I said earlier, similar protections have been made in health insurance reform, like I said, in the State of Texas and also in New Jersey, but the State of Texas reform is being challenged by one of the insurance carriers. But the problem exists here on the Federal level. The States can only do so much, and we have to respond to our constituents.

I know I have a colleague from Texas (Ms. EDDIE BERNICE JOHNSON) who has a health care background, is a nurse, and I have had the honor of serving with the gentlewoman for 25 years, and I have always looked for her guidance with her health care background because I do not have any health care background. I was a printer and a lawyer and a business manager. So the gentlewoman has been able for many years as a State legislator and here in Congress to help bring us that perspective to us in Congress.

But that is why it is so important for us in Congress to respond, whether it is the Norwood bill, or Pallone bill, or Dingell bill. No matter what we do, we have to address the need for reform and the way health care and managed care and HMOs are delivered, and follow the lead of a lot of States that have tried to do this as best they can with the State insurance policies. We have to do it on a national basis.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's remarks, and I just want to point out what the gentleman pointed out over and over again, that this is really pretty common sense. The things that the gentleman listed are things that we really should have in place on the Federal level. Even though it is true that the

gentleman's State and my State have adopted some patient protections, it does not help a lot of people, even in our own States, and certainly does not help anybody who is not in our States, and that is why we need Federal action.

Maybe tonight we can go through some of these patient protections in a little more detail and give some examples of how it might impact people, because I think as the public understands what we are talking about, they understand how simple and common sense these principles are and why they should be enacted into Federal law.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman.

There is real concern going on, because as we began to talk about the patient concerns, we began to see ads coming onto television to attempt to actually frighten people. I think that what we are attempting to do now makes a lot of sense.

As long as we have health care that is focusing on how much dollars the insurance companies can save and how much they make, and they make a lot of money, then we get away from patient basic needs. Clearly, we want every business, legitimate business to make money, but in health care when it is only focused on how much the insurance companies make, we tend to get away from basic human desires and needs. I believe we have gone too far, and I think that is one of the reasons why bipartisanly concerns now are being expressed here in the Congress.

We are seeing situations where patients are being taken away from the doctors they have had for 25 or 30 years, and they do not get an opportunity to get to know who the doctor is on that staff because they do not spend any time with them. The anxiety levels go up, and often the interventions, the contact the patients might have might increase instead of decrease.

We see a number of people in my district that are complaining about getting sick after 5 o'clock, or getting to the office of an HMO about a quarter to 5 and they close at 5 and they will not let them in, and if they are really sick they have to go to the emergency room, which costs twice as much as having a simple intervention. When patients have to give up physicians that know them individually and know their records, because no matter what the illness is, individual bodies react differently, and when they have had the same physician for a number of years and all of a sudden they have to give that physician up, it affects that patient negatively.

The complaints are so great that I do not know how we can address them without this legislation. When we talk about Patient's Bill of Rights, often nobody knows what we are talking about, but it is really a very simple thing to address the concerns that patients have now.

I suppose that one of the major concerns is the fact that they cannot choose their own physician, which often makes it so that they have to travel miles across town to get to where they need to go, and this is especially a problem in a large metropolitan area that I represent a major part of. When we have people that live 25 and 30 miles away from the nearest office of an HMO, and they are elderly and they are depending on public transportation, it makes it very difficult to get there. And if they work, it makes it almost impossible to get preventive care, which is primary care, which is the least expensive care, which is the most important to invest in, because once someone gets the information, learns how to take care of themselves, it reduces the health care bill because they do not have to go as often when they have that information.

□ 1915

Mr. PALLONE. Mr. Speaker, if I could interrupt 1 minute, I think this issue of choice of doctors is so crucial to the whole emphasis that we as Democrats are putting on managed care reform. The President has talked about this, and, of course, as the gentleman from Texas (Mr. GREEN) mentioned, our health care task force, which is about to put out a bill that the gentleman from Michigan (Mr. DINGELL) is going to be the lead sponsor of, talks about patient choice.

I am not saying, and I do not think we can maybe say that, in a network, in an HMO network, that we have to guarantee in every case that we can choose any doctor we want.

Ms. EDDIE BERNICE JOHNSON of Texas. No. I do not think that makes sense.

Mr. PALLONE. But that maybe would break up the whole idea of managed care.

Ms. EDDIE BERNICE JOHNSON of Texas. That is right.

Mr. PALLONE. But at least people, when they initially choose a plan, should have a choice that, if they want a point of service option so they can go outside the network, they can.

That means they might have to pay a little more of a nominal fee; I do not have a problem with that. But there has to be some way so that people have the option of choosing a doctor if they are not satisfied with the doctor they have.

That is the problem I think that so many people bring to my attention now that they do not have that choice anymore. It has been denied them.

Ms. EDDIE BERNICE JOHNSON of Texas. Yes. It is clear that, if every person chose every doctor that they wanted or not wanted to move from any physician, it probably would interfere, clearly it would interfere with the concept of a health maintenance organization. However, there ought to be choices within that network. Personnel does not always click with personalities.

Often, physicians as skilled as they are, might have particular areas with which they show concern, and they are very interested in a particular area and might not be as interested in another area.

I think that patients ought to have a right to choose within that network what physician they see, because that patient/physician relationship has a lot to do with the progress of that patient. This is a new experience anyway for these patients, and just having that opportunity could make it a much more acceptable experience for them.

We recognize that the cost of health care soared. We understand that these interventions are for the purpose of controlling some of that cost. But when we have to give up all of the quality, it is not worth it. We have to maintain a level of quality that our patients can do well with. In order for them to do well, they absolutely have to have some choices. Not everyone can go to the hospital with the same diagnosis and get out in 3 days. It might take some 5.

Mr. PALLONE. If I could ask the gentlewoman from Texas to yield back to me, I think it is particularly important when the gentlewoman talks about access to specialists, because, oftentimes, the HMO, the network will not have the specialty care that is needed. And I think that there should be a guarantee.

One of the things we have talked about as part of this managed care reform, that if the plan, if a network does not have a specialist that is qualified or can handle that particular situation, that we should be able to go outside of the network to get the specialist. That is another complaint that I hear quite a bit about.

Ms. EDDIE BERNICE JOHNSON of Texas. That is correct. Clearly, that is why we have specialists, because certain physicians specialize in areas that are needed. We need the specialists. If patients do not have access to those specialists, then we are not offering them the greatest opportunity for recovery or for getting the best information that they can have, the best approaches for taking care of themselves.

Clearly, a majority of the long-term care can be self-administered. But they must have the information, they must have access to the right and the best information in order to do well and to prosper healthwise after making the intervention with the health care provider.

We cannot get away from having some type of individualized care. We cannot wholesale all health care. Human beings are different. They react to medications differently. They do better under various different circumstances. That has to be taken into consideration.

When we get to the point where absolutely no individualized opportunities

are there for patients, then we have gotten away from the real meaning of having health care and really even having specialists.

We have come to a point where we must allow a physician to practice medicine. Physicians are trained. They are educated. They must be allowed to practice medicine.

Insurance companies simply cannot practice medicine for that physician. They must be given the leeway of practice so that they can look at that patient and determine what is best for that patient. We have gotten a little bit away from much of that.

I have had numerous visits from hospital staff, from physicians themselves asking for that right to have the opportunity to simply practice their art. That is what they are educated for. They have the expertise.

No insurance company can make that determination for individual patients. Sure we can have broad categories, but physicians must retain their right to practice.

Mr. PALLONE. If I could interrupt the gentlewoman from Texas again, we had a perfect example of this, of course, with the drive-through deliveries for pregnant moms, where it had gotten to the point where many of the women, when they went to the hospital, actually had to leave within 24 hours.

It did not matter whether or not the physician thought that was appropriate or whether the women felt that it was not appropriate, the health insurance company said that is it. She is there for 24 hours. I think it was 2 days for C-section. Again, I think that was a perfect example.

Ms. EDDIE BERNICE JOHNSON of Texas. And for mastectomies.

Mr. PALLONE. Exactly. It has got to be that that decision is made by the doctor with the patient, not by the insurance company. Unfortunately, that is getting to be the case with so many different types of care, not only mastectomies and child birth, but so many of the situations.

Ms. EDDIE BERNICE JOHNSON of Texas. That is why it is so important that we consider legislation now, because it gets to be rather unmanageable to have to bring every particular ailment before this Congress to legislate for that particular ailment.

We need a systemic type of approach. Unless we have an overall general approach as we get the outcry from our constituents around the country, we will be piecemealing it. Every year, we will put something else to be covered by an insurance company or how it is to be covered. That also is not a wise way to do the reforms for our health care system.

We need a more organized, a more intellectualized way of approaching these problems. But if we fail to do that, we will have to continue to look at mastectomies one year, childbirth the next year, prostate surgery the next year, and something else the next year. That is not the appropriate way to address problems.

Mr. PALLONE. One of the areas that concerns me the most in this regard is emergency care, because what I find increasingly is that the people are denied emergency care in the emergency room, or they are allowed into the emergency room, and they are provided care, and, later, the health insurance company does not cover it because they say it was not necessary; it was not an emergency.

So one of the things I think is really crucial is this sort of prudent layperson standard; in other words, that you have to be provided and you have to cover the emergency care if a rational or reasonable person would think that that was an emergency, again, a decision based on what a doctor would think or what the average patient would think, not what the insurance company would think.

Because I am getting more and more cases where, as I said, either people have been denied emergency care or they simply do not cover it, and they send them the bill on their own, which they cannot afford, which, as we know, emergency room care can be exorbitant if we are paying for it privately.

Ms. EDDIE BERNICE JOHNSON of Texas. That is correct. If someone gets ill in traffic on their way home from work, and they happen to stop by an HMO, I had a constituent that this happened to just recently, 15 minutes before it is to close, and be told to come back the next day because they are getting ready to leave. The person has to go to the emergency room, and he ends up being hospitalized. Then that is a situation that can only be governed by a change of attitude where the attitude is toward the care of that patient rather than watching the clock for an employee making a decision at the door before a physician is even seen.

This is when the system is out of control. When the price tag goes up, the cost emotionally and physically to the patient is greater because the employees say it is 15 minutes before it is time for us to get off, and we simply cannot take care of it today. I do not want to be here overtime.

Mr. PALLONE. One of the things that the gentlewoman has really brought out, and I think is so important, is that the emphasis, again, has to be on the quality of care and not so much on the cost of it. We understand that managed care reform has brought great cost savings, but the bottom line is that now it is just out of hand.

If we implemented these patient protections that we are talking about, the cost really is very minimal. I know that that is an argument that is used that, oh, this is going to increase costs, but I do not believe it when we are looking at the kind of common sense approaches that we are talking about here that there is any significant cost increase.

It seems to me, in the long run, we will probably save money, because a lot of it is preventative, and we end up helping people so they do not get sicker.

Ms. EDDIE BERNICE JOHNSON of Texas. One of the fallacies of a system that has failed us is distrust, one of the outcomes. Once the patients distrust a system, the cost of it generally goes up, because there are more complaints, more anxieties, more concerns, and not confident that the quality of care will be there.

Mr. PALLONE. If I could give the gentlewoman an example, just an example of this, when my wife and I had our son 2 years ago, they had just implemented this policy with the pregnant women that they were only allowed the 2 days for a C-section, because he was born with a C-section. She had a C-section.

As they were about to release him from the hospital for the 2 days, they had a pediatrician that was required, I think under the law, had to come in and look at him before he was checked out. They found that he was jaundiced. So they let him stay an extra day. They let her stay an extra day.

If that had not happened and had not been detected, he could have easily gone out of the hospital, gotten worse with the jaundice, end up having to come back to the hospital and stayed a week or more, which would, of course, cost more money.

So, to me, a lot of this is just preventative and actually saves the system money in the long run.

Ms. EDDIE BERNICE JOHNSON of Texas. Oh, indeed. Most obstetricians will tell us that depression and anxiety after childbirth, especially for the first child, is very common. If that mother is forced to leave the hospital while they are still in a real state of uncertainty and not confident whether they know exactly what to do, they are more likely to exaggerate and exacerbate those symptoms than to have their anxieties alleviated.

Clearly, just 24 hours, which we saw the need to correct in the last Congress, is not enough to ensure that that anxiety will not cause unnecessary bleeding and lots of other symptoms that might occur.

When we insist upon these very hard decisions, notwithstanding what that individual reaction might be, then the system has gotten away from the human part of it. That is a major part of healing. That is a major part of well-being with anyone who has a physical symptom.

It seems to me that, under the current system, without correction, we have just said it does not matter. It really does not matter. As long as we stay within the guidelines of this insurance company, that is all that matters.

I do not believe this country is ready for a system that does not care. I think that is why the outcry is now. It is not that people do not respect and do not feel the need for some type of reform.

□ 1930

It is just that when that reform becomes so calculating, so antihuman that it becomes then a failed system. That is why we have the outcry now.

It does not take a lot of big government to correct it. It really takes a very few simple steps to do it that will not be costly. As a matter of fact, I think the costs will be greater to ignore the demands of our general public.

This approach is not partisan. It is really not going to be solved based upon any hard-core decisions. It is going to be solved with us recognizing that patients across this country from all income levels, all walks of life, are rejecting what their experiences are now. I believe we restore the confidence and restore some quality that patients deserve when we can address this through this simple, what we call the patient's Bill of Rights.

It is really not asking a lot. It certainly does not bring in a big government arm to direct everyone around, but it does return some reason. It does return some rights to the patient, that they can feel confident that they have just a little bit of say about what happens to them when they are ill.

It is not a free system. It as a matter of fact, it costs more for the patients to get less. And that will not change with what we are talking about doing. That clearly will not change. But what can change is to have a little better opportunity for a little bit more quality in that care.

Mr. PALLONE. I appreciate the gentlewoman's comments. I think it is absolutely to the point.

I guess I started out today by saying that I really think that we know what has to be done here now. We have talked about this, and the President came forward with a Bill of Rights. Some of the Republicans have sponsored legislation. As we mentioned before, our Democratic health care task force has put forth a set of principles which are going to be put forward in a managed care consumer protection bill that will be introduced very shortly that we are going to be talking about and that we believe we have support for amongst the Senators as well as the White House in favor of this legislation.

But what really needs to be done is, we need to push the Republican leadership to bring this managed care reform to the floor of the House, to bring it up in the relevant committees, to push that it come to the floor of the House, and do the same in the Senate.

We do not have a lot of time here between now and the end of this legislative year. If we do not act quickly, and after all the Republicans are in charge of the process, they are in the majority; they are the ones that are going to decide what can come to the floor. If they do not bring this up and allow for debate and allow for a vote, then it is not going to happen.

Part of the reason why we, as Democrats, constantly talk about this and will continue to talk about it is because we know that we need to push them to bring it up. Otherwise, it is not going to happen this year.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman for his leadership. I hope that we can depend on our Republican leadership to be responsive to the voices of the American people.

It is not just Democrats that we are hearing from. My district has as many Republican voices speaking out and asking for some type of redress as do Democrats. It is an issue that all Americans have concern about, especially those working Americans who cannot actually pay for the cost of health insurance in an independent plan.

We know we have to have these larger, supposedly affordable plans. But these plans do not work with gag orders. These plans are not working with all of the restrictions. Patients need a little bit more freedom of choice, and they need to feel confident that there is a little that they can expect coming to them after paying into these plans.

I do not believe it is asking too much. I think the profits for the insurance companies would still be good, because in the long run it would reduce cost; it would reduce cost because you reduce anxiety, you reduce skepticism and you restore some confidence that when care is needed, care will be there.

Once we restore some of that confidence, remove the gag orders so they will know the full truth, then I believe that we will certainly continue to control that cost. Otherwise, we have a system that is considered to be broken. And just because we ignore those voices does not mean they are going away. They will continue to speak out.

I think we have a duty and a responsibility to be responsive to those voices. I thank the gentleman for his leadership.

Mr. PALLONE. I thank my colleague from Texas also for joining me, and for her insight into this as a nurse, as well, because it is often those who are involved in the health care system as nurses, physicians, they are the ones that have the most knowledge and understand the kind of problems that many patients now face with the existing managed care or HMO systems.

I was going to ask my colleague, if I could indulge the Speaker tonight, I began this evening by going through the testimony of a New Jerseyan, Cheryl Bolinger, who had experienced some severe problems dealing with the managed care system with her daughter. I did not complete her statement. I know that there is not enough time in the time that is allotted to us to complete it. I would like to either include it in the record now, if I could; or if not, I will put it in as an extension of remarks this evening because she really outlines very well the kinds of problems that a mother or somebody goes through when they are trying to get through this sort of Byzantine labyrinth of managed care.

I just cannot imagine myself, if it was my daughter or my son, to have to go through this experience to get the proper care and to make the appeals and to deal with the objections and follow a grievance procedure. She was spending, from what I can see, more time doing this than she was with her job. She was not a woman who was in a position to be able to spend the time from 9:00 to 5:00 taking appeals of decisions that were made by HMOs.

So many people face this on a regular basis. Fortunately, her daughter had a mother who had the willingness and aggressiveness and understanding about what to do, but many people do not. That is the problem. That is why we need our legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me just quickly say that I am from Texas. It is not known to be a liberal State. As a matter of fact, we are kind of known to be a rather stubborn State. But one of the Republican leaders in the State Senate introduced and passed a bill to allow for HMOs to be sued.

We have had a real fiasco in our State in how they have been able to function and the kind of quality that has virtually disappeared in health care.

This was not brought forth by a liberal spending person. It was brought to the legislature by a very conservative Republican, because we have had probably one of the most unpleasant experiences in our State in dealing with our HMOs. We have had a number of, just a burgeoning number of complaints with them virtually having no way to do anything about it. I know this is not just my State. I believe this is happening around the country. I think that we have the responsibility to address these issues for the American people.

During the district work period week of February 20, President Clinton issued an executive order directing all federal health plans, which serve over 85 million Americans, to come into compliance with his quality commission's consumer bill of rights. At the same time, many constituents asked me when Congress would follow the President's example and pass legislation that assures that the initiatives in his executive order for the patients' bill of rights becomes standard for all Americans.

Four weeks later, I still have to inform my constituents that the majority has not scheduled a vote on such an important matter.

As a member of the democratic health care task force, I look forward to the challenge of ensuring that more than 160 million Americans in managed care plans get the quality care they deserve, with more choices, protections and freedoms.

Some special interests wish to label reform efforts as more big government. Giving more choices and quality care to more consumers in not big government, it is a ''patients bill of rights'' that has people and their well-being in mind.

One example of the problems Americans experience with managed care is illustrated by a Kaiser Family/Harvard University poll which

found that three-fifths of Americans feel managed care has resulted in doctors spending less time with patients.

Americans are clear on the need for managed care reform. Congress should be clear on their commitment to enact it. The American people leave no doubt about their displeasure with health plans because of cost considerations and withholding important information from patients because of ''gag orders.''

As a lawmaker, registered nurse and businesswoman, I know the benefits of not only protecting patients, but also giving them choices. Protecting patients and giving them choices are good policy, good health care and good business.

This year, I will work to ensure that Congress answers the calls from Americans who are dissatisfied with their health care plans. It is important that Members of Congress from both parties work to provide Americans with a basic ''patients bill of rights.''

I ask that the leadership in Congress answer the President's call, but more importantly, the American people's call to pass a ''patients bill of rights this year.''

If we do not act now, we are faced with the reality that millions of Americans in private health plans may never be assured that they will also have the protections that their counterparts in federal plans enjoy.

I yield the balance of my time.

Mr. PALLONE. Mr. Speaker, it is important for us to tell these stories because I think that it is only when we tell the stories of our constituents and the people that have been through the system and the public and the other colleagues down here understand what our constituents are going through that we will get a ground-swell of support for managed care reform. I think it is very important that we relate those stories.

I want to thank my colleague again.

Mr. Speaker, I include for the RECORD the testimony to which I referred:

TESTIMONY OF CHERYL BOLINGER

January 22, 1998.

Good morning Senator Torricelli and Congressman Pallone. Thank you for your interest in hearing about the struggles my family has had in trying to receive good, quality medical care from an HMO for our daughter.

My name is Cheryl Bolinger and I am the mother of a 15-year old child who has multiple developmental disabilities and complex, chronic medical problems. My daughter Kristin's medical problems began shortly after her birth. At six weeks of age, she developed unexplained intractable seizures. Because of the severity and the debilitating effects of her condition, she must be followed by many specialists and undergo many specialized and expensive diagnostic tests.

Today, Kristin remains non-verbal and non-ambulatory, and requires customized durable medical equipment for every aspect of daily living. Customized equipment is also needed to prevent and minimize the effects of orthopedic problems. She also requires physical and occupational therapy to enhance and maximize her potential in terms of her orthopedic status and general medical condition.

During Kristin's infancy and early childhood, we were fortunate enough to have a free-for-service insurance plan. As long as our medical documentation was current and in place, (i.e., prescriptions, follow-up care, and letters of medical necessity), we did not encounter problems obtaining adequate and proper medical care regarding all areas of our daughter's acute and long-term care.

In 1993, however, our insurance plan was changed to an HMO. At that point, we encountered many difficulties regarding Kristin's medical care. According to the plan, we had to choose a pediatrician who had contracted with the HMO to serve as her primary care physician. The pediatrician who had been seeing Kristin for many years was not a participant in the plan. Likewise, the specialists who had been treating her for so long also were not plan participants. My husband and I were very upset over this change and need to give up the excellent care Kristin had been receiving from these physicians. We were very concerned about the future of our child's health care.

Nevertheless, we tried to be optimistic and we visited a plan-approved pediatrician who would serve as Kristin's primary-care physician. To our dismay and disappointment, we were not satisfied with the level and quality of care provided. Our freedom to choose a suitable physician for our child while receiving adequate insurance coverage had been taken away by the HMO.

After such a disheartening experience, we decided that it would be in Kristin's best interest to remain with her current pediatrician and specialists. They were the doctors who knew her best. As a result of our decision, our benefits were reduced and we were required to pay out of pocket.

Also in 1993, we were advised by our insurance company's medical review board that it had deemed Kristin's therapies to be not medically necessary. Even though medical documentation recommending these therapies was in place, benefits were ceased. Because of the importance and necessity of therapies for our child, we paid for them out of pocket.

In 1994, Kristin developed a scoliosis curve which required bracing. We used an orthotist in our HMO plan to manufacture the brace. When I returned to our orthopedist with the brace, he told me it was worthless and would probably increase the curvature rather than inhibit it. My doctor was irate that the HMO had contracted with a company that provided substandard equipment; he referred us to an orthotist of his choice who manufactured the brace free of charge.

I called and wrote to my HMO regarding the inferior quality of the brace the orthotist in their plan had made for us. They responded by telling me they wouldn't handle the problem and to contact the agency they contract with. I phoned and sent written correspondence to the agency regarding the problem. However, other than someone saying they would make a note of the situation, I never received a satisfactory answer or explanation regarding the inadequate and inferior quality of the brace.

In August 1997, Kristin underwent scoliosis surgery, which required spinal fusion and instrumentation—a complicated and serious surgical procedure. Fortunately, we were able to use a reputable prominent surgeon in New York City who was on our plan as a participating specialist. At this time, Kristin's post-operative condition was very fragile. Upon discharge from the hospital, Kristin was to receive nursing care and physical therapy at home. The surgeon wrote very specific orders regarding the medical care and rehabilitation needed at home.

After Kristin had been home for nine days, I received a phone call from the contracted nursing agency informing me that nursing services would no longer be covered and were to cease. Contrary to our surgeon's recommendations, the HMO opted to provide a home health aide instead of a nurse to care for Kristin's nursing needs. The level and quality of care provided by a home health aide was not adequate for my daughter's complex medical needs. I immediately became actively involved in requesting that the HMO cover the necessary nursing care. After several additional letters of medical justification, repeated taxes, phone calls, and communication, the HMO conceded that they should follow the initial recommendations of their surgeon. Nursing care was reinstated after seven days.

The surgeon also wrote very specific instructions regarding special therapy for rehabilitation. Physical therapy was ordered for 12 weeks. However, after only about six weeks—half the period recommended by the surgeon—I received another phone call from the contracted agency stating that physical therapy would no longer be covered and would cease. Once again after my repeated attempts to correct the situation, the insurance company reinstated therapy after a two-week lapse. In both situations, continuity of vital services for my daughter was interrupted due to poor decisions made by the HMO.

On our most recent follow-up visit to the surgeon (January 14, 1998) he was not satisfied with Kristin's post-operative rehabilitation. He requested Kristin receive additional physical therapy so that she could regain her post-operative abilities and level of functioning. To date, I am still awaiting a response to this request from the HMO.

Because of surgery and the changes in Kristin's body alignment, a new wheelchair is needed to accommodate her post-operative status. We have been waiting for three-and-a-half months for secondary approval of this crucial and essential piece of equipment and have still not received a decision from the HMO. In the meantime, we have no choice but to keep our daughter in a wheelchair that no longer meets her needs while we continue to wait for a response.

In conclusion, I would like to state that HMO's present the following problems to families trying to obtain health care for a family member who has developmental disabilities and requires long-term care.

Freedom to choose qualified physicians is compromised.

The quality, continuity, and duration of care is subjected and often does not meet the medical need of the patient.

Durable medical equipment that must be customized and is not a stock item is often inadequate and inappropriate for specific medical needs.

Many crucial requests are denied or delayed for too long a time.

The time and effort our family invests in trying to correct the poor judgement of our HMO and the stress this creates takes away from the valuable time we need to care for our child. Unfortunately, this is the constant battle we must wage to try to obtain proper, quality care for our daughter.

Thank you very much Senator Torricelli and Congressman Pallone for listening to the problems I have had in obtaining good quality medical care for my daughter, Kristin.

AN AMERICAN DREAM

The SPEAKER pro tempore (Mr. JONES). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about this great Nation we live in. I was reminded over the weekend just what a great country it

is, and I would like to challenge all of my colleagues tonight that we dare to dream about what we can do next in this great country of ours.

Back in 1980, I was teaching math, earning about $8,500 a year. We had two young children. I can remember distinctly the day we walked through the store, filled our grocery cart. As a math teacher, I added up how much the groceries were and we could not pay for them. We stopped that day and we said, we have a dream. We would like to live a better life.

In this great country that we live in, we took a chance and we started a business in the basement of our home. We dared to dream that in this great country, the United States of America, that if you want to start a business on your own, work very hard, you could be successful.

The business grew and expanded and eventually we were able to move to an office. That was in Milton, Wisconsin. Six years later we dreamed again. We said, we have this dream that we would like to build something. We would like to provide job opportunities in this great Nation where we live. We would like to provide other people with the opportunities to live the American dream as our company grew.

We started building homes that year, 1986. We built nine homes. We lost $20,000 plus my salary, and it almost seemed like our dreams were going to be shattered in that year. But this is America. We would not let those dreams be shattered.

We turned the company around the second year. We built 27 homes, turning a profit, providing 54 job opportunities in southern Wisconsin; and by four years later we had put this circle on a map. It was a circle, a 60-mile radius of Janesville, Wisconsin. We had this dream that we could build houses all through that 60-mile radius of Janesville, Wisconsin.

By 4 years later, we were building 120 homes a year, providing 250 job opportunities. We had watched not only our own company grow and the job opportunities that that company provided, but we watched other people in the industry grow right along with us, a heating contractor and electrical contractor, all the other people that were so actively involved in this home building business.

We turned that business over to some other folks and ran for Congress. We lost twice. We had this dream that in this great Nation we lived in we were going to stop our government from spending our children's money. That was our dream. We left the private sector with this very positive business and ran for office twice.

I ran against Les Aspin. Looking back on it, a person who had been in office for 22 years, a very respected Member of Congress, it was a very difficult task, but I knew in the United States of America if you had a dream you were allowed to pursue that dream.

We ran twice and lost. We came back. The third time I was elected to Congress and I came here with a very definite dream.

That is why I rise tonight. I want to talk about that dream and how far we have come with that dream and then I want to dare to dream as we look forward to this country and look at what we could possibly do to make a America a better nation for our children.

When we got here in 1995, I dug this out to come over here tonight, this is a copy of what we called America's Contract with Our Children. In our first three months in office, with the help of lots of other folks, we put together a budget resolution, and we at that time were in an environment where we kept hearing about how we were going to promise the American people we could balance the budget by 2002. Many of us came in from the private sector, never having served in government before, and we had heard these promises, way back to 1985, of Gramm–Rudman-Hollings. In 1987, we heard them again. In 1990 they said they had to raise our taxes to get the job done; 1993, they said they had to raise our taxes again.

We came in with a different idea. We came in with a dream. We came in with this dream for America that rather than raising taxes on the working people, getting more money into Washington, that instead we would control Washington. And people looked at us and they said, you cannot get Washington spending under control. There are too many special interests out there. There are too many other people out there that are not going to let you control the growth of Washington spending.

That did not stop us from dreaming. We put this budget plan together and it really, at that point it was a dream. The main components of this budget plan that we put together, and it was very detailed, it was not just a few sheets of paper, it showed exactly how to get the job done; we were going to balance the budget, and not in the year 2002. We were going to balance the budget in 1999. Our dream was that we could get there not on time but ahead of schedule.

We realized that the right move was to control the growth of Washington spending so we could not only balance the budget, but by controlling this Washington spending, we could also reduce the tax burden on the American people.

In this dream, this budget plan that we put together, in this dream that we had for America, we called for lower taxes, but our dream did not end there. We realized that this government had been taking money that was supposed to be set aside, much like a pension plan in my business that we used to run, a pension plan for our employees. We realized that this government was taking the pension fund called Social Security, but instead of putting the money aside that was supposed to be set aside to preserve and protect the system, it had been spending that money on all sorts of other things. We dreamed in this budget plan that we could set that money aside like any other pension plan and restore Social Security for our senior citizens.

Our dream did not end there. Our dream recognized that even after we got to a balanced budget and set aside the Social Security money and lowered taxes, we still had run up a $4.5, $4.9 trillion debt to be exact, at that point in time. Our dream was that we could start paying down on that debt so that our children would not inherit this huge burden as we looked forward to their future.

I brought this with me tonight. I would just like to refer to a couple pages in it, just to remind Members what it was like back in 1995, as we think about this dream that we had back then.

□ 1945

Page 1–1 of this budget says that we are going to balance the budget in 4 years; that is by 1999. We are going to pay off the $4.9 trillion debt over a 30-year period of time. We are going to quit stealing the Social Security money. We are going to provide a strong national defense. Medicare is on the verge of bankruptcy, so we were going to restore Medicare for our senior citizens. We were not going to require tax increases to do this. And we were going to provide tax cuts for workers all across this great Nation that we live in.

The next page in this proposal said what is the difference between this and what else is being proposed in Washington? Remember, this is 1995. This is our class coming in here and laying out our dream for the future of this country.

The difference, number one, page 1–2, in this thing: The plan calls for immediately setting aside surplus funds from Social Security. That was part of our dream. The plan sets out a path.

Definite difference two: The plan sets out a path to repay the $4.9 trillion dollar national debt by the year 2025.

Difference three: The plan balances the budget not in 2002 but in 1999. Not only that we provide suggested spending reductions for this government that exceeded the amount necessary to balance the budget in the year 1999 by $70 billion, so that we can debate what was the highest priority and not reduce spending in areas that were most important to our country but go after areas that were least important to our country. This plan laid all those things out.

I would like to read through a few of the other things; the environment that we were in back in 1995. Here are a few of the things that were going on around the world back in 1995 when we dared to dream that this could happen.

The U.S. debt had grown from $1 trillion to $5 trillion in a 15-year period of time. Orange County files for bankruptcy. Washington, D.C. experiences major financial problems. Barings Bank of England collapses. The dollar slides to record lows against the yen

and the mark. Interest rates, not coming down like they are today, interest rates rise 3 percent in a 15-month period of time. The Mexican collapse is imminent or probable. Canada has serious financial problems. The January U.S. trade deficit is the worst on record.

This is what we came into in 1995. Just think how much things have changed and how, by daring to dream, we have been able to bring about some of these changes in this great country we live in.

So tonight what I would like to do is to challenge my colleagues to dare to dream with me again. I would like to dare them to dream about a future in our country, and I would like to dare them to dream about a few different aspects.

We have already come to a balanced budget. We are going to make our first payment on the Federal debt three short years into this thing. Those dreams we had back in 1995 of a balanced budget before the turn of the century, it is here and it has happened. Our dreams have come true for the good of the future of this country.

So let us talk about dreaming for the future of America and let us dare to dream about a better America for the future of our kids. Let us start by paying off the Federal debt so our children can inherit a debt-free United States of America. And let me translate that into what that means.

For our children, if we could be successful at this, we could allow them to keep $580 a month for every family of five in America in their home instead of sending it to Washington. Because that is the amount of money that is necessary to do nothing but pay the interest on the Federal debt.

So let us dare to dream. And for our seniors, let us dare to dream that we restore the Social Security Trust Fund. Let us stop taking that money and spending it on other Washington programs and putting IOUs in the trust fund. Let us dare to dream we can actually get this government to do the same thing any business in the private sector would do for their employees, and that is put real dollars or real assets into that trust fund so our senior citizens can rest assured that Social Security is safe and secure for them as we go forward.

I want to dare to dream about the tax rate, too. Because in this great Nation that we live in, when we go to work and earn a dollar, 37 cents out of every dollar goes to taxation of some form, whether it be State, local or Federal or property taxes. Whatever form we want to look at, 37 cents out of every dollar our American worker earns is paid in in taxes.

So I want to dare to dream again. I want to dream about reducing that tax rate by a third and more if possible. But let us dream again about getting our tax rate down to not more than 25 cents out of every dollar that our American workers earn. And, frankly, I think that number is too high and maybe we should even dream for a lower number. But for the time being let us set our dream that we at least reduce the tax burden on American families all across this Nation by at least a third.

I suggested this at one of our town hall meetings recently, or one of our meetings with a group of people, and somebody stood up in the room and said, ''God only asked for 10 percent. Where does government get off asking for 37?'' That person made a good point. And I think she said it half tongue-in-cheek, but she was also right on track. Why does it cost 37 cents out of every dollar of our workers' paychecks to do nothing but run government at all the different levels, State, local, and Federal?

And I want to point some more about an education system that makes our kids number one in the world. I do not like these scores that I am hearing, where our kids rank somewhere 20th in the world. That is not acceptable, and I do not think that should be acceptable for us as a nation.

So when we think about this thing, let us dare to dream that when we restore our educational system in America to a point where our kids finish not in the top 2 or 3 or 4, let us get our kids number one in education in this great country.

How do we go about doing that? Let us fill in some of the blanks of this dream for education. Let us restore the ability to control education, put it back in the hands of the parents, put it back in the hands of the teachers, put it back in the hands of the local community so they once again control education.

I know my colleague from California is here, but if I can mention one specific bill that relates to education to help us get to this dream, one specific bill was introduced by a good friend of mine, the gentleman from Pennsylvania (Mr. PITTS). His bill would require that 90 cents out of every dollar spent for education be returned to actually help the kids in the classroom.

Because what happens today is our government collects that money, brings it out here to Washington, spends 40 cents on the dollar on the bureaucracy here in Washington, and then our government here in Washington makes a decision of where to send that other 60 cents back to. And that is not right. So this bill requires at least 90 cents out of every dollar be returned to the classroom. I think it would be a great part of this dream for the future of our country.

Mr. Speaker, I would be glad to yield to my colleague from California.

Mr. CUNNINGHAM. I thank my friend, the gentleman from Wisconsin (Mr. NEUMANN).

How can we do this? First of all, good government does not have to be an oxymoron like it is today. People want their tax dollars to go to fund good government not wasteful government.

I am glad the gentleman talked about education. I have two focuses in Congress; one is national security and the other is education. I think both sides, no matter what the opinions are, education is the key to a lot of many different areas. It is anticrime, it is antidrug, it is antipoverty.

My father and mother, who were Democrats, focused on education because they knew that that was the future. I remember my dad telling me, he said, ''Son,'' he said, ''if you get a good education,'' and neither my father or my mother went to college, but they said, ''If you get a good education and you work hard, you can make tomorrow better than it is today.'' And that was their definition, very simple definition of the American dream.

Where are we today? We are sending billions of tax dollars to Washington, D.C. Now only about 93 percent of education dollars come from the State. Less than 7 percent come from the Federal Government, but yet that 7 percent represents about $35 billion. So that 7 percent is no small number. Now, what I would think that the American people want, if they send their tax dollars to Washington, is that they get a return on that dollar that is going to enhance education.

The President, for example, wanted $3 billion for a new literacy program. California, the State that I come from, is 50th in literacy. So the gentleman can imagine the jubilation that the folks that said, hey, California is 50th in literacy; $3 billion for a new literacy program. That will be good. But if we look at it, the Federal Government has 14 literacy programs. Title 1, which is the biggest user of that $35 billion, is one of those. Title 7 is another.

What is wrong with taking one or two of our literacy programs, of the 14 that we currently have, and not just funding them 100 percent but increasing them because they work, and taking the other 12 that are not working, and getting rid of the bureaucracy? We have to pay all those salaries, the buildings, the overhead, the cost of paperwork, the retirements, which gets us less than 48 cents out of a dollar down to the classroom. In doing so, by having this other 12, we have to send our tax dollars to support this level. And that is wrong.

That is what we are saying, is that government can be good government. We can reduce the cost of government and yet at the same time benefit the American people, especially in education. And that is just one example.

And I thank my friend for yielding.

Mr. NEUMANN. Well, Mr. Speaker, I think the next thing I wish to mention is an area the gentleman is also very concerned about, and I know of the gentleman's fine work in the area.

As we continue this dream for the future of America, and I do think it is important we dare to dream, if we had not dared to dream back in 1995 we would not be here today standing here talking about a balanced budget and

lower taxes for the first time in 16 years and a Medicare system that has been restored. That was part of our daring to dream back in 1995.

So today, as we look forward, I think part of this daring to dream as we look ahead is a strong defense system, a defense system that other nations around the world look at us and recognize us as the one world power as it relates to defense. That means we have to adequately fund the defense budget.

I know that is an area the gentleman is very concerned about.

Mr. CUNNINGHAM. Mr. Speaker, I would like to tell the gentleman, if he will continue to yield, that we just finished with a readiness hearing in San Diego. We had both Republicans and Democrats from the Committee on National Security and the defense appropriations committee. And I was proud of my Democratic colleagues because they not only recognized but praised the individuals and swore to help the situation.

Our service chiefs will come and tell us that the budget is okay, but then between the lines they will tell us of increased operations of 300 percent above the Cold War. Our equipment is 1970s. We have large numbers of our senior NCOs and aviators getting out of the service because they are forced to go away.

Take, for example, the U.S.S. *Constellation*. She got back from a cruise. This is typical of all services. She got back from a 6-month cruise. She goes into port into San Diego. April, May, June, July, August. She has to go up to Bremerton for repairs. Now, all of those families are in San Diego. So those personnel again, besides on cruise, have to leave their families.

They are having to cannibalize parts. Several aircraft or squadrons have only one aircraft to fly because they have to steal those parts. They call it cannibalization, take that part off those airplanes and send them to Bosnia and Iraq and where our forward forces are deployed.

Mr. NEUMANN. To that end, I just interviewed a former lieutenant commander. We were talking about the possibility of him working in our congressional office. He told the story of every third flight something breaking down in the aircraft he was flying, and that is one of the reasons he left the service. It is a very serious problem.

Again, I do not think we should get bogged down, that we look at this in a very pessimistic way, but rather we need to dare to dream as Americans that we can find it within ourselves to restore our military to the strong position that it should be in this world.

Mr. CUNNINGHAM. I would agree with the gentleman. And instead of bogging down in the sadness of the state of readiness, there are ways in which we can actually make a three-cornered Pentagon.

A couple of examples: One, I was able to get $12 million through both the authorization process and appropriations to copy all defense maps. All services for $12 million. That was a reduction of 1 to 100th of the cost. The office of Secretary of Defense held onto the money. They wanted to steal it. They wanted to reprogram it. They wanted to give it to NAVCOM. They wanted to do other purposes with it. And we fought for 1 year to get the money released so we could copy those systems. The services continued at the old rate of copying those services. They copied 10 percent of those maps, costing $16 million.

One of the things we can do is reduce the size of OSD by at least 35 percent, and streamlining the bureaucracy in the military. That is just one of a thousand suggestions.

□ 2000

Mr. NEUMANN. So what the gentleman is saying or suggesting is that by more efficiently using the dollars that are already being spent for defense and without raising taxes on the people to fund more defense spending, there are a lot of ways within the defense plan already that we could better spend the dollars that are already being spent to provide for a better defense of our Nation.

Mr. CUNNINGHAM. Exactly. And when we are trying to balance the budget, we can look forward that for all of those wastes, from the 12 to $16 million for only 10 percent of what we could have done for 100 percent, taxpayers have got to send their dollars to Washington, D.C., turn those around at a very low rate, we can totally eliminate it. And it is not a question of giving money back from taxes; it is having not to send it here in the first place to balance the budget.

Mr. NEUMANN. I couldn't agree more. Going on with this dream, we talked about a debt-free America for our children and how wonderful it would be if when they had their kids, that they didn't have to pay $580 a month to pay interest on the Federal debt. We talked about restoring the Social Security Trust Fund. And I think it is important that we have this dream that our senior citizens can again get up in the morning and not worry about whether Social Security is going to be there; and the dream of reducing the tax rates from 37 percent down to 25 percent, that is 37 cents out of every dollar is going to Government, to down to less than 25 cents, a one-third reduction.

And we have this dream about restoring our education system so that we are, once again, the number one education system in the entire world, not two, not three, not four. That is not our target. Our target is set, number one. And we do that by restoring the control of the education system back to the parents and the teachers and the community.

I know my colleague from Arizona (Mr. HAYWORTH) is very concerned in this issue as well. I want to continue with this dream for the future of our country. I want to dream of a drug-free America. I do not want to dream of a America that has 400,000 or only 400,000 on drugs at the eighth grade level. I want to dream of an America where we eliminate drugs. I want to declare war on drugs in this country. And I want to devote as much time and effort and attention to the drug war as we do all the other things that are going on in this city right now so that our kids can once again feel safe going into school, and that they do not have to feel compelled to try drugs because so many of their friends are.

We saw a study here that the average student believes that in one hour they can go out and purchase marijuana in virtually any school system in the United States of America, and that is not acceptable.

Mr. CUNNINGHAM. But that takes real commitment. We cannot just wish it away. And it is like fighting a war. We cannot just say education is going to stop drugs. We cannot just say interdiction is going to stop it. But we have got a gross base on which we have got to reach across and stop it. And that takes real commitment from the White House, which we have not had in the past.

We can win the war on drugs. There are always going to be those that use it and sell it. Those are the ones that you put away and they never see the light of day. But what we are proposing is not just a word game to stop crime and drugs, but to actually fight it.

Example: The $7 billion that we spent, and the quote was 100,000 cops, just like a 100,000 teachers, there was no 100,000 cops. The most they could fund is 20,000, and it was to rain money down to the big cities so they could get support for reelections. What we want to do is take the money, give it to the local police force.

Just like my colleague was talking about with education, we want the teachers, the parents, the community and the extended communities and the administrators to be able to handle it. Because they know the needs, they know the first names of your children, not a bureaucrat here in Washington.

And the same is true in law enforcement. You put the money in the area. Do you need equipment? Do you need standby? Do you need more force? And instead of controlling with strings back here in Washington, it takes an all-out war with generals. And that is why we are calling for General McCaffrey to get on with it and give us some information on what he forsees on this real fight and we will back him 100 percent.

Mr. NEUMANN. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Wisconsin for yielding. And I listened with interest to my colleague from California. Because, Mr. Speaker, as I stand here in the well of the Congress of the United States, I am truly in awe not only of

the responsibility my constituents conferred upon me constitutionally to represent them in this hall and in this Chamber, but also with the quality of people who come from coast to coast and beyond; and here I stand with one who distinguished himself first as an educator and then fought this country's battles in southeast Asia where he quite fittingly earned the title of top gun.

And I stand with another who distinguished himself first as a teacher, as did my colleague from California, but my friend from Wisconsin, who worked so hard as a teacher, and then went into home building. And we really have the essence of the American dream embodied in these two gentlemen.

But Mr. Speaker, I would simply concur with the statements that have been made tonight as we try to dream a dream that can be reality for our children. This is something achievable. And I especially, Mr. Speaker, appreciate the comments of my friend from California (Mr. CUNNINGHAM). Because what we need is not a war of words, what we need is a solid commitment to our families and to our children.

Think if you would, Mr. Speaker, what we would say today if we sent an army into battle and lost 10,000 young Americans. Now, Mr. Speaker, think for a second. That is exactly what is happening. Indeed, Mr. Speaker, that may be an understatement of the number of deaths we see on an annual basis due to drug addiction.

And, Mr. Speaker, as I travel the width and breadth of the Sixth Congressional District of Arizona, an area in square mileage almost the size of the Commonwealth of Pennsylvania, I hear firsthand in the smaller communities that challenges those small police forces and those rural areas are facing as big city gangs and big city drugs are sent from the cesspools of organized crime to the very heartland of America.

So what we have, Mr. Speaker, is indeed a call to arms; not the traditional battle, nor the war on words so offered as Washington's version of Madison Avenue; a war on poverty, a war on drugs.

Mr. CUNNINGHAM. Let me give my colleagues a good example of coming to arms. I had a doctor come into my office about 3 years ago. And I was fortunate enough to write much of the welfare reform bill, being on the Committee on Education and the Workforce. He said, ''Duke, I had a lady come in my office with a 13-year-old daughter. She wanted to know what was wrong with her daughter that had just had her fourth menstrual cycle that she couldn't have a child. She wanted the welfare money.''

Now, what happens to those children? There is one view that would continue to spend trillions of dollars in the old welfare system. To me, that was a waste. And we have to send our tax dollars there. But what we did is stood up to the plate, made a commitment that we are going to solve the welfare and slavery problem of the people trapped in the inner cities.

Now, that child, what chance do they have of the American dream? Zero. Is it because the parents raised them? No. They are busy having other children. Is it the grandmother? Usually. If it is a male child, that child is in a gang. And if it is a female today, that child is in a gang. And where do they turn? Can they get a job? No. Do they have an American dream? No. They go to drugs and crime, and then it is perpetuated over and over again.

But we stood up to the plate. And in many States like the gentleman's, over 50 percent of the welfare roles are coming off just because we said, you should go to work. The average welfare recipient was 16 years. That is a perfect example of stepping up to the plate and making a commitment.

Mr. HAYWORTH. I think my colleague from Arizona, Mr. Speaker, makes an excellent point. And I appreciate my colleague from Wisconsin for yielding some time as we talk about this, how we work through problems to solve them.

The other thing we should note, Mr. Speaker, is that there is an achievable objective for success. And indeed, Mr. Speaker, what we have been able to do within this Chamber, Republicans and Democrats alike reaching across America, has said, when it comes to the dilemma of dealing with a self-perpetuating welfare state as we help people go from welfare to work, we now measure success not by the numbers of people who are on the welfare roles, but by the numbers of people who are out in gainful employment.

Just this last Friday, in Mesa, Arizona, I had a chance to go in and work with a program. Initially, it was called Women Off Welfare, or WOW. Now they call it World of Work because nontraditional opportunities are opening up for women and men alike in our society. And the four people that were supposed to be there as part of the program, my colleagues, they could not be there to tell about what they have done because they were busy at work earning money for their families having a brighter future.

Mr. NEUMANN. Reclaiming my time, listening to you talk is why it is so exciting. My colleague was here; he cosponsored this legislation, and we said we were going to balance the budget sooner than 2002. We said we were going to lower taxes so people could keep more of their own money and make decisions about how to spend their money instead of sending it to Washington. We said we were going to get Social Security taken care of for our seniors and start paying down the debt.

Do my colleagues remember back in 1995, when we first came how they reacted? But we dared to dream. I think that is what is so important for this country and to these young people. Sometimes they have it taken away from them because they hear all of these class warfare arguments where somehow if you do not have a lot of money to start with that you cannot get ahead in this country. And I just point to our own example in my own family where we started with nothing and you can work very hard, and if you do work hard, there is an opportunity to live the American dream.

I point to this booklet. I point to our dream that we can balance the budget before the turn of the century and lower taxes at the same time, but getting Washington spending under control, or at least taking a good stab at it. This stuff can happen and it is real, and it has happened in the first 3 years here and there is lots more to come.

Mr. HAYWORTH. And what is remarkable, Mr. Speaker, is the fact that this is recent history; this is within the last 3 years. I remember sitting here on the front row when we talked about the budget plan where we dared to dream, less than 100 Members of this body would join with us.

Mr. NEUMANN. Eighty-nine, to be exact.

Mr. HAYWORTH. They derided it as extreme. Now look at what has happened. We see that it makes extremely good sense to have Washington spend less so that families can spend more, to make sure that the money that belongs to the people in the first place stays in their paychecks; and in so doing, actually letting Americans have more of their own money to save, spend, and invest, create new jobs and new opportunities.

Now, we are in a situation where the tables have turned. Oh, there is still work to do, as my colleague has pointed out; our commitment to our seniors in terms of the Social Security Preservation Act, which we cosponsored, the challenges we still confront in terms of ending the scourge on drugs. In a free society, it is an ongoing battle. But we have made the first steps toward realizing those dreams for our children.

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman would continue to yield, what the gentleman just said is what William Wallace, in the year 1312, I do not know how many saw the movie ''Brave Heart,'' in his death throes he screamed out ''freedom.'' We are giving those freedoms back to the American families that have given up those freedoms so Washington can rule and control their life.

Just in these few short minutes we talked about a balanced budget, but yet a balanced budget in which we actually have education reform or education receives more and families and parents, administrators, teachers have more freedom to teach their children and the results are better.

We can talk about DOD and reform, to have a stronger defense, but yet to have it reduced and more like a business, and welfare reform and saving Medicare. Remember the blast that we got from Medicare from the unions and from the DNC? But at the same time, this is the same Medicare plan that the

President signed in the balanced budget, and everybody wins. We do have areas to go.

When we have got a 50 percent fraud, waste, and abuse with food stamps and those areas in which, again, taxpayers have to send their money to the overhead of Washington bureaucracy to support, we can actually get more of the money down to the families, down to military, down to the welfare recipients and have good government, which, again, does not have to be an oxymoron.

Mr. NEUMANN. Reclaiming my time, I would like to turn this into some very specific examples. Because we have talked about returning this freedom to the people and letting them keep more of their own money in their own homes to decide how to spend it, I would like to talk about some specifics for just a minute on this very topic.

For example, starting next year, every family with a child under the age of 17 in the middle-income brackets will get down to the bottom line of how much they would have sent to Washington in taxes and they will subtract $400 off the bottom line because of the $400-per-child tax cut.

In Wisconsin, sometimes I am out at these meetings and people look at me like, ''Are you kidding? Is this a political promise,'' or ''What are you talking about?'' This bill was signed into law next year. And starting next year when they do their taxes, they literally will get down to the bottom line how much they would have sent to Washington and subtract $400 for each child under the age of 17.

If they have college students, I have got two in college myself, and I will not qualify for this particular benefit, but a lot of families that are in the middle-income brackets, they are going to qualify for this. It is tough to pay college bills; it is expensive. So if they have got a freshman or sophomore in college, again they go through their taxes and figure out how much would they have sent to Washington, but they subtract $1500 off the bottom line. This is very real money.

I just want to add a specific family that I know of. I want to turn this into a very real situation. This family I am thinking of has one child in college, as a matter of fact, goes to the same school my daughter goes to. They have got two kids still at home in their family. And they are middle-income folks.

I do not know exactly what they earn, someplace between 40 and $60,000 a year, I suppose. But with their household, with one in college, a sophomore by next year, and two kids at home under the age of 17, they get $400 off for each one of the two kids, or $800 for the two kids at home, and $1500 to help pay that college tuition. We are talking about a $50,000 a year family here, reducing their taxes by $2,300. That is a lot of money.

When we talk about this idea of returning power to the people and freedom to the people, we are talking about letting then decide how they are going to spend their hard-earned money, as opposed to sending it out out here to Washington so people in this city, bureaucrats out here, Members of Congress, can figure out how to spend their money for them.

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I yield to the gentleman from South Dakota, a new Member, and we are happy to have him with us.

Mr. THUNE. I would like to, as always, commend the gentleman from Wisconsin for the bold leadership he has taken a number of these issues. We talk about the subject of daring to dream and again the enormous challenges that are out there in front of us as a country and some of the things that have been accomplished in the past.

I want to again compliment the gentleman for the extraordinary work he has done to draw attention to the need to be debt free as we move into a new century and to do something that is very positive for our children, for our grandchildren, in the legislation he has introduced which would put us on a systematic plan to where we will eliminate the $5.5 trillion debt that soaks up more and more of our tax dollars every year just in interest payments.

It gets mentioned often, but I do not think often enough that before we do anything else, the Committee on Appropriations in this Congress writes that $250 billion interest check right off the top, before we do anything that assists people who are in need of education. Before we do anything in terms of the other programs the government funds, roads and bridges, national defense, we take the first $250 billion and pay it off in interest.

The plan that he has introduced would in 2026 completely eliminate the $5.5 trillion debt and put us as a country on a path toward being debt free. That is something that is absolutely historic in terms of what we can do for the future of this country. I would like to see us take that same sort of passion, that same sort of courage and leadership that the gentlemen did in the 104th Congress, and the gentleman from Arizona who is here and had a part in that process, in reforming welfare and in dealing with some very tough and controversial issues, issues that people said, ''That can't be done, we can't do this, this thing is just too complicated and too big.''

Yet you demonstrated the courage to get that done. I think it is proof of what we can accomplish when we want to work together.

If we could turn that same sort of intensity to the war on drugs, I was just reading today in the Sioux Falls newspaper about the methamphetamine crisis we are facing in our State. There is a quote here from a young lady. It says the powerful drugs also stole every good thing she had, including her three children and her freedom. She quotes, ''I have never in my life felt so helpless and out of control. There is no good outcome to meth use. You use everything. That includes yourself.''

In fact, South Dakota has been designated as a high intensity drug trafficking area because of the growing methamphetamine traffic in our State. We need to apply the same type of leadership in this particular area.

I hearken back to the 1980s when Nancy Reagan started her Just Say No campaign and the demonstrable impact that had on drug use among young people and the powerful and immediate impact that the message has. If we are willing, as a country, and if we could get the White House and this administration to take some leadership on this issue, we could work with them, because this is an increasing problem, particularly in rural areas.

Again, another statistic here, in 1991, 14 grams of methamphetamine were seized, that has grown each year to this last year, 984 grams of methamphetamine seized by law enforcement officials. It is a very serious issue in parts of this country. It demands very serious leadership and something that I think we all need to provide as public officials.

Mr. NEUMANN. I would just add that when we dream about the future of this country that is going to be a drug free nation for our children, when we have that dream about the future of America, I do not think we should temper it with not inhaling or some of the other things that we have heard from some of our leadership. This Nation needs leaders that are willing to stand up and say, it is not acceptable, drug use is not acceptable in the United States of America; and we have today declared war on the use of drugs in this country. We need leadership that is willing to stand up and say these things.

There are many other values that we could talk about that would be along the same lines as what we just talked about with drugs. People need to stand up and say that a married couple, that either spouse in the marriage should be committed to that marriage and that it is not acceptable to go off with another person of the opposite sex; whether it be the same age or a different age or whatever, those things are not acceptable in the United States of America.

This Nation needs leaders that are willing to stand up and say, ''Mr. President, if you in fact had a problem or had a situation with Monica Lewinsky or Gennifer Flowers, that is not acceptable as an example for our Nation and for our children in this country.''

Somebody needs to tell our kids that it is not the norm that our President or any other leader in a community, or for that matter any other member of a marriage, whether it be husband or wife, this is not acceptable practice in the United States of America and we do not want to tolerate it.

Mr. CUNNINGHAM. I think that also goes when we are talking about drugs, not to come across to MTV and say

they would inhale if they could, the leader of our Nation.

I have talked to drug agents and I have talked to people in rehabilitation. The kids sneer. They say, ''Look, the President said he would inhale if he could.'' That is the wrong message.

Let me give my colleagues another example. Remember the young man that was caned in Singapore for spray-painting cars? I am not saying that we cane people, but I would guarantee that that individual, that young man, when he went back to Singapore would never spray-paint another car nor would any other individual. But yet look at our streets and the tagging and the graffiti and those kinds of things that take place because we let it go on. That is just a symptom of the lack of commitment, from drugs to graffiti, that juvenile crime has gone exponentially up, a 600 percent increase and the viciousness of it has increased, to be paramount.

Those are the kinds of things I think the gentlemen are talking about.

We need a commitment, not just words and not the wrong direction. You do not say, let us increase rehabilitation dollars and cut off why they are getting on drugs in the first place. I want to stop it so I do not have to put as many dollars in rehab, and save those children.

Mr. NEUMANN. When we think about the war on drugs or bringing education back to number one in the world for our kids here in America, can this goal, can this job of getting from where we are today to a drug-free America and back to where our education is number one in the world, can that really be tougher than what we have already been through between 1995 and today, getting to a balanced budget, actually lowering taxes, restoring Medicare for our senior citizens?

When we think about this, a lot of people would look at this and go, ''We can't do this.'' What I am suggesting tonight is that we dare to dream, because you have got to have the dream before you can bring about the results, and we commit ourselves to this dream in the same way we committed ourselves to getting to a balanced budget, to starting to pay down the debt, to lowering taxes for our families and to restoring Medicare for our senior citizens.

Mr. CUNNINGHAM. I would say this gentleman's dream has guided a lot of us on this House floor on how to balance the budget and how to achieve that. He has been a leader across the board in how to have more effective government and yet reduce the penalties on the American people, and I would like to thank the gentleman.

Mr. NEUMANN. I think it has been a lot of us here together, getting this job done. But I do think that it is the American people that deserve the credit for sending a group of people here that were willing to commit to these dreams.

Mr. HAYWORTH. Mr. Speaker, this is the essence of our constitutional republic. The brilliance of our founders is found in the sense that they had the foresight and the sense of commitment to set up this unique institution where we can represent and where we can dare to dream, but then take the steps firmly rooted in reality to make those dreams come true.

Certainly we have talked about a far-flung and ambitious agenda of where our dreams will take us, not only fiscal responsibility and a better future for our children, not only fighting this war on drugs, not only realizing the successes and seizing upon those for our seniors as well as the youngest among us, but making this translation work.

Mr. Speaker, we have talked about the legislation offered by the gentleman from Wisconsin and the innovative programs that the gentleman from California has been involved in and the fresh new perspective the gentleman from South Dakota brings. In a moment of personal indulgence, might I also, Mr. Speaker, offer something that I have introduced, that the Committee on Resources just held hearings on 2 weeks ago, that my staff has taken to calling HELGA in one of those moods you get here where you have an acronym, for Hayworth Education Land Grant Act.

It is born out of something that happened in my district, something that you may find in your districts, the folks you represent. In rural Arizona, there is a real shortage of private land. The little community of Alpine, Arizona, nestled there on the New Mexico border, in my first term in Congress came to see me. They said, ''We have scraped together enough money to build a new school. We meet right now in an old church. It's not exactly a one-room schoolhouse, but it's close. We have the money to build a school, but we don't have the money to purchase a site on which to build the school. This is a real dilemma.''

What makes it ironic is the fact that the town of Alpine sits on the edge of a national forest, government-controlled land. They said, ''Congressman, could you help us get a conveyance of land?''

And so we did so. The good news is they are building a school because they could save their money to build the school and concentrate on students and teachers and the future instead of worrying about buying land.

As Mark Twain pointed out, ''History doesn't repeat itself, but it rhymes.'' And so learning from that experience and the experience of Congressman Morrill, quite frankly, in the last century with the Land Grant Act for Higher Education that transformed higher education in this country, I came up with a plan that offers a standard, uniform way for rural school districts to apply for conveyances of federally controlled land, so again they can concentrate their resources on what is most important, the children and their education, and not worry about buying land and not have that economic impact hit them adversely in trying to build a new school.

We held hearings, as I mentioned, 2 weeks ago, a subcommittee of the Committee on Resources. I am very optimistic about this legislation, labeled H.R. 2322. Mr. Speaker, I would ask my colleagues to be involved, to take a look at this legislation, because it can do important things across America in rural districts for those school children and their future, because again as we all concur, Mr. Speaker, education is too important to be left up to Washington bureaucrats. We have got to maximize flexibility and innovation and what happens at home on the front lines to make sure that different districts are armed with different alternatives so that they can decide what is best.

I would commend the legislation to my colleagues and move in that type of common-sense direction to focus on educating children, not worrying about the shifting of dollars but focusing on what works.

A couple of quick admonitions I would offer. If you are worried about Park Service land, no Park Service land can be taken for this, nor can any Federal wildlife refuges be taken for this. But there is a uniform way to convey land, and I believe that it can transform rural education in this country for students K-through-12 not only in school districts, but in charter schools that have sprung up in places like Arizona and come to full flower and full fruition.

And those types of innovative ideas, based on the best of what our heritage teaches us when applied to the challenges of today, those are the ways that we translate our dreams into reality. That is why I am so pleased, Mr. Speaker, to be here with men and women of conviction on both sides of the aisle, who are willing to look to translate those dreams into reality.

Mr. Speaker, I would invite my colleagues to take a good look at that legislation and join us in taking that step toward helping rural children.

Mr. NEUMANN. Just briefly, I would like to point out that the great State of Wisconsin, as we find in many cases, is quite far out in front on this particular issue. When you develop land of any sort in Wisconsin, at least 5 percent of the land is dedicated to schools, to community or to parks. We find in many cases that not 5 percent, it is more like 10 or 15 percent of the land is set aside permanently for our families that then build in these subdivisions and realize the American dream in buying their own home. They then have this land preserved for them, whether it be for schools or for parkland or whatever.

In Wisconsin, it is standard operating procedure that at least 5 percent of your land is set aside for schools, parks, community recreation and community service. In Wisconsin, we are already doing some of these things. I certainly think what he has there is a pretty fair idea.

I yield to the gentleman from South Dakota.

Mr. THUNE. The gentleman from Arizona makes a pretty compelling case, I think, with respect to what his legislation would do. I think again it points to at least one of the issues that we are discussing here this evening, and have been for some time, and that is how do we go about making sure that more education dollars get into the classroom where they are benefiting our young people and preparing them for the future.

In South Dakota, we have taken some steps in terms of wiring the schools to bring technology, the high technology that is available to us today, to see that our kids are equipped so that when the time comes for them to transition into the workplace, they are ready for that.

I think again that happens when you look in a very systematic, disciplined way at moving power and control out of the Federal bureaucracy, making the Federal bureaucracy smaller, the family budget bigger, the budget of schools and local and State governments; and I think that is something that all of us in the Chamber this evening are very interested in doing and seeing come to pass. I think it points again to the broad need in this country to address the real problems that real people are facing.

The gentleman from Arizona made some reference to common sense, which is something that is very terribly lacking, it seems, here in Washington.

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However, if we look at these things in a very commonsensical way, and in dealing with the issue of drugs, if we could eliminate the scourge of drugs in this country, the very best thing that we could do to preserve the future for our kids, making our future debt-free, giving them the resources that they need in the classroom to see that they have the very highest possible quality education opportunities available to them at the best value to the taxpayer, and working in a way as well to address the retirement needs.

When we talked about welfare reform, and we did, we took some important steps in this last Congress, of which my colleagues were a part, and in the 105th since I have been here in terms of balancing the budget, reforming Medicare and trying to secure a better future for all people of all ages in our country.

And in the area of retirement where we have so much to do in the area of professionals today looking down the road, looking at Social Security and saying, ''By golly, I just do not think that that is going to be there for me,'' and we need to give them some options. Now, for the first time, in a very bipartisan way, we are hearing people talk about what we might do to provide a better future and to ensure that the retirement needs in this country are met when the time comes.

Finally, I would simply say, and my colleagues have touched on it this evening, lowering the overall cost of government on the taxpayers in this country, the goal of trying to get to 25 percent so that the Federal Government, the State and local governments are not taking more than 25 cents out of every dollar of the family in this country so that we can make the family budget bigger, strengthen families and not government institutions, I think that is the direction we are going.

Mr. NEUMANN. Mr. Speaker, or less than 25 cents. I like the idea of going for a lower number.

Mr. THUNE. Mr. Speaker, the problem is, as my colleagues know, is that they were going to put a cap on it, but they were worried about ever getting that high. So yes, probably 25 percent or less, actually, before it is all said and done.

But that would move in a very dramatic way toward making again the Federal Government smaller, making the family budget bigger, and strengthening our families in this country so that they can address the needs that they have, whether it be retirement or health care or education or child care.

As I travel the State of South Dakota and I talk with real people, these are real needs, real problems that require real leadership and not a lot of the same old Washington-based solutions that have dominated the agenda in this city for such a long time.

So again, I am delighted to be a part of the agenda that we are on, talking about these issues and talking about real solutions. Again, leading by example. One of the things that the gentleman from Wisconsin mentioned earlier is that sometimes we need to be using the bully pulpit. The fact of the matter is, as C.S. Lewis once said, that we laugh at honor and are shocked to find traders in our midst.

When we talk about the use of drugs in a very cavalier way, when we talk about the things, the values that we hold near and dear, the importance of keeping the family together, family relationships and the various activities that have been on the front page of the newspaper for the past several months, it is important for people who are in positions I think of public leadership to not only provide leadership in economic areas, but also in the moral area. That is something that I would hope that we will continue to emphasize and talk about in the discussion as well, that values be a part of our debate in this country.

Mr. NEUMANN. Mr. Speaker, just one comment on that. I know the gentleman is alluding to a situation that many people here in Washington have taken a hands-off policy and are just plain not talking about it, but at the risk of making a suggestion to the President of the United States, I would like to take this opportunity to suggest to the President of the United States that he come out with a very public statement that says, ''No, I did not do that. If I had done that, I would immediately resign.'' That would be a very different message than the message our young people in this country are hearing today.

The message, ''No, I did not do it, but if I had done that, I would resign immediately from this office,'' would send a message to our kids that he does not accept what he is being accused of as acceptable behavior or practice in this country, and it would be very different, what our kids are hearing, than what they are hearing today. I would encourage him to come out with that as soon as possible so that our kids hear a different message.

I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman. I would like to compliment the gentleman from South Dakota. I know he has taken a leadership role in education. Again, a dream that the gentleman is talking about, a vision, it takes commitment. Mr. Speaker, those folks that started off to the West on covered wagons, they could dream about it, they could have a vision, but unless they were really committed, they would never make it.

We look at Martin Luther King. He had a dream, he had a vision, but yet it would not have become a reality unless he was willing to commit, and he did that.

But just like in education, if we get so little money out of the Federal Government down to the classroom, and I would say, Mr. Speaker, a State bureaucracy is just as bad as a Federal bureaucracy if it keeps the dollars away from the classroom. But if we get so little money, and I do not know, Mr. Speaker, if my colleagues have ever tried to pass a school bond in their districts, but I know in California it takes two-thirds, it is very difficult.

So if we have very little money from the Federal Government, if we cannot pass a school bond, how are we going to bring those classrooms up when we are last of the industrialized nations, 15th in math and science? And that was duplicated in a major study just this last month, where over half of the 4th graders could not identify the Atlantic or Pacific Ocean, and we got over half of our students coming out functionally illiterate.

One of the commitments, and the President signed this bill in the balanced budget, and what we looked at is taking the 21st century education bill to where we take companies who are dumping computers on schools but the school did not have the technology or the teachers to upgrade them, and they ended up in a corner. So what we did is we said, okay, if you have a computer that is under 2 years old, you can write off that computer and we are going to give you a tax benefit for donating that computer.

Now, we have a company, a nonprofit corporation in California and it is in 21 States, called Detwiler Foundation.

They take that computer and they use prison labor to upgrade that computer. If they do not serve so many hours in working on education or work, they do not get their privileges. So it brings a triple force right there. They then turn that computer down to the school, ready to plug in.

So that is what it takes as a Federal, a private, and a State partnership. But again, the focus should be on the teachers, the parents, the families and the community to make those decisions. But that is what we talk about as far as commitment, and making it happen and coming up with those kinds of solutions, which means less government.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, we are very near the end of the hour here and I would just kind of like to wrap this up. We talked about daring to dream. We talked about my personal life where we reached a point that we could not pay our bills, where we started a business and turned it into something.

We talked about starting the home building business and suffering through years where we lost money, and turning that company around and getting to the point where we were building 120 homes a year and providing 250 job opportunities. And daring to dream that in the United States of America, even if you have no political background, that in this great Nation that we live in, where if you want to run for office you can run for office, and we ran twice and lost, but we had a dream that it could still happen.

We got elected and came in here with a very specific dream. We came in here in 1995 and we dared to dream that we could balance our budget before the turn of the century and quit spending our kids' money. We dared to dream that we could make payments on the Federal debt and start paying this thing down, so instead of our kids getting a legacy of huge debts and interest payments, that we could actually start paying down the debt and maybe give our country to our children debt-free. We dared to dream that we could start putting the money away for Social Security so our senior citizens could once again rest assured that their Social Security was safe, and we dared to dream that we could reduce the tax burden on American workers.

Those things have all come about in less than 3 years. They have come about far faster than anyone even dared to dream that they could possibly happen.

Now we are here. It is time to look ahead and to look where we are going to. I would like to challenge my colleagues to dare to dream for the future of this country.

For our kids, let us give them a debt-free, drug-free America where education is once again number one in the entire world. For our workers, let us reduce the tax burden at all levels of government by at least a third, so that they are once again empowered to make decisions about how they will spend their own hard-earned money. For our senior citizens, let us start putting the Social Security Trust Fund money aside in real dollars so that the Social Security Trust Fund is restored and safe for our senior citizens, and let us make sure that our Medicare system is solid and solvent so that our senior citizens are assured that their health care will be taken care of.

For all Americans, let us make sure that we provide a strong defense for this Nation and a clean environment as we look forward to the future. Let us dare to dream that we can restore this great Nation and once again have the greatest Nation in the world. Let us not be afraid to dare to dream.

BUDGETARY PRIORITIES

The SPEAKER pro tempore (Mr. REDMOND). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I want to talk today about the most important subject we have to deal with here, and that is finances, budget and appropriations. I want to talk about it in the context of financing two societies and the way we deal with two different groups.

One society I would say is the international banking and investment community, which when they approach us for help it seems always to get an immediate response of billions of dollars to go into the International Monetary Fund or to bail out Mexico. Now we are talking about bailing out South Korea, Indonesia, Malaysia, and the immediate response of billions and billions of dollars.

In the other society I would lump all of us together and start with my most important concern, and that is schools, financing for schools, assistance for schools. School construction at the top of that list, but everything related to education.

There is a double standard with respect to the International Monetary Fund and the way it comes to the relief of the international investment community, versus the funding that we receive and the kinds of debate and deliberation that we have when we are funding education or when we are funding other vital domestic programs, or when we are funding certain African and Caribbean countries, Caribbean aid and Caribbean trade always have a second class status. They are in the same category as funding for domestic programs that help poor people.

We are committed, we say, both parties say that we are really concerned about using Federal resources to help people who are disadvantaged. Low-income people should be helped as opposed to special groups, affirmative action is condemned as helping special groups, and the justification for that is condemned.

I do not agree with that approach where affirmative action is tossed aside as not being legitimate, but let us suspend that argument for a while and say that opportunity programs which help all poor people are certainly desirable, and if both parties, Democrats and Republicans, want to join in doing that, let us do that. But as we debate the process, let us understand that if we are going to help people who need help, the poorest people in our society, if we are going to help the children in inner cities' education systems, the schools that need repair most, the schools that need new classrooms, the schools that need to be wired for the Internet, if we are going to help them, it costs money.

So whenever we have a discussion of money, let us not retreat from the necessary resources to provide the opportunities for people who do not have opportunities. That is going to be our modus operandi. We are going to focus on providing opportunity versus providing corrections and adjustments for people who have been discriminated against. Then let us really provide the funding.

Let us deal with the funding for the schools in the inner city communities. Let us deal with the funding necessary for school construction, necessary for increasing classrooms, so that as we increase the number of teachers and we decrease the ratio of children to teachers, we have the space to do it. As we pursue those objectives that have been outlined by the President for education, let us deal with the funding the same way we deal with funding for the international investment community.

We have on the agenda in a few weeks a bill which will call for at least $18 billion to be added to the International Monetary Fund. The American taxpayers are going to be called upon to add $18 billion to the International Monetary Fund.

Now, there are some complications about one portion of it is $3 billion and the other portion is $15 billion; it is not really going to affect the budget, and it is not really an aid program, it is a loan program, and we only contribute to it and other nations contribute; there is a whole lot of malarkey which seems to hide the fact that it is money out of the Treasury, out of the coffers, which could be going to some other purpose, and it goes into the International Monetary Fund.

We are the biggest contributor there. Some people say we are approaching a point where almost 50 percent of the funds in the International Monetary Fund will be funds from the taxpayers of this country.

□ 2045

So we are going to have that bill on the floor. We have a bill tomorrow on the floor related to Africa, the African Growth and Opportunity bill, which I think is related to the discussion, too.

We are going to have, I hope, later on a bill related to the Caribbean Basin Initiative NAFTA Parity, how we deal with trade with the poor, sparsely populated countries of the Caribbean: These are all related.

I apologize if I do not proceed in a way where you have a simple topic, and I move from A to B, and it is an easy straight line, and you do not strain your brain to follow me. I think it is necessary for us to understand that this is a very complex world, and that a very complex process is undertaken when we spend your taxpayers' money.

I think it is also important to understand every voter, every American citizen has a stake in this process. Do not go to sleep. Do not let your eyes glaze over when I mention matters like the International Monetary Fund. It is your money.

Do not make the mistake of thinking you have no stake here, and you also have no power to help make the decision. Every American voter has a great deal of power. As recent elections show, which have been very close, the election for the House of Representatives, the election for the other body, they are close enough to let you know that every vote counts, and what you think and how you vote, how you react to what we do here is very important. Your input matters a great deal.

Democracy plays itself out in a very complex way nowadays, and you ought to understand that. You ought to understand that, beyond your single vote at the poll, you have another role. Every citizen has a role in shaping public opinion, because public opinion drives the decision making in this House of Representatives.

Both parties have very elaborate, very well-structured processes for measuring public opinion. It leads to some amazing results because we do measure public opinion.

I never get tired of using the example of the 1996 turnaround on education, how the Republicans took over the House of Representatives. They had the majority, and they began to wage war on education, and the Federal involvement in matters related to education. There was a war which was almost like, you know, take no prisoners, you know, a scorched earth policy.

They called for the elimination of the Department of Education. They called for cuts in Head Start. They called for dramatic cuts across the board in education programs. At one point, the cuts that were being proposed added up to about $4 billion.

Because we had a process whereby we came to the floor, the House of Representatives was meeting on a regular basis. In fact, in that first year, I think we made history in terms of the hours that were put in on this floor where the new majority pressed their Contract with America.

But the fact that they were pressing their Contract with America gave the minority an opportunity to answer. In the process of the minority answering, we got a message out to the people, our message on education.

We did not succeed on all matters. They did cut housing programs dramatically. They made $22 billion in cuts across the board. So they got a whole lot of their program of cuts in; some needed, and many not needed, many devastating.

But on education, our ability to bring the message to the floor, to talk to the American people about the proposed cuts in Head Start, the proposed cuts in the school lunch program, our ability to make our case, shape public opinion, and win the Republicans without the measure, the public opinion in their poll and in their focus groups, they found that the public definitely was not happy with their program to move the Federal Government out of its programs of aid to education.

Instead of a $4 billion cut, which we resisted and avoided in 1995, in 1996, the same majority Republicans proposed a $4 billion increase. I use this example because it is one example of the power of public opinion and how dramatically things can turn around, ideology notwithstanding, ceremony notwithstanding.

People have their agendas, and they want to cling to them, but because this is a democracy, and in the end, the people at the polls will determine who has power, the majority parties saw that their power was threatened if they continued on their policies and their dogma related to Federal aid to education. They turned around. They are out now trying to sell themselves, the majority Republicans, as a party for education.

We are in a situation where both parties have strong rhetoric programs about education. I say rhetoric, because I do not think either party is delivering as it should. But certainly, if we were to follow the leadership of President Clinton and the kind of program elaborated in the State of the Union address, the Democrats and the people who have good common sense would have a program for education that was far beyond rhetoric. It would be a reality. Certainly, in the area of construction, we need that reality.

So I am saying it pays for the people with the power. Every American out there who votes has power. It pays for you to understand what is going on here. I wish that you would join us in spreading the word so that other people will understand what is going on here. In order for you to do that, you need to go in some processes of circular reasoning, and not just follow the simple A to B to C to D approach.

We need to talk about the coming vote on IMF, which will pull out of the Treasury $18 billion; the vote on the Africa Trade bill, which is a different kind of situation from what is going to happen with the bailouts; money that the IMF will give to Indonesia or to South Korea, or to some of the other more developed economies that have had tremendous investments made there.

What does it mean that we are willing to spend so much money in these highly developed societies when they go bankrupt as a result of corruption usually? Talking about school construction over a 10-year period, we may spend 20 to $21 billion. But we are going to rush to bail out these corrupt economies of Indonesia and South Korea, et cetera, and we are going to pay billions.

They are talking about $50 billion in Indonesia, which means that about half of that will somehow come out of the American taxpayers' coffers. South Korea, there is about 40 or $30 billion there. A majority of that is going to come out of the American taxpayers' coffers.

So what is it? Will Indonesia's corrupt or bankrupt system now get more benefits from the American taxpayers than the school children of America who need classroom space? They need safe schools. They need wiring for computers. They need computers.

What does it mean to have those kinds of amounts of money flowing out of the American Treasury to these countries?

I am not against IMF, the International Monetary Fund, the World Bank, United Nations. These are all international institutions which I support wholeheartedly. I am enthusiastically in favor of using these various international institutions to maintain peace and harmony and prosperity in the world as far as you can. We should support them.

But we should not allow them to be used as instruments for swindling the taxpayers of this country and for oppressing the people of the other nations like Indonesia, oppressing them through billions of dollars that are poured in by American banks and investors. Will Indonesia get better terms than we get?

We are talking about a school construction bill now that does not have any grant in it. Listen closely. There was a time when we were talking about school construction aid from the Federal Government which had grants. You give the money to the areas with the greatest need. You give some portion of it. Other portions were going to be loans.

Now we are talking about a school construction initiative which are strictly loans, strictly loans. There are no grants. Now we are going to have a program for school construction. It is being finalized now, the Rangel/Lowey bill, which is the President's bill, also. It is his initiative.

I am grateful for that initiative, because it is far better than anything else we have, but it is loans. It is forgiving the interest on bonds, I mean for giving a tax credit. Let me just go back. This is complicated. I am not sure I have it all straight. But you can follow up and investigate, because I think we need to begin to unravel some of these financing mechanisms and understand what is going on.

We are going to have money go to schools through their States and their localities as loans. The loans will come from the private sector. The private sector will be given a tax credit in lieu

of the interest. Instead of the schools, the local education agencies, the States, localities, instead of them having to pay the principal and the interest, they will only pay back the principal.

That is a pretty good deal; no interest loans. But the Federal Government will finance that by giving the lenders a tax credit, which would equal the amount of interest that they would have charged. That sounds like a good deal.

Over a long period of time, if the payment required of the localities, schools, school boards, if that repayment is spread over a long period of time, it is an even better deal. I do not know exactly how long a period of time it will be spread over.

I do not know exactly how much of a tax credit the private sector will get in terms of the interest rate and what is going to be the going rate. You need to know that in order to compare the deal we are giving our children, our school systems to the deal that the IMF will give to Indonesia and Malaysia and these other countries. What kind of deal are they getting?

In the international marketplace, what kind of interest rates will be charged on the loans that they will be given in order to bail them out, and over what period of time? Will they really be getting a better deal? They may be getting a better deal automatically because their deal is going to move fast.

The schools are required and the education agencies and the State education departments are required to do a great deal of preparation and show that they have a plan to revamp their schools and to construct new schools, and that they are going to come forward with some contribution of their own.

There are a lot of things that are required. Some of the States would have the greatest needs; they have the greatest low-income population that is suffering; are least concerned about their low-income population.

So if they are required to make any match, any effort, they may reject it. If they are required to do this over a period of time, they may never get around to submitting the necessary paperwork. They may never get around to meeting the necessary conditions.

So we may have a far worse deal being offered by the Federal Government of the United States to our school children of America than we are offering to the corrupt bankers and manufacturers and politicians of Indonesia.

Let me just read for a moment what this school constructed initiative proposes to do and give you a better idea of how you should be talking to other people about the proposal.

The modernized schools for the 21st Century follows what you heard President Clinton propose in the State of the Union address. In order for students to learn and to compete in the global economy, schools must be well-equipped, and they must be able to accommodate smaller class sizes.

To address these and other critical needs, the President's fiscal year 1999 budget will propose Federal tax credits to pay interest on nearly $22 billion in bonds to build and renovate public schools. This is more than double the assistance proposed last year which covered half the interest of an estimated $20 million in bonds.

The new proposal provides tax credits in lieu of interest payments for investors in two types of bonds, school modernization bonds, and the expansion of the qualified zone academy bonds created last year.

These tax credits will cost the Treasury $5 billion over 5 years and more than $10 billion over 10 years. In other words, the tax credits that will be given to the private investors will amount to $5 billion over 5 years and $10 billion over 10 years.

Over a 10-year period, the private investors are going to loan the schools $22 billion, according to this scheme, if it follows through in detail. They are going to make $10 billion back on their money. They are going to receive $10 billion of tax. It is going to cost the Treasury in tax credits. That is a pretty good deal for the private sector. How good a deal is it to the school system?

□ 2100

I am not sure. I serve on the Committee on Economic and Educational Opportunities. I have been there for 16 years.

There was a time when I would not even undertake this kind of discussion because I trusted our colleagues on the Committee on Ways and Means and the Committee on Appropriations to deal with these issues. But the longer I stayed on Education, the more I realized that our problems, the way we deal with the funding for schools, the resources that schools need, the way we deal with opportunities to learn, you cannot complete the process, you cannot get what you need unless you focus on where the money is going from the Federal Treasury, unless you confront the people on the Committee on Appropriations who continually say there is not enough money, unless you confront the administration, unless you confront the leadership of the House. They insist there is not enough money.

So in order to deal with the basic concern that I have of improving education in America, funding education in America adequately, I have to challenge all of the assumptions that are being made about where the priorities are, where the money is going.

I think the American people, the voter out there, have to use his or her common sense in the same way. You have to look at the total picture so that when your Congressman tells you, we would like to fund schools and I am all in favor of education, but we do not have the money for school construction, we want to use the surplus that we are about to get, use that for Social Security. We are going to use it for some other purpose.

We do not want to begin to go back into deficit financing; if you propose to build new schools or to renovate old schools, the problem is that you are going to get into big spending. Well, if you are going to give the International Monetary Fund $18 billion over a short period of time, right away, then is that not big spending also? How can we do that big spending, investing in the bailout of corrupt enterprises across the ocean, when we cannot deal with a faster and a more thorough response to the financing of school construction.

Let us ask the question and let the experts answer it. At least we must be intelligent enough to keep asking the right question.

School modernization bonds, 19.4 billion and zero interest bonds, that is 9.7 billion in 1999 and 9.7 billion in the year 2000, are proposed for construction and renovation of public school facilities. The Department of the Treasury will allocate the rights to offer these special 15-year bonds.

I asked before, how long a period would they have to pay. Now we hear, they will be 15 years, 15-year bonds to States, territories and certain school districts that have submitted school construction plans to the Secretary of Education. I will not read all of this.

I will include this document entitled Modernized Schools for the 21st Century. It is just a one-page explanation of the school modernization program. I think it is a good summary. Instead of reading it, I would like to submit it.

School construction plans would not be accepted unless they meet certain requirements. In order to receive a bond allocation, States, territories and the eligible 100 school districts will be required to submit a plan to the Secretary of Education.

As I said before, there are two types of plans. One is for construction and one is for qualified zone academy bonds, a kind of bond that has been created for certain districts where you have high poverty rates.

I think the basic here is that you have 15 years to pay back the principal and the Federal Government will pay, will be responsible for the interest by giving tax credits to the private sector which issues those bonds to the States, territories and certain school districts.

It may be a better deal than Indonesia will get, but I am not sure. I suspect that because Indonesia will get their money so much faster and because they are in a situation where the private market has a higher interest rate, they will be placed at a great advantage. Those corrupt people who have now gone bankrupt will get money at a far lower interest rate than they would have, than they would get

if they had to deal in the private sector. It is rewarding corruption and incompetence and rewarding it quite rapidly, using American taxpayer money to do that.

My question is, why do we deal with that set of people with such generosity? What have they done to earn such generosity while we are so slow?

Here we are in the fourth year of our discussion of an initiative to aid school construction. It has been a no-no for so long. In the meantime, we have bailed out the savings and loan associations; $500 billion it cost the taxpayers. And we bailed out Mexico; Mexico was nearly bankrupt. And we are now about to bail out certain Asian countries, including Indonesia.

I keep referring to Indonesia because it is a particularly difficult situation to swallow. It is hard to accept what is going on in Indonesia. Indonesia has an authoritarian regime headed by a man who used to be a general, General Suharto. Now President Suharto, who has been in office, I think he is going into his fifth term, five-year terms, like he has been there 25 years, he runs the country with an authoritarian hand. He is in the same category as Saddam Hussein.

I called Saddam Hussein a sovereign predator. Saddam Hussein has all the power, all the authority, there is no democracy. There are no institutions free to criticize him or challenge him. He has all the power. There is no likelihood that anybody is ever going to be able to internally overthrow Saddam Hussein. He uses the power to create a military machine, manufacture massive numbers of military weapons and maintain a massive army which can be used only for destruction to keep the people under control within the country, and to also lead to promote ventures like the invasion of Kuwait. If he was not stopped, had not been stopped by the U.S., he would be probably invading Saudi Arabia and everybody around him who is weak enough to be swallowed up by the monster Iraq. So Saddam Hussein is a sovereign predator of a certain type.

General Suharto in Indonesia is not a military threat. He is a different kind of sovereign predator. He has all power, too, the military, everything under his control. But he is only interested in making money for his family and himself and his cronies, and he has used his power to enhance his money.

There was an article in the New York Times this past Sunday, March 8, in the Week in Review. It was called Indonesian face off, drawing blood without bombs. I was very impressed that the reporter, David Sanger, used the same comparison that I had begun to think of when I attended a meeting last week.

I sat in on a meeting of the Congressional Black Caucus leadership and the head of the IMF to discuss some of the same issues we are talking about here. Why is there a double standard? I am going to talk in a few minutes about that double standard, how not only it applies to our own concerns domestically, but when the U.S. starts giving aid to countries in Africa or aid to countries in the Caribbean region, we do not behave the same way we behave with these big sovereign predators who have these big economies that require billions and billions of dollars.

I came out of that meeting thinking that, hey, Suharto is very much like Saddam Hussein. He is an economic sovereign predator. He sucks in investments from all over the world and uses them to enrich his family and his cronies and pours them into phony enterprises.

They have an aircraft manufacturing enterprise where, the whole world knows, they are never going to produce decent planes. Nobody is going to want to fly the kinds of planes they produce, if they ever get around to producing any at all.

They have an automobile concern headed by one of his sons which is supposed to manufacture the international automobile for Indonesia, and the automobile is really made in South Korea. They bring it out of the factory in Indonesia and they give it a subsidy. If you buy one of those automobiles, you do not have to pay the same taxes you pay if you buy other automobiles because that is supposed to be the national automobile made in that nation.

The owner of that factory is one of his Suharto's sons. So on and on it goes.

Let us just take a minute, do not let your eyes glaze over, look at the Asian bailout through the eyes of my good friend, the gentleman from Vermont (Mr. SANDERS). He wrote an article for The Hill, which I think gives a very good summary of what we are dealing with here. I quote from the article that appeared in The Hill newspaper, Wednesday, January 28, 1998.

Again, Mr. Speaker, I will ask that this article be entered in its entirety in the RECORD. I will not have to read it all. I think it is pertinent. It is short and to the point. I would like to have it in the RECORD.

Just quoting parts of the Sanders article, which is entitled ''Asian Bailout Is Unfair,'' it is counterproductive, and he goes so far as to say it is illegal.

> It is amazing to me that even as President Clinton and Speaker Gingrich tell us we have to cut back on Medicare, Medicaid, veterans' programs, affordable housing and children's needs, and perhaps even Social Security in the near future, that we can provide some $15 to $20 billion in loans to Indonesia, Thailand, the Philippines and South Korea. This action will only increase public cynicism.
>
> American workers have seen a substantial decline in their standard of living over the last 20 years even as they are working longer hours for lower wages. Twenty-two percent of the children in this country live in poverty. Millions of elderly people cannot afford prescription drugs. Forty million Americans lack health insurance. And there has recently been a significant increase in homelessness and hunger. For those people there is apparently no government assistance available, only the virtues of personal responsibility.

That is the name of the Welfare Reform Act that plunged so many people into a new level of desperation in our society.

But to continue quoting the gentleman from Vermont (Mr. SANDERS) from his article that appeared in The Hill on January 28:

> But when foreign governments, some led by corrupt authoritarian billionaires, need assistance, the United States is there in rapid-response fashion to help them out. Where are the risks for the poorly managed governments which have run their economies into bankruptcy? Where is the self-regulation of the free enterprise system for the wealthy special interests of Asia that have borrowed more money than they can repay? Where is the magic of the marketplace for the reckless investors and speculators that have made huge profits by investing and lending money in Asia, but now want U.S. taxpayers to bail them out; or corrupt dictators, like President Suharto of Indonesia, whose family is worth $30 to $40 billion and who has invested much of his money abroad in foreign currencies?
>
> Should the taxpayers of this country really be providing 19.3 billion as part of the bailout of these huge profitable banks and their overpaid executives? Is that really the way the system is supposed to work? I do not think so. That is socialism for the rich and the powerful and Darwinian capitalism for the middle class and the poor.
>
> The International Monetary Fund bailout, as currently designed, is illegal and in violation of the Sanders-Frank amendment of 1994 which requires U.S. representatives to international financial institutions to urge borrowing countries to guarantee internationally recognized workers' rights and to include the status of such rights as an integral part of the institution's policy dialogue with each borrowing country. This has not been done.
>
> In Indonesia, for example, Muchtar Pakpahan, the head of the Independent Indonesia Labor Welfare Union, is still in jail because of his belief that workers have the right to freely organize and join unions. No one believes that Indonesia guarantees international recognized workers' rights.

I will conclude my reading of sections from this article at this point.

The point is being made here that we have in Indonesia not only a corrupt, bankrupt system, but they are also violating the requirements that we have placed on our international monetary institutions. They are in violation of the principle that held us together, the majority of the Members of Congress, held us together against the free trade fast track.

We had the fast track process being proposed last fall, and in November of last year we defeated, we did not defeat it, we let it be known that there would not be enough votes for it on the floor. So fast track trade processes did not get okayed or approved by this Congress. It never got to first base in this House of Representatives. It was not put on the floor because they knew it would be defeated.

One reason we had solidarity there was that so many of us agreed that the effort that we had been waging to get standards placed into the international trade agreements, which require governments to recognize unions and to permit union organizing, were not

going to go forward, that we would not have a chance to do that on the fast track.

□ 2115

We also had concerns about environmental standards, and that is not going to be done. I hope that negotiation process is going on and that we will not have a replay of the fast track drama; that whatever new trade bills come back to this floor will have that requirement in them.

We have a bill that is coming to the floor tomorrow, the Africa Growth and Trade Act, which has provisions in it to deal with the problem of the right of unions to organize. No nation like Nigeria in Africa would be allowed to participate in this Africa Growth and Trade bill since it does not have that kind of freedom for labor unions. We have written it into the bill.

So we have a situation here where the kind of violations and the kind of abuses that have been permitted in Indonesia and some other Asian countries while they enjoy the benefits of the International Monetary Fund, will not be allowed in this process of trying to help Africa.

Here again I want to talk about the double standard. Africa has not received any substantial aid from the United States. I think if you add all of the aid of all kinds that flow into Africa from the United States we have about a billion dollars. A billion dollars in aid the last year we have records for flowed from the United States to Africa. The huge continent of Africa got a billion dollars in aid. The Caribbean countries, the little islands, got far less than that. When we lump them all together they got far less than that.

So there is an issue of a standard of operation with these needy countries, disadvantaged countries, countries that are just getting started. And by the way, these are nations that will provide far greater markets for our products than our Asian corrupted partners. The balance of trade with some of these countries that we are going to be bailing out is already skewed so that we are importing far more from them than they are buying from us.

So we are not only helping corrupt investors and corrupt institutions in these Asian countries, certainly like in Indonesia, but we are also financing our competitors. American workers are being jeopardized and displaced by the cheap labor markets in the same countries we are now going to bail out.

The African nations are not among these competitors. We have a very tiny trade with Africa. And by the way, the trade with Africa is in surplus in the other direction: $6 billion in the last period that is recorded. That is small compared to what we do with Japan and China and Indonesia, et cetera. Six billion dollars. But it is on our side. We sold them products worth $6 billion. The amount of trade coming the other way is minuscule, the amount that they have sold to us.

So the Africa Growth and Trade bill will be opening up a great new market. It will be establishing a dialogue, and mostly it is about dialogue. There is very little money in that bill that is going to be on the floor tomorrow, and it is important that people understand that. At a time when we are considering International Monetary Fund bailouts for these overheated developing economies in Asia, we should not mix it up and get confused and say we do not want any trade bills.

The Africa trade bill is an example of a great need that will benefit this country ultimately, because it opens and builds new markets. It is a great process of trade that has not gone forward which is to our advantage, and that will be opened up by the Africa Growth and Trade bill.

But I hear complaints. There is tiny amounts of money that may be involved there in terms of trade in textiles, so we have a lot of problems with people saying we do not want any more competition for our textile industry. And certainly I have friends in the labor movement I have worked with for years on this problem of competition with our industries, textile or otherwise. The amount of textiles imported from Africa at this point is .6 percent. Less than 1 percent. All of the countries of Africa combined, less than .6 percent.

I have a chart here that shows that on the other hand the amount that is exported from places like China, which by the way has no environmental standards and they do not allow free organization of labor unions, here is a chart called ''Comparison of U.S. Textile Imports From Major Suppliers and from Sub-Saharan Africa.'' Total imports, $19 billion.

And they give some of the break-out from the various countries that enjoy a percentage of that support. At the top, of course, is Mexico. Mexico has 11.5 percent of the imports of textiles. We import from Mexico, out of our total, and they get a big share, 11.5 percent. They are right across the border, and of course NAFTA has made it possible for them to enjoy great advantages. So they are the biggest importer.

Second to Mexico is the faraway country of China. The faraway country of China that does not allow its unions to organize, is not involved with environmental standards, and they get 8.6 percent, 8.6 percent of the total in our textile imports.

Taiwan, 6.3 percent. Hong Kong, 4.7 percent almost. India, South Korea, Thailand. The standard of living in countries like Hong Kong, Taiwan, and South Korea is quite high versus the standard of living in sub-Saharan Africa, where the per capita income is $383 per year. I am sorry, the per capita income of Taiwan, for example, is $12,000 a year. Per capita income in Hong Kong is $21,000. Per capita income. That may be pretty close to our per capita income here when we break it out in terms of wage earners. South Korea is $8,000; Taiwan $2,400. But Africa's per capita income, I said $383. No, it is $460.

So I am saying, again, two societies, two approaches. When we come to approaching Africa, we have been very mean, very stingy. We do not have any real trade going. Only .6 percent in textiles. And I assure my colleagues that overall imports from Africa are not much better, but we want to apply very stringent standards to Africa now. But we did not apply those to China. China is getting already a big share, and we did not apply those standards to China. We did not apply those standards to Mexico.

People have approached me and said, ''I am concerned. If we let Africa have a greater percentage, and we import more textiles from Africa, will that not throw American workers out of jobs?'' And my answer is I doubt it seriously. I think if there are any people thrown out of jobs, they will be in Hong Kong or China or Taiwan, because they have the lion's share. They got that way because they had cheaper labor and they could undercut the labor cost in the United States. They do not have cheaper labor than Africa.

So if we want the market processes to continue to work, Africa will take some of the textile business away from these countries that have now prospered. They have higher labor costs and they will be the ones who lose. We have already lost it. We have already lost these tremendous percentages to China, to Mexico, to Taiwan, to Hong Kong and to South Korea. They are doing very well. Now, if we allow international monetary forces to work without any interference, Africa would take some of the textile business away from these countries and not from the United States.

Mr. Speaker, I wish to include for the RECORD at this point the chart labeled ''Comparison of U.S. Textile Imports From Major Suppliers and From Sub-Saharan Africa.''

COMPARISON OF U.S. TEXTILE IMPORTS FROM MAJOR SUPPLIERS AND FROM SUB-SAHARAN AFRICA

	1996 MFA Fibers (in millions of square meters)	Percent of 1996 total imports	Total 1996 U.S. textile imports (in millions)	1994 GNP per capita income
Total Imports	19,070.766	100.00	$45,932	$4,470
Mexico	2,207.063	11.57	4,232	4,180
China	1,644.861	8.63	4,892	530
Taiwan	1,203.465	6.31	2,733	12,100
Hong Kong	891.950	4.68	4,031	21,650
India	869.682	4.56	1,737	320
S. Korea	729.189	3.82	2,049	8,260
Thailand	631.137	3.31	1,402	2,410
Sub-Saharan Africa	127.413	0.67	383	460

Source: 1997 Major Shippers Report and World Bank.

Mr. Speaker, I want to conclude by making some comparisons here. A billion dollars is a lot of money, and we should never minimize the fact that a billion dollars from the taxpayers is to be treasured and a great value should be placed upon it. And when we talk about $18 billion going into the International Monetary Fund, we already

have a lot of money going into the International Monetary Fund. We have been pouring a lot of money in.

So the big question to ask is: If it is not a giveaway, if it is not aid but loans, after it has existed for so long, why do we continually have to put money in? Why does the return of the principal and the return of interest on the principal not keep the fund at a point where we do not need to keep pouring money in? We have been pouring money into the International Monetary Fund in ever greater amendments.

A billion dollars. What does a billion dollars do? Let us take my concern about schools in New York City, my concerns about school construction there, and narrow it down to just one part of the school construction problem. We have 300 schools that burn coal in their furnaces in 1998, in America, in the big City of New York, which has all kinds of pollution problems.

And the Daily News, the second biggest newspaper in the city, has recently completed a series of articles on asthma and the high asthma rate in our city. We have the highest in the country. Asthma is the number one killer of children in our city, and yet we have 300 coal-burning furnaces. And these coal-burning furnaces, it is said to convert them would cost us $1.3 million. Like everything in New York, I fear the cost is rather inflated. But to take one coal-burning furnace and change it into an oil-burning or gas-burning furnace they say will cost $1.3 million.

Well, if we take $1 billion out of the $18 billion we are going to give away to Indonesia, what could we do with it in this situation? Simple arithmetic would say that we could take care of the problem of all the coal-burning furnaces, and that will cost us a little more than $300 million, probably about $330 million. For $330 million we could take care of all the coal-burning furnaces in New York City, have the kids in a situation where they are not officially being victimized by their own city, by their own school system, where the asthma problem is not being aggravated by public negligence. Wipe it out. $330 million will do it.

So we still have $670 million left over from that billion. With that we could buy a large number of computers and we could wire schools, and we could go on to begin the process of building and repairing our schools.

A billion dollars is a great deal of money. When we look at the appropriations for the International Monetary Fund, we say, oh, it is no problem. Eighteen billion dollars more into the International Monetary Fund is no problem. But when we look at appropriations for our own domestic concerns, like coal-burning furnaces and school construction, it becomes a lot of money. Big spenders, we are called.

Right now we have a program called the empowerment zones. We have 10 empowerment zones that are going now; six urban, three rural, and one Indian reservation; and 100 enterprise communities. I asked my staff to just check how much have we spent. These programs have been going now for 2 years. How much have we spent on all these enterprise zones and the empowerment zones? And the estimate is that in 2 years these zones that are spread across several cities and rural areas, and these enterprise communities, we have spent a billion dollars in social services grants from the Health and Human Services.

These programs are comprehensive, and all the departments of government contribute, so it is estimated that we have spent about a billion dollars in 2 years. A billion. And we have $2.5 billion in anticipated tax expenditures of revenue to the Federal Government because of the tax breaks.

The other part of the enterprise zone and empowerment program is we give tax breaks to industries that invest in these communities. A combination of $3.5 billion for our number one economic recovery program for cities and our rural areas.

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$3.5 billion over a 2-year period. And we are going to drop $18 billion into the International Monetary Fund in one action. Just compare what a billion dollars is worth, and you will see that there are two sets of standards. When we are dealing with domestic concerns, like school construction, enterprise zones or any other activity of our Federal Government designed to help poor people, we are nickel and diming, relatively speaking, we are nickel and diming the process.

As I conclude on schools, the New York City report on the performance of the public schools in reading and math, the elementary schools, came out in the Sunday New York Times. And I want to congratulate the New York Times for not only in its Sunday paper giving a spread which included every school that was involved and every local school district, they had a big spread that covered two pages and is quite informative.

They went even further, and they put into this process a new calculation of their own, a new way of analyzing the statistics. They did something called reading performance, where they took the reading scores of the children in each school; and I will read what they did here.

Under the category called, ''Reading Performance,'' they list the scores, they list the schools, they list the student-teacher ratio, and they list the income of that school. Income is measured in terms of the number of children who qualify for the Federal School Lunch Program. The percentage of children who qualify for the Federal School Lunch Program, well, they do it in terms of children who do not qualify. They get a figure based on the number of children who do not qualify.

If 6.6 percent of the children in the school do not qualify for the school lunch program, they know that 93 percent do qualify. So the low-income population they can calculate by looking at the fact that the high-income, those who are above the level where they qualify for school lunch programs, are low. So they give the math score and they give the reading score, and they give the percent of changes in reading and they rank the whole city, and they give you the reading performance indication.

The reading performance is a measure calculated by the New York Times comparing schools to similar schools after taking into account student family income and English speaking ability as reported by the State. A score of 5 is the highest, and 1 is the lowest. And they show you that, and very informative things happen.

There are those of us who say that there is a relationship between the income of a family and the performance of students at school, and we have said that for years. But the New York Times reading performance index shows it quite clearly. We can just look and we will see clearly that there is a pattern where the incomes were lowest.

Where the incomes were lowest, we had the greatest problems in reading except for a few exceptions. And I think where there are exceptions, the chancellor of the school system, Rudy Crew, and of the other school authorities, as well as other school boards, everybody ought to take a look at the fact that are some low-income schools, a few, which perform very well. The income was not an indicator of their reading performance. You know, they read very well. Something is happening at that school which is unusual. But, by and large, 90 percent of the schools follow the pattern of the lowest incomes and the lowest scores. And in the overall districts, we have the same pattern.

Except, I think the people of Staten Island better take a hard look at their schools. Because it was very interesting that Staten Island, that section of New York City which has strived to secede from the city recently, they voted they wanted to get out of the city and secede, mostly middle-income homeowners' favorite place to live, their overall average in terms of income is very interesting. They are highest in the city. They have 58.9 percent of the children who do not qualify for school lunches. That is the highest in the city. And yet their reading level is nothing impressive.

And when you compare their reading levels with their income, they are the lowest in the State. The City of Staten Island is taking a hard look at the fact that they have a relatively prosperous population, people with decent incomes and yet they are not performing well at all. That is the only exception to the rule in terms of district.

Other districts follow the pattern. If the overall district had a very low income level, the percentage of students with low incomes, the district's reading levels were also quite low except

for a few exceptions here and there. And I say this in closing because I want to reemphasize the fact that opportunity programs that we have talked about in the poorest parts of our population deserving help from the government, our neglect of following our rhetoric with principle leads to situations where these concentrations of poor students are not getting the kind of help that they need.

In an area like District 23 in Brownsville, one of the lowest income levels on these charts, you have the highest number of teachers who are not certified teachers. It is a place where a great deal of effort is required to maintain certified teachers. It is a place where you will find other kinds of problems related to lack of resources that are needed. There is a correlation in that which should be taken into consideration, and it is not enough for the State to make tours of schools, do evaluations and ratings and decide to take low-performance schools and put them into special programs.

The problem is poverty, and the problem has to be addressed. We cannot address the problem of poverty if we are going to continue with this two-society system. One approach to any kind of activity which relates to international financing where bankers have invested money, we will jump in with billions of dollars to bail it out starting with the situation in this country, the Mexican bailout, and now the bailout of Asian countries. We rush with our resources and money to put it into situations which is going to make the investments of bankers good, people who have loaned money to these enterprises in these countries at high interest rates. They got high interest rates. That is why they made the loans.

So they profited from high interest rates, and now the taxpayers are going to bail out the country so they get their principal back also. So it is international socialism, giving away large amounts of money in situations which promote people who are rich already, and corrupt, and have created a situation in the free market that they ought to be allowed with free market resources.

On the other hand, we apply to Africa and to Caribbean nations a different standard, and we give them nickels and dimes and not much help. Just as we approach situations in our own domestic economy, and when we deal with vital domestic programs, we take a nickel-and-dime approach. This was an approach taken by a reporter I mentioned last week. The Eisenhower Foundation came out with a report which updated the current commission record, and they had in their report a list of investments that ought to be made by the Federal Government.

And I will leave my colleagues with this, investments in school reform should be $15 billion a year. They said we should be investing $15 billion a year just in school reform, not construction, just reform and other kinds of activities in schools. We should be investing $7 billion a year in Head Start. And they had many other programs that support poor communities, job training, economic development et cetera, and they come out with a figure of $56 billion a year that they think we should be spending. That would be on the order of an operation bailout. We would be doing for ourselves the kind of things we are so readily willing to do in our own Nation if we would spend in our own economy and own schools, invest in our own institutions to the degree it is needed.

Modern, complicated societies require great investments in order to be able to survive and to be productive and for this Nation to continue to lead the world as it does. We are making a great mistake when we pour our resources into foreign enterprises blindly in order to bail out the private sector while we are not willing to make comparable investments in our own institutions.

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

[The Hill, Wednesday, January 28, 1998]

ASIAN BAILOUT IS UNFAIR, COUNTERPRODUCTIVE AND ILLEGAL

(By Rep. Bernard Sanders)

President Clinton's proposal for the Asian bailout, which is supported by Speaker Newt Gingrich (R–Ga.) and a number of Republicans, is an insult to American taxpayers, counterproductive for movement toward a stable world economy, and illegal.

It is amazing to me that even as President Clinton and Speaker Gingrich tell us we have to cut back on Medicare, Medicaid, veterans' programs, affordable housing and children's needs—and perhaps even Social Security in the near future—that we can provide some $15-to-$20 billion in loans to Indonesia, Thailand, the Philippines and South Korea. This action will only increase public cynicism.

American workers have seen a substantial decline in their standard of living over the last 20 years, even as they are working longer hours for lower wages. Twenty-two percent of the children in this country live in poverty, millions of elderly people cannot afford prescription drugs, 40 million Americans lack health insurance, and there has recently been a significant increase in homelessness and hunger. For these people, apparently, there is no government assistance available, only the virtues of ''personal responsibility.''

But when foreign governments, some led by corrupt authoritarian billionaires, need assistance, the United States is there in rapid response fashion to help them out. Where are the ''risks'' for the poorly managed governments which have run their economies into bankruptcy? Where is the ''self-regulation'' of the free enterprise system for the wealthy special-interests in Asia that have borrowed more money than they can repay?

And where is the ''magic of the marketplace'' for the reckless investors and speculators that have made huge profits by investing and lending money in Asia, but now want U.S. taxpayers to bail them out? Or the corrupt dictators like President Suharto of Indonesia, whose family is worth $30-to-$40 billion and who has invested much of his money abroad in foreign currencies?

Should the taxpayers of this country really be providing $19.3 billion as part of the bailout to these huge, profitable banks and their overpaid executives? Is that really the way the system is supposed to work? I don't think so. That's socialism for the rich and the powerful, and Darwinian capitalism for the middle-class and the poor.

The International Monetary Fund (IMF) bailouts, as currently designed, are illegal and in violation of the Sanders-Frank Amendment of 1994, which requires U.S. representatives to international financial institutions to urge borrowing countries to guarantee internationally recognized workers' rights, and to include the status of such rights as an integral part of the institution's policy dialogue with each borrowing country.

This has not been done. In Indonesia, for example, Muchtar Pakpahan, the head of the independent Indonesia Labor Welfare Union, is still in jail because of his belief that workers have the right to freely organize and join unions. No one believes that Indonesia guarantees internationally recognized worker rights.

Will the IMF bailout improve the lives of people who are affected? Experts as diverse as former Republican Secretary of the Treasury George Shultz, Jim Sheehan of the conservative Competitive Enterprise Institute, Ralph Nader and the Friends of the Earth agree that it won't.

Finally, what does this bailout say about our position in the international economy? How does this crisis relate to our absurd trade policies which, this year, will run up a record-breaking $200 billion trade deficit as American corporations continue to invest billions in low-wage Third World countries, while laying off workers here?

The president and Congress must move to resolve this crisis and make certain that similar crises do not arise again. Let me suggest a few steps that should be taken as soon as possible:

We must not repeat the errors of the past, learning nothing from the savings and loan fiasco and the Mexican bailout. Instead, we must use this crisis to fully debate the proper role for the United States in the global economy, and all aspects of IMF policy;

Enforce the law and not support any IMF bailout which does not guarantee internationally recognized worker rights;

Make certain that the financial institutions responsible for the crisis pay for the bailout, and not the taxpayers of the United States or the workers of Asia;

Implement a tax in the U.S. on international transactions on capital that creates an insurance fund for bailouts; and

Make certain that the IMF does not implement a one-size-fits-all ''austerity program,'' which further impoverishes the workers of Asia, and makes their exports into the United States even cheaper, potentially costing us millions of jobs.

Finally, we must pass legislation prohibiting the president from expending any more than $250 million from the Exchange Stabilization Fund without the approval of Congress.

MODERNIZE SCHOOLS FOR THE 21ST CENTURY

In order for students to learn and to compete in the global economy, schools must be well-equipped and they must be able to accommodate smaller class sizes. To address these and other critical needs, the President's FY 99 Budget will propose Federal tax credits to pay interest on nearly $22 billion in bonds to build and renovate public schools. This is more than double the assistance proposed last year, which covered half the interest on an estimated $20 billion in bonds. The new proposal provides tax credits in lieu of interest payments for investors in two types of bonds: School Modernization

Bonds (a new proposal), and expansion of the Qualified Zone Academy Bonds (created last year). These tax credits will cost the Treasury $5 billion over 5 years, and more than $10 billion over ten years.

SCHOOL MODERNIZATION BONDS

$19.4 billion in zero-interst bonds ($9.7 billion in 1999 and $9.7 billion in 2000) is proposed for construction and renovation of public school facilities. The Department of the Treasury would allocate the rights to offer these special 15-year bonds to States, territories, and certain school districts that have submitted school construction plans to the Secretary of Education.

Half of the bond authority would be allocated to the 100 school districts with the largest number of low-income children, in proportion to the number of such children served (the Title I Basic Grant formula), to provide assistance in accordance with each school district's plan.

The other half would be allocated to States and territories to provide to school districts in need of assistance in accordance with each State's plan. The bond authority would be allocated according to the State's proportion of low-income children (Title I Basic Grant formula), except that children in the 100 school districts (above) would not be included in the count.

School Construction Plans: In order to receive a bond allocation, States, territories, and the eligible 100 school districts would be required to submit a plan to the Secretary of Education. The plans would (1) demonstrate that a comprehensive survey has been undertaken of the construction and renovation needs in the jurisdiction, including meeting requirements for access by persons with disabilities, and (2) describe how the jurisdiction will ensure that the bond funds are used for the purposes intended by this proposal, including the requirement that they will supplement, not supplant, amounts that would have been spent on construction and renovation in the absence of these bonds. State plans would also describe how they will ensure that localities with the greatest need—as demonstrated by inadequate facilities coupled with a low level of resources to meet the needs—would be served.

QUALIFIED ZONE ACADEMY BONDS

This program, created by the Taxpayer Relief Act of 1997, provides a tax credit to pay interest on bonds for a variety of expenses (including building renovation) related to certain public school-business partnerships. The FY 99 Budget would expand these bonds to cover school construction and would increase and extend the bond authority by $2.4 billion (an additional $1 billion, to $1.4 billion, in 1999, and $1.4 billion in 2000). This bond authority is allocated to States on the basis of their respective populations of individuals with incomes below the poverty line.

CONFERENCE REPORT ON H.R. 1757, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT

Mr. SMITH of New Jersey (during special order of the gentleman from Oklahoma, Mr. ISTOOK) submitted the following conference report and statement on the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–432)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1757), to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign Affairs Reform and Restructuring Act of 1998''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) DIVISION A.—Foreign Affairs Agencies Consolidation Act of 1998.

(2) DIVISION B.—Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

(3) DIVISION C.—United Nations Reform Act of 1998.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

SUBDIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Report on budgetary cost savings resulting from reorganization.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 211. Abolition of United States Arms Control and Disarmament Agency.
Sec. 212. Transfer of functions to Secretary of State.
Sec. 213. Under Secretary for Arms Control and International Security.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 221. References.
Sec. 222. Repeals.
Sec. 223. Amendments to the Arms Control and Disarmament Act.
Sec. 224. Compensation of officers.
Sec. 225. Additional conforming amendments.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 301. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 311. Abolition of United States Information Agency.
Sec. 312. Transfer of functions.
Sec. 313. Under Secretary of State for Public Diplomacy.
Sec. 314. Abolition of Office of Inspector General of United States Information Agency and transfer of functions.

CHAPTER 3—INTERNATIONAL BROADCASTING

Sec. 321. Congressional findings and declaration of purpose.
Sec. 322. Continued existence of Broadcasting Board of Governors.
Sec. 323. Conforming amendments to the United States International Broadcasting Act of 1994.
Sec. 324. Amendments to the Radio Broadcasting to Cuba Act.
Sec. 325. Amendments to the Television Broadcasting to Cuba Act.
Sec. 326. Transfer of broadcasting related funds, property, and personnel.
Sec. 327. Savings provisions.
Sec. 328. Report on the privatization of RFE/RL, Incorporated.

CHAPTER 4—CONFORMING AMENDMENTS

Sec. 331. References.
Sec. 332. Amendments to title 5, United States Code.
Sec. 333. Application of certain laws.
Sec. 334. Abolition of United States Advisory Commission on Public Diplomacy.
Sec. 335. Conforming amendments.
Sec. 336. Repeals.

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

Sec. 401. Effective date.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

Sec. 411. Abolition of United States International Development Cooperation Agency.
Sec. 412. Transfer of functions and authorities.
Sec. 413. Status of AID.

CHAPTER 3—CONFORMING AMENDMENTS

Sec. 421. References.
Sec. 422. Conforming amendments.

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

Sec. 501. Effective date.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

Sec. 511. Reorganization of Agency for International Development.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

Sec. 521. Definition of United States assistance.
Sec. 522. Administrator of AID reporting to the Secretary of State.
Sec. 523. Assistance programs coordination and oversight.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

Sec. 601. Reorganization plan and report.

CHAPTER 2—REORGANIZATION AUTHORITY

Sec. 611. Reorganization authority.
Sec. 612. Transfer and allocation of appropriations.
Sec. 613. Transfer, appointment, and assignment of personnel.
Sec. 614. Incidental transfers.
Sec. 615. Savings provisions.
Sec. 616. Authority of Secretary of State to facilitate transition.
Sec. 617. Final report.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Definition of appropriate congressional committees.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

Sec. 1101. Administration of foreign affairs.
Sec. 1102. International commissions.
Sec. 1103. Grants to The Asia Foundation.
Sec. 1104. Voluntary contributions to international organizations.
Sec. 1105. Voluntary contributions to peacekeeping operations.
Sec. 1106. Limitation on United States voluntary contributions to United Nations Development Program.
Sec. 1107. United Nations Population Fund.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 1201. Reimbursement of Department of State for assistance to overseas educational facilities.
Sec. 1202. Revision of Department of State rewards program.
Sec. 1203. Retention of additional defense trade controls registration fees.
Sec. 1204. Fees for commercial services.
Sec. 1205. Pilot program for foreign affairs reimbursement.
Sec. 1206. Fee for use of diplomatic reception rooms.
Sec. 1207. Budget presentation documents.
Sec. 1208. Office of the Inspector General.
Sec. 1209. Capital Investment Fund.
Sec. 1210. Contracting for local guards services overseas.
Sec. 1211. Authority of the Foreign Claims Settlement Commission.
Sec. 1212. Expenses relating to certain international claims and proceedings.
Sec. 1213. Grants to remedy international abductions of children.
Sec. 1214. Counterdrug and anticrime activities of the Department of State.
Sec. 1215. Annual report on overseas surplus properties.
Sec. 1216. Human rights reports.
Sec. 1217. Reports and policy concerning diplomatic immunity.
Sec. 1218. Reaffirming United States international telecommunications policy.
Sec. 1219. Reduction of reporting.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 1221. Use of certain passport processing fees for enhanced passport services.
Sec. 1222. Surcharge for processing certain machine readable visas.
Sec. 1223. Consular officers.
Sec. 1224. Repeal of outdated consular receipt requirements.
Sec. 1225. Elimination of duplicate Federal Register publication for travel advisories.
Sec. 1226. Denial of visas to confiscators of American property.
Sec. 1227. Inadmissibility of any alien supporting an international child abductor.
Sec. 1228. Haiti; exclusion of certain aliens; reporting requirements.

CHAPTER 3—REFUGEES AND MIGRATION

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS

Sec. 1231. Migration and refugee assistance.

SUBCHAPTER B—AUTHORITIES

Sec. 1241. United States policy regarding the involuntary return of refugees.
Sec. 1242. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 1243. Reprogramming of migration and refugee assistance funds.
Sec. 1244. Eligibility for refugee status.
Sec. 1245. Reports to Congress concerning Cuban emigration policies.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 1301. Coordinator for Counterterrorism.
Sec. 1302. Elimination of Deputy Assistant Secretary of State for Burdensharing.
Sec. 1303. Personnel management.
Sec. 1304. Diplomatic security.
Sec. 1305. Number of senior official positions authorized for the Department of State.
Sec. 1306. Nomination of Under Secretaries and Assistant Secretaries of State.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 1311. Foreign Service reform.
Sec. 1312. Retirement benefits for involuntary separation.
Sec. 1313. Authority of Secretary to separate convicted felons from the Foreign Service.
Sec. 1314. Career counseling.
Sec. 1315. Limitations on management assignments.
Sec. 1316. Availability pay for certain criminal investigators within the Diplomatic Security Service.
Sec. 1317. Nonovertime differential pay.
Sec. 1318. Report concerning minorities and the Foreign Service.

TITLE XIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

Sec. 1401. International information activities and educational and cultural exchange programs.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

Sec. 1411. Retention of interest.
Sec. 1412. Use of selected program fees.
Sec. 1413. Muskie Fellowship Program.
Sec. 1414. Working Group on United States Government-Sponsored International Exchanges and Training.
Sec. 1415. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 1416. United States-Japan Commission.
Sec. 1417. Surrogate broadcasting study.
Sec. 1418. Radio broadcasting to Iran in the Farsi language.
Sec. 1419. Authority to administer summer travel and work programs.
Sec. 1420. Permanent administrative authorities regarding appropriations.
Sec. 1421. Voice of America broadcasts.

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TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS

Sec. 1801. Reports on claims by United States firms against the Government of Saudi Arabia.
Sec. 1802. Reports on determinations under title IV of the Libertad Act.
Sec. 1803. Report on compliance with the Hague Convention on International Child Abduction.
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Sec. 1807. Report on an alliance against narcotics trafficking in the Western Hemisphere.
Sec. 1808. Congressional statement regarding the accession of Taiwan to the World Trade Organization.
Sec. 1809. Programs or projects of the International Atomic Energy Agency in Cuba.
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Sec. 1811. International Fund for Ireland.
Sec. 1812. United States policy with respect to Jerusalem as the capital of Israel.
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Sec. 1814. Development of democracy in the Republic of Serbia.
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Sec. 1816. Foreign organizations that perform or promote abortion; forced abortion in the People's Republic of China.

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

Sec. 2001. Short title.
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Sec. 2205. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 2206. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.
Sec. 2207. Sense of the Congress regarding compliance with child and spousal support obligations by United Nations personnel.

TITLE XXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

Sec. 2301. Authorization of appropriations.

Sec. 2302. Obligation and expenditure of funds.
Sec. 2303. Forgiveness of amounts owed by the United Nations to the United States.
SUBCHAPTER B—UNITED STATES SOVEREIGNTY
Sec. 2311. Certification requirements.
SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS
Sec. 2321. Certification requirements.
SUBCHAPTER D—BUDGET AND PERSONNEL REFORM
Sec. 2331. Certification requirements.
CHAPTER 2—MISCELLANEOUS PROVISIONS
Sec. 2341. Statutory construction on relation to existing laws.
Sec. 2342. Prohibition on payments relating to UNIDO and other organizations from which the United States has withdrawn or rescinded funding.

DIVISION A—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Foreign Affairs Agencies Consolidation Act of 1998''.

SEC. 102. PURPOSES.

The purposes of this division are—

(1) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy;

(2) to consolidate and reinvigorate the foreign affairs functions of the United States within the Department of State by—

(A) abolishing the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency, and transferring the functions of these agencies to the Department of State while preserving the special missions and skills of these agencies;

(B) transferring certain functions of the Agency for International Development to the Department of State; and

(C) providing for the reorganization of the Department of State to maximize the efficient use of resources, which may lead to budget savings, eliminated redundancy in functions, and improvement in the management of the Department of State;

(3) to ensure that programs critical to the promotion of United States national interests be maintained;

(4) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(5) to ensure that the United States maintains effective representation abroad within budgetary restraints; and

(6) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government.

SEC. 103. DEFINITIONS.

In this division:

(1) ACDA.—The term ''ACDA'' means the United States Arms Control and Disarmament Agency.

(2) AID.—The term ''AID'' means the United States Agency for International Development.

(3) AGENCY; FEDERAL AGENCY.—The term ''agency'' or ''Federal agency'' means an Executive agency as defined in section 105 of title 5, United States Code.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(5) COVERED AGENCY.—The term ''covered agency'' means any of the following agencies: ACDA, USIA, IDCA, and AID.

(6) DEPARTMENT.—The term ''Department'' means the Department of State.

(7) FUNCTION.—The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(8) IDCA.—The term ''IDCA'' means the United States International Development Cooperation Agency.

(9) OFFICE.—The term ''office'' includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of State.

(11) USIA.—The term ''USIA'' means the United States Information Agency.

SEC. 104. REPORT ON BUDGETARY COST SAVINGS RESULTING FROM REORGANIZATION.

The Secretary of State shall submit a report, together with the congressional presentation document for the budget of the Department of State for each of the fiscal years 1999, 2000, and 2001, to the appropriate congressional committees describing the total anticipated and achieved cost savings in budget outlays and budget authority related to the reorganization implemented under this division, including cost savings by each of the following categories:

(1) Reductions in personnel.

(2) Administrative consolidation, including procurement.

(3) Program consolidation.

(4) Consolidation of real properties and leases.

TITLE II—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 211. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 212. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency, and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

SEC. 213. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651(b)) is amended—

(1) by striking ''There'' and inserting the following:

''(1) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as Senior Advisor to the President and the Secretary of State on Arms Control and Nonproliferation Matters.''.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 221. REFERENCES.

Except as otherwise provided in section 223 or 225, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, the Director of the Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Secretary of State; or

(2) the United States Arms Control and Disarmament Agency or the Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

SEC. 222. REPEALS.

The following sections of the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) are repealed: Sections 21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C. 2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C. 2583), sections 45 through 50 (22 U.S.C. 2585–2593), section 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d), and section 63 (22 U.S.C. 2595b).

SEC. 223. AMENDMENTS TO THE ARMS CONTROL AND DISARMAMENT ACT.

The Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.) is amended—

(1) in section 2 (22 U.S.C. 2551)—

(A) in the first undesignated paragraph, by striking ''creating a new agency of peace to deal with'' and inserting ''addressing'';

(B) by striking the second undesignated paragraph; and

(C) in the third undesignated paragraph—

(i) by striking ''This organization'' and inserting ''The Secretary of State'';

(ii) by striking ''It shall have'' and inserting ''The Secretary shall have'';

(iii) by striking ''and the Secretary of State'';

(iv) by inserting '', nonproliferation,'' after ''arms control'' in paragraph (1);

(v) by striking paragraph (2);

(vi) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(vii) by striking '', as appropriate,'' in paragraph (3) (as redesignated);

(2) in section 3 (22 U.S.C. 2552), by striking subsection (c);

*(3) in the heading for title II, by striking ''**ORGANIZATION**'' and inserting ''**SPECIAL REPRESENTATIVES AND VISITING SCHOLARS**'';*

(4) in section 27 (22 U.S.C. 2567)—

(A) by striking the third sentence;

(B) in the fourth sentence, by striking '', acting through the Director''; and

(C) in the fifth sentence, by striking ''Agency'' and inserting ''Department of State'';

(5) in section 28 (22 U.S.C. 2568)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State'';

(B) in the second sentence—

(i) by striking ''Agency'' each place it appears and inserting ''Department of State''; and

(ii) by striking ''Agency's'' and inserting ''Department of State's''; and

(C) by striking the fourth sentence;

(6) in section 31 (22 U.S.C. 2571)—

(A) by inserting ''this title in'' after ''powers in'';

(B) by striking ''Director'' each place it appears and inserting ''Secretary of State'';

(C) by striking ''insure'' each place it appears and inserting ''ensure'';

(D) in the second sentence, by striking ''in accordance with procedures established under section 35 of this Act'';

(E) in the fourth sentence by striking ''The authority'' and all that follows through ''disarmament:'' and inserting the following: ''The authority of the Secretary under this Act with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:''; and

(F) in subsection (l), by inserting ''and'' at the end;

(7) in section 32 (22 U.S.C. 2572)—

(A) by striking ''Director'' and inserting ''Secretary of State''; and

(B) by striking ''subsection'' and inserting ''section'';

(8) in section 33(a) (22 U.S.C. 2573(a))—

(A) by striking ''the Secretary of State,''; and

(B) by striking ''Director'' and inserting ''Secretary of State'';

(9) in section 34 (22 U.S.C. 2574)—

(A) in subsection (a)—

(i) in the first sentence, by striking ''Director'' and inserting ''Secretary of State'';

(ii) in the first sentence, by striking ''and the Secretary of State'';

(iii) in the first sentence, by inserting '', nonproliferation,'' after ''in the fields of arms control'';

(iv) in the first sentence, by striking ''and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation'';

(v) in the second sentence, by striking ''section 27'' and inserting ''section 201''; and

(vi) in the second sentence, by striking ''the'' after ''serve as'';

(B) by striking subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b) (as redesignated)—

(i) in the text above paragraph (1), by striking ''Director'' and inserting ''Secretary of State'';

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(10) in section 36 (22 U.S.C. 2576)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(B) by striking '', in accordance with the procedures established pursuant to section 35 of this Act,'';

(11) in section 37 (22 U.S.C. 2577)—

(A) by striking ''Director'' and ''Agency'' each place it appears and inserting ''Secretary of State'' or ''Department of State'', respectively; and

(B) by striking subsection (d);

(12) in section 38 (22 U.S.C. 2578)—

(A) by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(B) by striking subsection (c);

(13) in section 41 (22 U.S.C. 2581)—

(A) by striking ''In the performance of his functions, the Director'' and inserting ''In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this Act'';

(B) by striking ''Agency'', ''Agency's'', ''Director'', and ''Director's'' each place they appear and inserting ''Department of State'', ''Department of State's'', ''Secretary of State'', or ''Secretary of State's'', as appropriate;

(C) in subsection (a), by striking the sentence that begins ''It is the intent'';

(D) in subsection (b)—

(i) by striking ''appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5, United States Code, governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities,'';

(ii) in paragraph (1), by striking ''exception'' and inserting ''subsection''; and

(iii) in paragraph (2)—

(I) by striking ''exception'' and inserting ''subsection''; and

(II) by striking ''ceiling'' and inserting ''positions allocated to carry out the purpose of this Act'';

(E) by striking subsection (g);

(F) by redesignating subsections (h), (i), and (j) as subsections (g), (h), and (i), respectively;

(G) by amending subsection (f) to read as follows:

''(f) establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;''; and

(H) in subsection (h) (as redesignated), by striking ''Deputy Director'' and inserting ''Under Secretary for Arms Control and International Security'';

(14) in section 44 (22 U.S.C. 2584)—

(A) by striking ''CONFLICT-OF-INTEREST AND'';

(B) by striking ''The members'' and all that follows through ''(5 U.S.C. 2263), or any other'' and inserting ''Members of advisory boards and consultants may serve as such without regard to any''; and

(C) by inserting at the end the following new sentence: ''This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.'';

(15) in section 51 (22 U.S.C. 2593a)—

(A) in subsection (a)—

(i) in paragraphs (1) and (3), by inserting '', nonproliferation,'' after ''arms control'' each place it appears;

(ii) by striking ''Director, in consultation with the Secretary of State,'' and inserting ''Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with'';

(iii) by striking ''the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence'' and inserting ''and the Chairman of the Joint Chiefs of Staff'';

(iv) by striking paragraphs (2) and (4); and

(v) by redesignating paragraphs (3), (5), (6), and (7) as paragraphs (2) through (5), respectively; and

(B) by adding at the end of subsection (b) the following: ''The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.'';

(16) in section 52 (22 U.S.C. 2593b), by striking ''Director'' and inserting ''Secretary of State'';

(17) in section 61 (22 U.S.C. 2593a)—

(A) in paragraph (1), by striking ''United States Arms Control and Disarmament Agency'' and inserting ''Department of State'';

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) through (7) as paragraphs (2) through (6), respectively;

(D) in paragraph (4) (as redesignated), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(E) in paragraph (6) (as redesignated), by striking ''United States Arms Control and Disarmament Agency and the'';

(18) in section 62 (22 U.S.C. 2595a)—

(A) in subsection (c)—

(i) in the subsection heading, by striking ''DIRECTOR'' and inserting ''SECRETARY OF STATE''; and

(ii) by striking ''2(d), 22, and 34(c)'' and inserting ''102(3) and 304(b)''; and

(B) by striking ''Director'' and inserting ''Secretary of State'';

(19) in section 64 (22 U.S.C. 2595b–1)—

*(A) by striking the section title and inserting ''**SEC. 503. REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.**'';*

(B) by striking subsection (a); and

(C) in subsection (b)—

(i) by striking ''(b) REVIEW OF CERTAIN REPROGRAMMING NOTIFICATIONS.—''; and

(ii) by striking ''Foreign Affairs'' and inserting ''International Relations'';

(20) in section 65(1) (22 U.S.C. 2595c(1)) by inserting ''of America'' after ''United States''; and

(21) by redesignating sections 1, 2, 3, 27, 28, 31, 32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64, and 65, as amended by this section, as sections 101, 102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307, 308, 401, 402, 403, 404, 501, 502, 503, and 504, respectively.

SEC. 224. COMPENSATION OF OFFICERS.

Title 5, United States Code, is amended—

(1) in section 5313, by striking ''Director of the United States Arms Control and Disarmament Agency.'';

(2) in section 5314, by striking ''Deputy Director of the United States Arms Control and Disarmament Agency.'';

(3) in section 5315—

(A) by striking ''Assistant Directors, United States Arms Control and Disarmament Agency (4).''; and

(B) by striking ''Special Representatives of the President for arms control, nonproliferation, and disarmament matters, United States Arms Control and Disarmament Agency'', and inserting ''Special Representatives of the President for arms control, nonproliferation, and disarmament matters, Department of State''; and

(4) in section 5316, by striking ''General Counsel of the United States Arms Control and Disarmament Agency.''.

SEC. 225. ADDITIONAL CONFORMING AMENDMENTS.

(a) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended—

(1) in section 36(b)(1)(D) (22 U.S.C. 2776(b)(1)(D)), by striking ''Director of the Arms Control and Disarmament Agency in consultation with the Secretary of State and the Secretary of Defense'' and inserting ''Secretary of State in consultation with the Secretary of Defense and the Director of Central Intelligence'';

(2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

(A) in the first sentence, by striking ''be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to'' and inserting ''take into account''; and

(B) by striking the second sentence;

(3) in section 42(a) (22 U.S.C. 2791(a))—

(A) in paragraph (1)(C), by striking ''the assessment of the Director of the United States Arms Control and Disarmament Agency as to'';

(B) by striking ''(1)'' after ''(a)''; and

(C) by striking paragraph (2);

(4) in section 71(a) (22 U.S.C. 2797(a)), by striking '', the Director of the Arms Control and Disarmament Agency,'';

(5) in section 71(b)(1) (22 U.S.C. 2797(b)(1)), by striking ''and the Director of the United States Arms Control and Disarmament Agency'';

(6) in section 71(b)(2) (22 U.S.C. 2797(b)(2))—

(A) by striking '', the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency'' and inserting ''and the Secretary of Commerce''; and

(B) by striking ''or the Director'';

(7) in section 71(c) (22 U.S.C. 2797(c)), by striking ''with the Director of the United States Arms Control and Disarmament Agency,''; and

(8) in section 73(d) (22 U.S.C. 2797b(d)), by striking '', the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency'' and inserting ''and the Secretary of Commerce''.

(b) FOREIGN ASSISTANCE ACT.—Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amended by striking ''be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to'' and inserting ''take into account''.

(c) UNITED STATES INSTITUTE OF PEACE ACT.—

(1) Section 1706(b) of the United States Institute of Peace Act (22 U.S.C. 4605(b)) is amended—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as redesignated), by striking ''Eleven'' and inserting ''Twelve''.

(2) Section 1707(d)(2) of that Act (22 U.S.C. 4606(d)(2)) is amended by striking '', Director of the Arms Control and Disarmament Agency''.

(d) ATOMIC ENERGY ACT OF 1954.—The Atomic Energy Act of 1954 is amended—

(1) in section 57b. (42 U.S.C. 2077(b))—

(A) in the first sentence, by striking ''the Arms Control and Disarmament Agency,''; and

(B) in the second sentence, by striking ''the Director of the Arms Control and Disarmament Agency,'';

(2) in section 109b. (42 U.S.C. 2129(b)), by striking ''and the Director'';

(3) in section 111b. (42 U.S.C. 2131(b)) by striking ''the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission,'' and inserting ''the Nuclear Regulatory Commission'';

(4) in section 123 (42 U.S.C. 2153)—

(A) in subsection a., in the third sentence—

(i) by striking ''and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director)'';

(ii) by inserting ''and'' after ''Energy,'';

(iii) by striking ''Commission, and the Director, who'' and inserting ''Commission. The Secretary of State''; and

(iv) after ''nuclear explosive purpose.'', by inserting the following new sentence: ''Each Nuclear Proliferation Assessment Statement prepared pursuant to this Act shall be accompanied by a classified annex, prepared in consultation with the Director of Central Intelligence, summarizing relevant classified information.'';

(B) in subsection d., in the first proviso—

(i) by striking ''Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency,'' and inserting ''Nuclear Proliferation Assessment Statement prepared by the Secretary of State, and any annexes thereto,''; and

(ii) by striking ''has been'' and inserting ''have been''; and

(C) in the first undesignated paragraph following subsection d., by striking ''the Arms Control and Disarmament Agency,'';

(5) in section 126a.(1), by striking ''the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission'' and inserting ''and the Nuclear Regulatory Commission,'';

(6) in section 131a. (42 U.S.C. 2160(a))—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''the Director,'';

(ii) in the third sentence, by striking ''the Director declares that he intends'' and inserting ''the Secretary of State is required''; and

(iii) in the third sentence, by striking ''the Director's declaration'' and inserting ''the requirement to prepare a Nuclear Proliferation Assessment Statement'';

(B) in paragraph (2)—

(i) by striking ''Director's view'' and inserting ''view of the Secretary of State, Secretary of Energy, Secretary of Defense, or the Commission''; and

(ii) by striking ''he may prepare'' and inserting ''the Secretary of State, in consultation with such Secretary or the Commission, shall prepare''; and

(7) in section 131c. (42 U.S.C. 2160(c))—

(A) in the first sentence, by striking '', the Director of the Arms Control and Disarmament Agency,'';

(B) in the sixth and seventh sentences, by striking ''Director'' each place it appears and inserting ''Secretary of State''; and

(C) in the seventh sentence, by striking ''Director's'' and inserting ''Secretary of State's''.

(e) NUCLEAR NON-PROLIFERATION ACT OF 1978.—The Nuclear Non-Proliferation Act of 1978 is amended—

(1) in section 4 (22 U.S.C. 3203)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(2) in section 102 (22 U.S.C. 3222), by striking '', the Secretary of State, and the Director of the Arms Control and Disarmament Agency'' and inserting ''and the Secretary of State'';

(3) in section 304(d) (42 U.S.C. 2156a), by striking ''the Secretary of Defense, and the Director,'' and inserting ''and the Secretary of Defense,'';

(4) in section 309 (42 U.S.C. 2139a)—

(A) in subsection (b), by striking ''the Department of Commerce, and the Arms Control and Disarmament Agency'' and inserting ''and the Department of Commerce''; and

(B) in subsection (c), by striking ''the Arms Control and Disarmament Agency,'';

(5) in section 406 (42 U.S.C. 2160a), by inserting '', or any annexes thereto,'' after ''Statement''; and

(6) in section 602 (22 U.S.C. 3282)—

(A) in subsection (c), by striking ''the Arms Control and Disarmament Agency,''; and

(B) in subsection (e), by striking ''and the Director''.

(f) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—Section 23(a) of the State Department basic Authorities Act of 1956 (22 U.S.C. 2695(a)) is amended by striking ''the Agency for International Development, and the Arms Control and Disarmament Agency'' and inserting ''and the Agency for International Development''.

(g) FOREIGN RELATIONS AUTHORIZATION ACT OF 1972.—Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking ''the United States Arms Control and Disarmament Agency,''.

(h) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking '', or the Director of the Arms Control and Disarmament Agency''.

TITLE III—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency (other than the Broadcasting Board of Governors and the International Broadcasting Bureau) is abolished.

SEC. 312. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency, under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the effective date of this title.

(b) EXCEPTION.—Subsection (a) does not apply to the Broadcasting Board of Governors, the International Broadcasting Bureau, or any function performed by the Board or the Bureau.

SEC. 313. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by this Act, is further amended by adding at the end the following new paragraph:

''(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.''.

SEC. 314. ABOLITION OF OFFICE OF INSPECTOR GENERAL OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS.

(a) ABOLITION OF OFFICE.—The Office of Inspector General of the United States Information Agency is abolished.

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''the Office of Personnel Management, the United States Information Agency'' and inserting ''or the Office of Personnel Management''; and

(2) in paragraph (2), by striking ''the United States Information Agency,''.

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking the following:

''Inspector General, United States Information Agency.''.

(d) AMENDMENTS TO PUBLIC LAW 103–236.—Subsections (i) and (j) of section 308 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and (j)) are amended—

(1) by striking ''Inspector General of the United States Information Agency'' each place it appears and inserting ''Inspector General of the Department of State and the Foreign Service''; and

(2) by striking '', the Director of the United States Information Agency,''.

(e) TRANSFER OF FUNCTIONS.—There are transferred to the Office of the Inspector General of the Department of State and the Foreign Service the functions that the Office of Inspector General of the United States Information Agency exercised before the effective date of this title (including all related functions of the Inspector General of the United States Information Agency).

CHAPTER 3—INTERNATIONAL BROADCASTING

SEC. 321. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Congress finds that—

(1) it is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom ''to seek, receive, and impart information and ideas through any media and regardless of frontiers'', in accordance with Article 19 of the Universal Declaration of Human Rights;

(2) open communication of information and ideas among the peoples of the world contributes to international peace and stability, and the promotion of such communication is in the interests of the United States;

(3) it is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this chapter and the United States International Broadcasting Act of 1994; and

(4) international broadcasting is, and should remain, an essential instrument of United States foreign policy.

SEC. 322. CONTINUED EXISTENCE OF BROADCASTING BOARD OF GOVERNORS.

Section 304(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended to read as follows:

''(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

''(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

''(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1998 and holding office as of that date may serve the remainder of their terms of office without reappointment.

''(3) INSPECTOR GENERAL AUTHORITIES.—

''(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

''(B) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.''.

SEC. 323. CONFORMING AMENDMENTS TO THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

(a) REFERENCES IN SECTION.—Whenever in this section an amendment or repeal is expressed as an amendment or repeal of a provision, the reference shall be deemed to be made to the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.).

(b) SUBSTITUTION OF SECRETARY OF STATE.—Sections 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e) (22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and 6203(e)) are amended by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Secretary of State''.

(c) SUBSTITUTION OF ACTING SECRETARY OF STATE.—Section 304(c) (22 U.S.C. 6203(c)) is amended by striking ''acting Director of the agency'' and inserting ''Acting Secretary of State''.

(d) STANDARDS AND PRINCIPLES OF INTERNATIONAL BROADCASTING.—Section 303(b) (22 U.S.C. 6202(b)) is amended—

(1) in paragraph (3), by inserting '', including editorials, broadcast by the Voice of America, which present the views of the United States Government'' after ''policies'';

(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) the capability to provide a surge capacity to support United States foreign policy objectives during crises abroad;'';

(e) AUTHORITIES OF THE BOARD.—Section 305(a) (22 U.S.C. 6204(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''direct and''; and

(B) by striking ''and the Television Broadcasting to Cuba Act'' and inserting '', the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b)'';

(2) in paragraph (4), by inserting '', after consultation with the Secretary of State,'' after ''annually,'';

(3) in paragraph (9)—

(A) by striking '', through the Director of the United States Information Agency,''; and

(B) by adding at the end the following new sentence: ''Each annual report shall place special emphasis on the assessment described in paragraph (2).'';

(4) in paragraph (12)—

(A) by striking ''1994 and 1995'' and inserting ''1998 and 1999''; and

(B) by striking ''to the Board for International Broadcasting for such purposes for fiscal year 1993'' and inserting ''to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997''; and

(5) by adding at the end the following new paragraphs:

''(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code.

''(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

''(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the 'Economy Act'), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

''(17) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title III of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Board considers necessary in carrying out the provisions and purposes of this title.

''(18) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title III of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.''.

(f) DELEGATION OF AUTHORITY.—Section 305 (22 U.S.C. 6204) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

''(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).''.

(g) BROADCASTING BUDGETS.—Section 305(c)(1) (as redesignated) is amended—

(1) by striking ''(1)'' before ''The Director''; and

(2) by striking ''the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to''.

(h) REPEAL.—Section 305(c)(2) (as redesignated) is repealed.

(i) IMPLEMENTATION.—Section 305(d) (as redesignated) is amended to read as follows:

''(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.''.

(j) FOREIGN POLICY GUIDANCE.—Section 306 (22 U.S.C. 6205) is amended—

(1) in the section heading, by striking ''**FOREIGN POLICY GUIDANCE**'' and inserting ''**ROLE OF THE SECRETARY OF STATE**'';

(2) by inserting ''(a) FOREIGN POLICY GUIDANCE.—'' immediately before ''To'';

(3) by striking ''State, acting through the Director of the United States Information Agency,'' and inserting ''State'';

(4) by inserting before the period at the end the following: '', as the Secretary may deem appropriate''; and

(5) by adding at the end the following:

''(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a nonreimbursable basis.''.

(k) INTERNATIONAL BROADCASTING BUREAU.—Section 307 (22 U.S.C. 6206) is amended—

(1) in subsection (a), by striking ''within the United States Information Agency'' and inserting ''under the Board'';

(2) in subsection (b)(1), by striking ''Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board'' and inserting ''President, by and with the advice and consent of the Senate'';

(3) by redesignating subsection (b)(1) as subsection (b);

(4) by striking subsection (b)(2); and

(5) by adding at the end the following new subsection:

''(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.''.

(l) REPEALS.—The following provisions of law are repealed:

(1) Subsections (k) and (l) of section 308 (22 U.S.C. 6207 (k), (l)).

(2) Section 310 (22 U.S.C. 6209).

SEC. 324. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended—

(1) by striking ''United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(2) by striking ''Agency'' each place it appears and inserting ''Board'';

(3) by striking ''the Director of the United States Information Agency'' each place it appears and inserting ''the Broadcasting Board of Governors'';

(4) in section 4 (22 U.S.C. 1465b), by striking ''the Voice of America'' and inserting ''the International Broadcasting Bureau'';

(5) in section 5 (22 U.S.C. 1465c)—

(A) by striking ''Board'' each place it appears and inserting ''Advisory Board''; and

(B) in subsection (a), by striking the first sentence and inserting ''There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this Act referred to as the 'Advisory Board').''; and

(6) by striking any other reference to ''Director'' not amended by paragraph (3) each place it appears and inserting ''Board''.

SEC. 325. AMENDMENTS TO THE TELEVISION BROADCASTING TO CUBA ACT.

The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) is amended—

(1) in section 243(a) (22 U.S.C. 1465bb(a)) and section 246 (22 U.S.C. 1465dd), by striking ''United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(2) in section 243(c) (22 U.S.C. 1465bb(c))—

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

(B) by striking ''USIA Television'' and inserting ''the 'Television'';

(3) in section 244(c) (22 U.S.C. 1465cc(c)) and section 246 (22 U.S.C. 1465dd), by striking ''Agency'' each place it appears and inserting ''Board'';

(4) in section 244 (22 U.S.C. 1465cc)—

*(A) in the section heading, by striking ''**OF THE UNITED STATES INFORMATION AGENCY**'';*

(B) in subsection (a)—

(i) in the first sentence, by striking ''The Director of the United States Information Agency shall establish'' and inserting ''There is''; and

(ii) in the second sentence—

(I) by striking ''Director of the United States Information Agency'' and inserting ''Broadcasting Board of Governors''; and

(II) by striking ''the Director of the Voice of America'' and inserting ''the International Broadcasting Bureau'';

(C) in subsection (b)—

(i) by striking ''Agency facilities'' and inserting ''Board facilities''; and

(ii) by striking ''Information Agency'' and inserting ''International''; and

(D) in the heading of subsection (c), by striking ''USIA''; and

(5) in section 245(d) (22 U.S.C. 1465c note), by striking ''Board'' and inserting ''Advisory Board''.

SEC. 326. TRANSFER OF BROADCASTING RELATED FUNDS, PROPERTY, AND PERSONNEL.

(a) TRANSFER AND ALLOCATION OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—The assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 327(d)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices of USIA transferred to the Broadcasting Board of Governors by this chapter shall be transferred to the Broadcasting Board of Governors for appropriate allocation.

(2) ADDITIONAL TRANSFERS.—In addition to the transfers made under paragraph (1), there shall be transferred to the Chairman of the Broadcasting Board of Governors the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds, as determined by the Secretary, in concurrence with the Broadcasting Board of Governors, to support the functions transferred by this chapter.

(b) TRANSFER OF PERSONNEL.—Notwithstanding any other provision of law—

(1) except as provided in subsection (c), all personnel and positions of USIA employed or maintained to carry out the functions transferred by this chapter to the Broadcasting Board of Governors shall be transferred to the Broadcasting Board of Governors at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer; and

(2) the personnel and positions of USIA, as determined by the Secretary of State, with the concurrence of the Broadcasting Board of Governors and the Director of USIA, to support the functions transferred by this chapter shall be transferred to the Broadcasting Board of Governors, including the International Broadcasting Bureau, at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) TRANSFER AND ALLOCATION OF PROPERTY, APPROPRIATIONS, AND PERSONNEL ASSOCIATED WITH WORLDNET.—USIA personnel responsible for carrying out interactive dialogs with foreign media and other similar overseas public diplomacy programs using the Worldnet television broadcasting system, and funds associated with such personnel, shall be transferred to the Department of State in accordance with the provisions of title VI of this division.

(d) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, when requested by the Broadcasting Board of Governors, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with functions and offices transferred from USIA, as may be necessary to carry out the provisions of this section.

SEC. 327. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions exercised by the Broadcasting Board of Governors of the United States Information Agency on the day before the effective date of this title, and

(2) that are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Broadcasting Board of Governors, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of this chapter, or amendments made by this chapter, shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Broadcasting Board of Governors of the United States Information Agency at the time this title takes effect, with respect to functions exercised by the Board as of the effective date of this title but such proceedings and applications shall be continued.

(2) ORDERS, APPEALS, AND PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this chapter had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this chapter had not been enacted.

(c) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Broadcasting Board of Governors, or any commission or component thereof, shall abate by reason of the enactment of this chapter. No cause of action by or against the Broadcasting Board of Governors, or any commission or component thereof, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this chapter.

(d) CONTINUATION OF PROCEEDINGS WITH SUBSTITUTION OF PARTIES.—

(1) SUBSTITUTION OF PARTIES.—If, before the effective date of this title, USIA or the Broadcasting Board of Governors, or any officer thereof in the official capacity of such officer, is a party to a suit which is related to the functions transferred by this chapter, then effective on such date such suit shall be continued with the Broadcasting Board of Governors or other appropriate official of the Board substituted or added as a party.

(2) LIABILITY OF THE BOARD.—The Board shall participate in suits continued under paragraph (1) where the Broadcasting Board of Governors or other appropriate official of the Board is added as a party and shall be liable for any judgments or remedies in those suits or proceedings arising from the exercise of the functions transferred by this chapter to the same extent that USIA would have been liable if such judgment or remedy had been rendered on the day before the abolition of USIA.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Broadcasting Board of Governors relating to a function exercised by the Board before the effective date of this title may be continued by the Board with the same effect as if this chapter had not been enacted.

(f) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Broadcasting Board of Governors of the United States Information Agency with regard to functions exercised before the effective date of this title, shall be deemed to refer to the Board.

SEC. 328. REPORT ON THE PRIVATIZATION OF RFE/RL, INCORPORATED.

Not later than March 1 of each year, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the progress of the Board and of RFE/RL, Incorporated, on any steps taken to further the policy declared in section 312(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The report under this subsection shall include the following:

(1) Efforts by RFE/RL, Incorporated, to terminate individual language services.

(2) A detailed description of steps taken with regard to section 312(a) of that Act.

(3) An analysis of prospects for privatization over the coming year.

(4) An assessment of the extent to which United States Government funding may be appropriate in the year 2000 and subsequent years for surrogate broadcasting to the countries to which RFE/RL, Incorporated, broadcast during the year. This assessment shall include an analysis of the environment for independent media in those countries, noting the extent of government control of the media, the ability of independent journalists and news organizations to operate, relevant domestic legislation, level of government harassment and efforts to censor, and other indications of whether the people of such countries enjoy freedom of expression.

CHAPTER 4—CONFORMING AMENDMENTS

SEC. 331. REFERENCES.

(a) IN GENERAL.—Except as otherwise provided in this division, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

(b) CONTINUING REFERENCES TO USIA OR DIRECTOR.—Subsection (a) shall not apply to section 146 (a), (b), or (c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or 4069c(f)).

SEC. 332. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 5313, by striking ''Director of the United States Information Agency.'';

(2) in section 5315—

(A) by striking ''Deputy Director of the United States Information Agency.''; and

(B) by striking ''Director of the International Broadcasting Bureau, the United States Information Agency.'' and inserting ''Director of the International Broadcasting Bureau.''; and

(3) in section 5316—

(A) by striking ''Deputy Director, Policy and Plans, United States Information Agency.''; and

(B) by striking ''Associate Director (Policy and Plans), United States Information Agency.''.

SEC. 333. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this division.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402 (22 U.S.C. 1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–1a) shall apply only to public diplomacy programs of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this division to the same extent that such programs were covered by these provisions prior to such transfer.

(c) LIMITATION ON USE OF FUNDS.—Except as provided in section 501 of Public Law 80–402 and section 208 of Public Law 99–93, funds specifically authorized to be appropriated for such public diplomacy programs shall not be used to influence public opinion in the United States, and no program material prepared using such funds shall be distributed or disseminated in the United States.

(d) REPORTING REQUIREMENTS.—The report submitted pursuant to section 601(f) of this division shall include a detailed statement of the manner in which the special mission of public diplomacy carried out by USIA prior to the transfer of functions under this division shall be preserved within the Department of State, including the planned duties and responsibilities of any new bureaus that will perform such public diplomacy functions. Such report shall also include the best available estimates of—

(1) the amounts to be expended by the Department of State for public affairs programs during fiscal year 1998, and on the personnel and support costs for such programs;

(2) the amounts to be expended by USIA for its public diplomacy programs during fiscal year 1998, and on the personnel and support costs for such programs; and

(3) the amounts, including funds to be transferred from USIA and funds appropriated to the Department, that will be allocated for the programs described in paragraphs (1) and (2), respectively, during the fiscal year in which the transfer of functions from USIA to the Department occurs.

(e) CONGRESSIONAL PRESENTATION DOCUMENT.—The Department of State's Congressional Presentation Document for fiscal year 2000 and each fiscal year thereafter shall include—

(1) the aggregated amounts that the Department will spend on such public diplomacy programs and on costs of personnel for such programs, and a detailed description of the goals and purposes for which such funds shall be expended; and

(2) the amount of funds allocated to and the positions authorized for such public diplomacy programs, including bureaus to be created upon the transfer of functions from USIA to the Department.

SEC. 334. ABOLITION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ABOLITION.—The United States Advisory Commission on Public Diplomacy is abolished.

(b) REPEALS.—Section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977 are repealed.

SEC. 335. CONFORMING AMENDMENTS.

(a) The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a)—

(A) by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(B) by striking ''United States Information Agency'' each place it appears and inserting ''Broadcasting Board of Governors'';

(C) in subsection (b)—

(i) by striking ''Agency's'' and all that follows through ''(USIA-TV)'' and inserting ''television broadcasts of the United States International Television Service''; and

(ii) in paragraphs (1), (2), and (3), by striking ''USIA-TV'' each place it appears and inserting ''The United States International Television Service''; and

(D) in subsections (d) and (e), by striking ''USIA-TV'' each place it appears and inserting ''the United States International Television Service'';

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking ''Director of the United States Information Agency'' and inserting ''Broadcasting Board of Governors'';

(B) by striking ''Agency'' and inserting ''Board''; and

(C) by striking ''Director'' and inserting ''Board''.

(3) in section 705 (22 U.S.C 1477c)—

(A) by striking subsections (a) and (c); and

(B) in subsection (b)—

(i) by striking ''(b) In addition, the United State Information Agency'' and inserting ''The Department of State''; and

(ii) by striking ''program grants'' and inserting ''grants for overseas public diplomacy programs'';

(4) in section 801(7) (22 U.S.C. 1471(7))—

(A) by striking ''Agency'' and inserting ''overseas public diplomacy''; and

(B) by inserting ''other'' after ''together with''; and

(5) in section 812 (22 U.S.C. 1475g)—

(A) by striking ''United States Information Agency post'' each place it appears and inserting ''overseas public diplomacy post'';

(B) in subsection (a), by striking ''United States Information Agency'' the first place it appears and inserting ''Department of State'';

(C) in subsection (b), by striking ''Director of the United States Information Agency'' and inserting ''Secretary of State''; and

(D) in the section heading, by striking ''usia'' and inserting ''overseas public diplomacy''.

(b) Section 212 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is amended—

(1) by striking ''United States Information Agency'' each place it appears and inserting ''Department of State'';

(2) in subsection (a), by inserting ''for carrying out its overseas public diplomacy functions'' after ''grants'';

(3) in subsection (b)—

(A) by striking ''a grant'' the first time it appears and inserting ''an overseas public diplomacy grant''; and

(B) in paragraph (1), by inserting ''such'' before ''a grant'' the first place it appears;

(4) in subsection (c)(1), by inserting ''overseas public diplomacy'' before ''grants'';

(5) in subsection (c)(3), by inserting ''such'' before ''grant''; and

(6) by striking subsection (d).

(c) Section 602 of the National and Community Service Act of 1990 (22 U.S.C. 2452a) is amended—

(1) in the second sentence of subsection (a), by striking ''United States Information Agency'' and inserting ''Department of State''; and

(2) in subsection (b)—

(A) by striking ''appropriations account of the United States Information Agency'' and inserting ''appropriate appropriations account of the Department of State''; and

(B) by striking ''and the United States Information Agency''.

(d) Section 305 of Public Law 97–446 (19 U.S.C. 2604) is amended in the first sentence, by striking '', after consultation with the Director of the United States Information Agency,''.

(e) Section 601 of Public Law 103–227 (20 U.S.C. 5951(a)) is amended by striking ''of the Director of the United States Information Agency and with'' and inserting ''and''.

(f) Section 1003(b) of the Fascell Fellowship Act (22 U.S.C. 4902(b)) is amended—

(1) in the text above paragraph (1), by striking ''9 members'' and inserting ''7 members'';

(2) in paragraph (4), by striking ''Six'' and inserting ''Five'';

(3) by striking paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(g) Section 803 of the Intelligence Authorization Act, Fiscal Year 1992 (50 U.S.C. 1903) is amended—

(1) in subsection (b)—

(A) by striking paragraph (6); and

(B) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(2) in subsection (c), by striking ''subsection (b)(7)'' and inserting ''subsection (b)(6)''.

(h) Section 7 of the Federal Triangle Development Act (40 U.S.C. 1106) is amended—

(1) in subsection (c)(1)—

(A) in the text above subparagraph (A), by striking ''15 members'' and inserting ''14 members'';

(B) by striking subparagraph (F); and

(C) by redesignating subparagraphs (G) through (J) as subparagraphs (F) through (I), respectively;

(2) in paragraphs (3) and (5) of subsection (c), by striking ''paragraph (1)(J)'' each place it appears and inserting ''paragraph (1)(I)''; and

(3) in subsection (d)(3) and subsection (e), by striking ''the Administrator and the Director of the United States Information Agency'' each place it appears and inserting ''and the Administrator''.

(i) Section 3 of the Woodrow Wilson Memorial Act of 1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—

(1) in subsection (b)—

(A) in the text preceding paragraph (1), by striking ''19 members'' and inserting ''17 members'';

(B) by striking paragraph (7);

(C) by striking ''10'' in paragraph (10) and inserting ''9''; and

(D) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(2) in subsection (c), by striking ''(9)'' and inserting ''(8)''.

(j) Section 624 of Public Law 89–329 (20 U.S.C. 1131c) is amended by striking ''the United States Information Agency,''.

(k) The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking ''Director of the United States Information Agency'' and inserting ''Broadcasting Board of Governors'';

(2) in section 210 (22 U.S.C. 3930), by striking ''United States Information Agency'' and inserting ''Broadcasting Board of Governors'';

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking ''United States Information Agency'' and inserting ''Broadcasting Board of Governors''; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking ''the United States Information Agency,'' and inserting ''Broadcasting Board of Governors,''.

(l) The Department of State Basic Authorities Act of 1956, as amended by this Act, is further amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking ''United States Information Agency'' and inserting ''Broadcasting Board of Governors'';

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking ''Director of the United States Information Agency'' and inserting ''Broadcasting Board of Governors''; and

(B) by striking ''with respect to their respective agencies'' and inserting ''with respect to the Board and the Agency'';

(3) in section 26(b) (22 U.S.C. 2698(b)), as amended by this Act—

(A) by striking ''Director of the United States Information Agency, the chairman of the Board for International Broadcasting,'' and inserting ''Broadcasting Board of Governors,''; and

(B) by striking ''with respect to their respective agencies'' and inserting ''with respect to the Board and the Agency''; and

(4) in section 32 (22 U.S.C. 2704), as amended by this Act, by striking ''the Director of the United States Information Agency'' and inserting ''the Broadcasting Board of Governors''.

(m) Section 507(b)(3) of Public Law 103–317 (22 U.S.C. 2669a(b)(3)) is amended by striking '', the United States Information Agency,''.

(n) Section 502 of Public Law 92–352 (2 U.S.C. 194a) is amended by striking ''the United States Information Agency,''.

(o) Section 6 of Public Law 104–288 (22 U.S.C. 2141d) is amended—

(1) in subsection (a), by striking ''Director of the United States Information Agency,''; and

(2) in subsection (b), by striking ''the Director of the United States Information Agency'' and inserting ''the Under Secretary of State for Public Diplomacy''.

(p) Section 40118(d) of title 49, United States Code, is amended by striking '', the Director of the United States Information Agency,''.

(q) Section 155 of Public Law 102–138 is amended—

(1) by striking the comma before ''Department of Commerce'' and inserting ''and''; and

(2) by striking '', and the United States Information Agency''.

(r) Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended by striking ''Director of the United States Information Agency'' each place it appears and inserting ''Director of the International Broadcasting Bureau''.

SEC. 336. REPEALS.

The following provisions are repealed:

(1) Sections 701 (22 U.S.C. 1476), 704 (22 U.S.C. 1477b), 807 (22 U.S.C 1475b), 808 (22 U.S.C 1475c), 811 (22 U.S.C 1475f), and 1009 (22 U.S.C. 1440) of the United States Information and Educational Exchange Act of 1948.

(2) Section 106(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2456(c)).

(3) Section 565(e) of the Anti-Economic Discrimination Act of 1994 (22 U.S.C. 2679c(e)).

(4) Section 206(b) of Public Law 102–138.

(5) Section 2241 of Public Law 104–66.

(6) Sections 1 through 6 of Reorganization Plan Numbered 2 of 1977 (91 Stat. 636).

(7) Section 207 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 1463 note).

TITLE IV—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 601.

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—Except for the components specified in subsection (b), the United States International Development Cooperation Agency (including the Institute for Scientific and Technological Cooperation) is abolished.

(b) AID AND OPIC EXEMPTED.—Subsection (a) does not apply to the Agency for International Development or the Overseas Private Investment Corporation.

SEC. 412. TRANSFER OF FUNCTIONS AND AUTHORITIES.

(a) ALLOCATION OF FUNDS.—

(1) ALLOCATION TO THE SECRETARY OF STATE.—Funds made available under the categories of assistance deemed allocated to the Director of the International Development Cooperation Agency under section 1–801 of Executive Order No. 12163 (22 U.S.C. 2381 note) as of October 1, 1997, shall be allocated to the Secretary of State on and after the effective date of this title without further action by the President.

(2) PROCEDURES FOR REALLOCATIONS OR TRANSFERS.—The Secretary of State may allocate or transfer as appropriate any funds received under paragraph (1) in the same manner as previously provided for the Director of the International Development Cooperation Agency under section 1–802 of that Executive Order, as in effect on October 1, 1997.

(b) WITH RESPECT TO THE OVERSEAS PRIVATE INVESTMENT CORPORATION.—There are transferred to the Administrator of the Agency for International Development all functions of the Director of the United States International Development Cooperation Agency as of the day before the effective date of this title with respect to the Overseas Private Investment Corporation.

(c) OTHER ACTIVITIES.—The authorities and functions transferred to the United States International Development Cooperation Agency or the Director of that Agency by section 6 of Reorganization Plan Numbered 2 of 1979 shall, to the extent such authorities and functions have not been repealed, be transferred to those agencies or heads of agencies, as the case may be, in which those authorities and functions were vested by statute as of the day before the effective date of such reorganization plan.

SEC. 413. STATUS OF AID.

(a) IN GENERAL.—Unless abolished pursuant to the reorganization plan submitted under section 601, and except as provided in section 412, there is within the Executive branch of Government the United States Agency for International Development as an entity described in section 104 of title 5, United States Code.

(b) RETENTION OF OFFICERS.—Nothing in this section shall require the reappointment of any officer of the United States serving in the Agency for International Development of the United States International Development Cooperation Agency as of the day before the effective date of this title.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES.

Except as otherwise provided in this division, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States International Development Cooperation Agency (IDCA) or to the Director or any other officer or employee of IDCA—

(1) insofar as such reference relates to any function or authority transferred under section 412(a), shall be deemed to refer to the Secretary of State;

(2) insofar as such reference relates to any function or authority transferred under section 412(b), shall be deemed to refer to the Administrator of the Agency for International Development;

(3) insofar as such reference relates to any function or authority transferred under section 412(c), shall be deemed to refer to the head of the agency to which such function or authority is transferred under such section; and

(4) insofar as such reference relates to any function or authority not transferred by this title, shall be deemed to refer to the President or such agency or agencies as may be specified by Executive order.

SEC. 422. CONFORMING AMENDMENTS.

(a) TERMINATION OF REORGANIZATION PLANS AND DELEGATIONS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Section 1–101 through 1–103, sections 1–401 through 1–403, section 1–801(a), and such other provisions that relate to the United States International Development Cooperation Agency or the Director of IDCA, of Executive Order No. 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.

(4) Section 3 of Executive Order No. 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(b) OTHER STATUTORY AMENDMENTS AND REPEAL.—

(1) TITLE 5.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''.

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 3) is amended—

(A) in subsection (a)—

(i) by striking ''Development'' through ''(1) shall'' and inserting ''Development shall'';

(ii) by striking ''; and'' at the end of subsection (a)(1) and inserting a period; and

(iii) by striking paragraph (2);

(B) by striking subsections (c) and (f); and

(C) by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(3) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 is amended—

(A) in section 25(f) (22 U.S.C. 2697(f)), as amended by this Act, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development'';

(B) in section 26(b) (22 U.S.C. 2698(b)), as amended by this Act, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development''; and

(C) in section 32 (22 U.S.C. 2704), by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development''.

(4) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 is amended—

(A) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the Agency for International Development'';

(B) in section 210 (22 U.S.C. 3930), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development'';

(C) in section 1003(a) (22 U.S.C. 4103(a)), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''; and

(D) in section 1101(c) (22 U.S.C. 4131(c)), by striking ''United States International Development Cooperation Agency'' and inserting ''Agency for International Development''.

(5) REPEAL.—Section 413 of Public Law 96–53 (22 U.S.C. 3512) is repealed.

(6) TITLE 49.—Section 40118(d) of title 49, United States Code, is amended by striking ''the Director of the United States International Development Cooperation Agency'' and inserting ''or the Administrator of the Agency for International Development''.

(7) EXPORT ADMINISTRATION ACT OF 1979.—Section 2405(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(A) by striking ''Director of the United States International Development Cooperation Agency'' each place it appears and inserting ''Administrator of the Agency for International Development''; and

(B) in the fourth sentence, by striking ''Director'' and inserting ''Administrator''.

TITLE V—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 601.

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

SEC. 511. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan transmitted pursuant to section 601.

(b) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of AID:

(1) The Press office.

(2) Certain administrative functions.

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

SEC. 521. DEFINITION OF UNITED STATES ASSISTANCE.

In this chapter, the term ''United States assistance'' means development and other economic assistance, including assistance made available under the following provisions of law:

(1) Chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance).

(2) Chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund).

(3) Chapter 10 of part I of the Foreign Assistance Act of 1961 (relating to the Development Fund for Africa).

(4) Chapter 11 of part I of the Foreign Assistance Act of 1961 (relating to assistance for the independent states of the former Soviet Union).

(5) The Support for East European Democracy Act (22 U.S.C. 5401 et seq.).

SEC. 522. ADMINISTRATOR OF AID REPORTING TO THE SECRETARY OF STATE.

The Administrator of the Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

SEC. 523. ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT.

(a) AUTHORITY OF THE SECRETARY OF STATE.—

(1) IN GENERAL.—Under the direction of the President, the Secretary of State shall coordinate all United States assistance in accordance with this section, except as provided in paragraphs (2) and (3).

(2) EXPORT PROMOTION ACTIVITIES.—Coordination of activities relating to promotion of exports of United States goods and services shall continue to be primarily the responsibility of the Secretary of Commerce.

(3) INTERNATIONAL ECONOMIC ACTIVITIES.—Coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury.

(4) AUTHORITIES AND POWERS OF THE SECRETARY OF STATE.—The powers and authorities of the Secretary provided in this chapter are in addition to the powers and authorities provided to the Secretary under any other Act, including section 101(b) and section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(b), 2382(c)).

(b) COORDINATION ACTIVITIES.—Coordination activities of the Secretary of State under subsection (a) shall include—

(1) approving an overall assistance and economic cooperation strategy;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in the Foreign Assistance Act of 1961, the Arms Export Control Act, and other relevant assistance Acts;

(3) pursuing coordination with other countries and international organizations; and

(4) resolving policy, program, and funding disputes among United States Government agencies.

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to lessen the accountability of any Federal agency administering any program, project, or activity of United States assistance for any funds made available to the Federal agency for that purpose.

(d) AUTHORITY TO PROVIDE PERSONNEL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.—The Administrator of the Agency for International Development is authorized to detail to the Department of State on a nonreimbursable basis such personnel employed by the Agency as the Secretary of State may require to carry out this section.

TITLE VI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

SEC. 601. REORGANIZATION PLAN AND REPORT.

(a) SUBMISSION OF PLAN AND REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan and report regarding—

(1) the abolition of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the United States International Development Cooperation Agency in accordance with this division;

(2) with respect to the Agency for International Development, the consolidation and streamlining of the Agency and the transfer of certain functions of the Agency to the Department in accordance with section 511;

(3) the termination of functions of each covered agency as may be necessary to effectuate the reorganization under this division, and the termination of the affairs of each agency abolished under this division;

(4) the transfer to the Department of the functions and personnel of each covered agency consistent with the provisions of this division; and

(5) the consolidation, reorganization, and streamlining of the Department in connection with the transfer of such functions and personnel in order to carry out such functions.

(b) COVERED AGENCIES.—The agencies covered by this section are the following:

(1) The United States Arms Control and Disarmament Agency.

(2) The United States Information Agency.

(3) The United States International Development Cooperation Agency.

(4) The Agency for International Development.

(c) PLAN ELEMENTS.—The plan transmitted under subsection (a) shall contain, consistent with this division, such elements as the President deems appropriate, including elements that—

(1) identify the functions of each covered agency that will be transferred to the Department under the plan;

(2) specify the steps to be taken by the Secretary of State to reorganize internally the functions of the Department, including the consolidation of offices and functions, that will be required under the plan in order to permit the Department to carry out the functions transferred to it under the plan;

(3) specify the funds available to each covered agency that will be transferred to the Department as a result of the transfer of functions of such agency to the Department;

(4) specify the proposed allocations within the Department of unexpended funds transferred in connection with the transfer of functions under the plan; and

(5) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of each covered agency in connection with the transfer of the functions of such agency to the Department.

(d) REORGANIZATION PLAN OF AGENCY FOR INTERNATIONAL DEVELOPMENT.—In addition to applicable provisions of subsection (c), the reorganization plan transmitted under this section for the Agency for International Development—

(1) may provide for the abolition of the Agency for International Development and the transfer of all its functions to the Department of State; or

(2) in lieu of the abolition and transfer of functions under paragraph (1)—

(A) shall provide for the transfer to and consolidation within the Department of the functions set forth in section 511; and

(B) may provide for additional consolidation, reorganization, and streamlining of AID, including—

(i) the termination of functions and reductions in personnel of AID;

(ii) the transfer of functions of AID, and the personnel associated with such functions, to the Department; and

(iii) the consolidation, reorganization, and streamlining of the Department upon the transfer of such functions and personnel in order to carry out the functions transferred.

(e) MODIFICATION OF PLAN.—The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan transmitted under subsection (a) until that part of the plan becomes effective in accordance with subsection (g).

(f) REPORT.—The report accompanying the reorganization plan for the Department and the covered agencies submitted pursuant to this section shall describe the implementation of the plan and shall include—

(1) a detailed description of—

(A) the actions necessary or planned to complete the reorganization,

(B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(C) any preliminary actions which have been taken in the implementation process;

(2) the number of personnel and positions of each covered agency (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred to the Department, separated from service with

such agency, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(3) the number of personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that are expected to be transferred within the Department, separated from service with the Department, or eliminated under the plan, and a projected schedule for such transfers, separations, and terminations;

(4) a projected schedule for completion of the implementation process; and

(5) recommendations, if any, for legislation necessary to carry out changes made by this division relating to personnel and to incidental transfers.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (e), shall become effective on the earlier of the date for the respective covered agency specified in paragraph (2) or the date announced by the President under paragraph (3).

(2) STATUTORY EFFECTIVE DATES.—The effective dates under this paragraph for the reorganization plan described in this section are the following:

(A) October 1, 1998, with respect to functions of the Agency for International Development described in section 511.

(B) October 1, 1998, with respect to the abolition of the United States Arms Control and Disarmament Agency and the United States International Development Cooperation Agency.

(C) October 1, 1999, with respect to the abolition of the United States Information Agency.

(3) EFFECTIVE DATE BY PRESIDENTIAL DETERMINATION.—An effective date under this paragraph for a reorganization plan described in this section is such date as the President shall determine to be appropriate and announce by notice published in the Federal Register, which date may be not earlier than 90 calendar days after the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a).

(4) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balance of appropriations, or other assets of a covered agency on a single date.

(5) SUPERSEDES EXISTING LAW.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

(h) PUBLICATION.—The reorganization plan described in this section shall be printed in the Federal Register after the date upon which it first becomes effective.

CHAPTER 2—REORGANIZATION AUTHORITY

SEC. 611. REORGANIZATION AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized, subject to the requirements of this division, to allocate or reallocate any function transferred to the Department under any title of this division, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this division, but this subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office, or officer of the Department.

(b) REQUIREMENTS AND LIMITATIONS ON REORGANIZATION PLAN.—The reorganization plan transmitted under section 601 may not have the effect of—

(1) creating a new executive department;

(2) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

(3) authorizing a Federal agency to exercise a function which is not authorized by law at the time the plan is transmitted to Congress;

(4) creating a new Federal agency which is not a component or part of an existing executive department or independent agency; or

(5) increasing the term of an office beyond that provided by law for the office.

SEC. 612. TRANSFER AND ALLOCATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as otherwise provided in this division, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under section 615(e)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions and offices, or portions thereof, transferred by any title of this division shall be transferred to the Secretary for appropriate allocation.

(b) LIMITATION ON USE OF TRANSFERRED FUNDS.—Except as provided in subsection (c), unexpended and unobligated funds transferred pursuant to any title of this division shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) FUNDS TO FACILITATE TRANSITION.—

(1) CONGRESSIONAL NOTIFICATION.—Funds transferred pursuant to subsection (a) may be available for the purposes of reorganization subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).

(2) TRANSFER AUTHORITY.—Funds in any account appropriated to the Department of State may be transferred to another such account for the purposes of reorganization, subject to notification of the appropriate congressional committees in accordance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). The authority in this paragraph is in addition to any other transfer authority available to the Secretary of State and shall expire September 30, 2000.

SEC. 613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF PERSONNEL.

(a) TRANSFER OF PERSONNEL FROM ACDA AND USIA.—Except as otherwise provided in title III—

(1) not later than the date of abolition of ACDA, all personnel and positions of ACDA, and

(2) not later than the date of abolition of USIA, all personnel and positions of USIA,

shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(b) TRANSFER OF PERSONNEL FROM AID.—Except as otherwise provided in title III, not later than the date of transfer of any function of AID to the Department of State under this division, all AID personnel performing such functions and all positions associated with such functions shall be transferred to the Department of State at the same grade or class and the same rate of basic pay or basic salary rate and with the same tenure held immediately preceding transfer.

(c) ASSIGNMENT AUTHORITY.—The Secretary, for a period of not more than 6 months commencing on the effective date of the transfer to the Department of State of personnel under subsections (a) and (b), is authorized to assign such personnel to any position or set of duties in the Department of State regardless of the position held or duties performed by such personnel prior to transfer, except that, by virtue of such assignment, such personnel shall not have their grade or class or their rate of basic pay or basic salary rate reduced, nor their tenure changed. The Secretary shall consult with the relevant exclusive representatives (as defined in section 1002 of the Foreign Service Act and in section 7103 of title 5, United States Code) with regard to the exercise of this authority. This subsection does not authorize the Secretary to assign any individual to any position that by law requires appointment by the President, by and with the advice and consent of the Senate.

(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Subsections (a) through (c) shall be exercised notwithstanding any other provision of law.

SEC. 614. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget, when requested by the Secretary, is authorized to make such incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of any title of this division. The Director of the Office of Management and Budget, in consultation with the Secretary, shall provide for the termination of the affairs of all entities terminated by this division and for such further measures and dispositions as may be necessary to effectuate the purposes of any title of this division.

SEC. 615. SAVINGS PROVISIONS.

(a) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions that are transferred under any title of this division; and

(2) that are in effect as of the effective date of such title, or were final before the effective date of such title and are to become effective on or after the effective date of such title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PENDING PROCEEDINGS.—

(1) IN GENERAL.—The provisions of any title of this division shall not affect any proceedings, includinging notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the effective date of any title of this division before any Federal agency, commission, or component thereof, functions of which are transferred by any title of this division. Such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued.

(2) ORDERS, APPEALS, PAYMENTS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this division had not been enacted. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Secretary, by a court of competent jurisdiction, or by operation of law.

(3) STATUTORY CONSTRUCTION.—Nothing in this division shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this division had not been enacted.

(4) REGULATIONS.—The Secretary is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under this subsection to the Department.

(c) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as provided in subsection (e) and section 327(d)—

(1) the provisions of this division shall not affect suits commenced prior to the effective dates of the respective titles of this division; and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this division had not been enacted.

(d) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this division, shall abate by reason of the enactment of this division. No cause of action by or against any Federal agency, or any commission or component thereof, functions of which are transferred by any title of this division, or by or against any officer thereof in the official capacity of such officer shall abate by reason of the enactment of this division.

(e) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the effective date of any title of this division, any Federal agency, or officer thereof in the official capacity of such officer, is a party to a suit, and under this division any function of such department, agency, or officer is transferred to the Secretary or any other official of the Department, then effective on such date such suit shall be continued with the Secretary or other appropriate official of the Department substituted or added as a party.

(f) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Secretary in the exercise of functions transferred under any title of this division shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Federal agency or office, or part thereof, exercising such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by any title of this division shall apply to the exercise of such function by the Secretary.

SEC. 616. AUTHORITY OF SECRETARY OF STATE TO FACILITATE TRANSITION.

Notwithstanding any provision of this division, the Secretary of State, with the concurrence of the head of the appropriate Federal agency exercising functions transferred under this division, may transfer the whole or part of such functions prior to the effective dates established in this division, including the transfer of personnel and funds associated with such functions.

SEC. 617. FINAL REPORT.

Not later than January 1, 2001, the President, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall submit to the appropriate congressional committees a report which provides a final accounting of the finances and operations of the agencies abolished under this division.

DIVISION B—FOREIGN RELATIONS AUTHORIZATION

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Foreign Relations Authorization Act, Fiscal Years 1998 and 1999''.

SEC. 1002. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

In this division, the term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For ''Diplomatic and Consular Programs'', of the Department of State $1,746,977,000 for the fiscal year 1998 and $1,691,282,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Salaries and Expenses'', of the Department of State $363,513,000 for the fiscal year 1998 and $367,148,000 for the fiscal year 1999.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A), $2,000,000 for fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', of the Department of State $86,000,000 for the fiscal year 1998 and $118,340,000 for the fiscal year 1999.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—For ''Security and Maintenance of Buildings Abroad'', $397,943,000 for the fiscal year 1998 and $590,800,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $4,300,000 for the fiscal year 1998 and $4,300,000 for the fiscal year 1999.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $5,500,000 for the fiscal 1998 and $5,500,000 for the fiscal year 1999.

(7) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $28,300,000 for the fiscal year 1998 and $28,717,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $14,490,000 for the fiscal year 1998 and $15,000,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—(A) For ''Protection of Foreign Missions and Officials'', $7,900,000 for the fiscal year 1998 and $8,100,000 for the fiscal year 1999.

(B) Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount appropriated was made.

(10) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,200,000 for the fiscal year 1998 and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 1102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'' $17,490,000 for the fiscal year 1998 and $19,179,000 for the fiscal year 1999; and

(B) for ''Construction'' $6,463,000 for the fiscal year 1998 and $7,125,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $761,000 for the fiscal year 1998 and $835,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $3,189,000 for the fiscal year 1998 and $3,432,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $14,549,000 for the fiscal year 1998 and $14,549,000 for the fiscal year 1999.

SEC. 1103. GRANTS TO THE ASIA FOUNDATION.

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164) is amended to read as follows:

''SEC. 404. There are authorized to be appropriated to the Secretary of State $10,000,000 for each of the fiscal years 1998 and 1999 for grants to The Asia Foundation pursuant to this title.''.

SEC. 1104. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Voluntary Contributions to International Organizations'', $294,500,000 for the fiscal year 1998 and $294,500,000 for the fiscal year 1999.

(b) LIMITATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), $4,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amount authorized to be appropriated under subsection (a), $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(c) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 1105. VOLUNTARY CONTRIBUTIONS TO PEACEKEEPING OPERATIONS.

There are authorized to be appropriated for ''Peacekeeping Operations'', $77,500,000 for the fiscal year 1998 and $68,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87–195.

SEC. 1106. LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.

(a) LIMITATION.—Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the President submits to the appropriate congressional committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(1) are focused on eliminating human suffering and addressing the needs of the poor;

(2) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(3) provide no financial, political, or military benefit to the SLORC; and

(4) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

SEC. 1107. UNITED NATIONS POPULATION FUND.

The amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 1201. REIMBURSEMENT OF DEPARTMENT OF STATE FOR ASSISTANCE TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: ''Notwithstanding any other provision of law, where the child of a United States citizen employee of an agency of the United States Government who is stationed outside the United States attends an educational facility assisted by the Secretary of State under this section, the head of that agency is authorized to reimburse, or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities, by grant or otherwise, under this section.''.

SEC. 1202. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

''SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

''(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

''(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

''(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

''(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

''(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

''(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

''(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

''(B) the killing or kidnapping of—

''(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

''(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

''(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

''(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

''(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

''(c) COORDINATION.—

''(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

''(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

''(B) the publication of rewards;

''(C) the offering of joint rewards with foreign governments;

''(D) the receipt and analysis of data; and

''(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

''(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

''(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

''(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

''(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

''(e) LIMITATIONS AND CERTIFICATION.—

''(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $2,000,000.

''(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

''(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

''(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

''(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

''(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

''(g) REPORTS.—

''(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

''(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

''(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

''(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

''(j) DEFINITIONS.—As used in this section:

''(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

''(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or nonnuclear-weapon state (as defined in paragraph (5) of that section); and

''(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

''(A) a spouse, parent, brother, sister, or child of the individual;

''(B) a person with respect to whom the individual stands in loco parentis; and

''(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

''(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

''(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

''(6) UNITED STATES PERSON.—The term 'United States person' means—

''(A) a citizen or national of the United States; and

''(B) an alien lawfully present in the United States.''.

SEC. 1203. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking ''$700,000 of the'' and inserting ''all'';

(2) at the end of paragraph (1), by striking ''and'';

(3) in paragraph (2)—

(A) by striking ''functions'' and inserting ''functions, including compliance and enforcement activities,''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls.''.

SEC. 1204. FEES FOR COMMERCIAL SERVICES.

Section 52(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724(b)) is amended by adding at the end the following: ''Funds deposited under this subsection shall remain available for obligation through September 30 of the fiscal year following the fiscal year in which the funds were deposited.''.

SEC. 1205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) IN GENERAL.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(A) by redesignating subsection (d)(4) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

''(e)(1) The Secretary may provide appropriate training or related services, except foreign language training, through the institution to any United States person (or any employee or family member thereof) that is engaged in business abroad.

''(2) The Secretary may provide job-related training or related services, including foreign language training, through the institution to a United States person under contract to provide services to the United States Government or to any employee thereof that is performing such services.

''(3) Training under this subsection may be provided only to the extent that space is available and only on a reimbursable or advance-of-funds basis. Reimbursements and advances shall be credited to the currently available applicable appropriation account.

''(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

''(5) In this subsection, the term 'United States person' means—

''(A) any individual who is a citizen or national of the United States; or

''(B) any corporation, company, partnership, association, or other legal entity that is 50 percent or more beneficially owned by citizens or nationals of the United States.

''(f)(1) The Secretary is authorized to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary.

''(2) Employees of the legislative branch and employees of the judicial branch may participate, on a reimbursable basis, in training programs offered by the institution.

''(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

''(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1998.

(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2002, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

(A) by striking subsections (e) and (f); and

(B) by redesignating subsection (g) as paragraph (4) of subsection (d).

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

''The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

(c) REPORTING ON PILOT PROGRAM.—Two years after the date of enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees containing—

(1) the number of persons who have taken advantage of the pilot program established under subsections (e) and (f) of section 701 of the Foreign Service Act of 1980 and section 53 of the State Department Basic Authorities Act of 1956, as added by this section;

(2) the business or government affiliation of such persons;

(3) the amount of fees collected; and

(4) the impact of the program on the primary mission of the National Foreign Affairs Training Center.

SEC. 1206. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

''SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

''The Secretary is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under this section (including reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

SEC. 1207. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

''SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRESENTATION DOCUMENTS.

''The Secretary shall include in the annual Congressional Presentation Document and the Budget in Brief a detailed accounting of the–total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also cover collections from the preceding fiscal year and the projected expenditures from all collections accounts.''.

SEC. 1208. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

''(4) The Inspector General shall develop and provide to employees—

''(A) information detailing their rights to counsel; and

''(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation other than matters exempt from disclosure under other provisions of law.''.

(b) NOTICE.—Section 209(e) of the Foreign Service Act of 1980 (22 U.S.C. 3929(e)) is amended by adding at the end the following new paragraph:

''(3) The Inspector General shall ensure that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation, other than an intelligence-related or sensitive undercover investigation, or except in those situations when the Inspector General has a reasonable basis to believe that such notice would cause tampering with witnesses, destroying evidence, or endangering the lives of individuals, unless that individual receives prior adequate notice regarding participation by officials of any other agency, including the Department of Justice, in such interviews or meetings.''.

(c) REPORT.—

(1) IN GENERAL.—Not later than September 30, 1998, the Inspector General of the Department of State and the Foreign Service shall submit a report to the appropriate congressional committees which includes the following:

(A) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any officer or employee of the Department of State, the United States Information Agency, or the United States Arms Control and Disarmament Agency.

(B) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

(2) STATUTORY CONSTRUCTION.—Disclosure of information to the public under this section shall not be construed to include information shared with Congress by an employee of the Office of the Inspector General.

SEC. 1209. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a), by inserting ''and enhancement'' after ''procurement'';

(2) in subsection (c), by striking ''are authorized to'' and inserting ''shall'';

(3) in subsection (d), by striking ''for expenditure to procure capital equipment and information technology'' and inserting ''for purposes of subsection (a)''; and

(4) by amending subsection (e) to read as follows:

''(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706).''.

SEC. 1210. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 10 percent;'';

(2) by inserting ''and'' at the end of paragraph (5);

(3) by striking ''; and'' at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 1211. AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION.

Section 4(a) of the International Claims Settlement Act of 1949 (22 U.S.C. 1623(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the first sentence, by striking ''(a) The'' and all that follows through the period and inserting the following:

''(a)(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

''(A) included within the terms of the Yugoslav Claims Agreement of 1948;

''(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

''(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State.''; and

(3) by redesignating the second sentence as paragraph (2).

SEC. 1212. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled ''INTERNATIONAL FISHERIES COMMISSION'' by inserting ''(including such expenses as salaries and other personnel expenses)'' after ''extraordinary expenses''.

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting ''personal and'' before ''other support services''.

SEC. 1213. GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN.

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100–300) is amended by adding at the end the following new subsection:

''(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the Convention and this Act.''.

SEC. 1214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE.

(a) COUNTERDRUG AND LAW ENFORCEMENT STRATEGY.—

(1) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy to carry out the counterdrug responsibilities of the Department of State in a manner consistent with the National Drug Control Strategy. The strategy shall involve all elements of the Department in the United States and abroad.

(2) OBJECTIVES.—In establishing the strategy, the Secretary shall—

(A) coordinate with the Office of National Drug Control Policy in the development of clear, specific, and measurable counterdrug objectives for the Department that support the goals and objectives of the National Drug Control Strategy;

(B) develop specific and, to the maximum extent practicable, quantifiable measures of performance relating to the objectives, including annual and long-term measures of performance, for purposes of assessing the success of the Department in meeting the objectives;

(C) assign responsibilities for meeting the objectives to appropriate elements of the Department;

(D) develop an operational structure within the Department that minimizes impediments to meeting the objectives;

(E) ensure that every United States ambassador or chief of mission is fully briefed on the strategy, and works to achieve the objectives; and

(F) ensure that—

(i) all budgetary requests and transfers of equipment (including the financing of foreign military sales and the transfer of excess defense articles) relating to international counterdrug efforts conforms with the objectives; and

(ii) the recommendations of the Department regarding certification determinations made by the President on March 1 as to the counterdrug cooperation, or adequate steps on its own, of each major illicit drug producing and drug trafficking country to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances also conform to meet such objectives.

(3) REPORTS.—Not later than February 15 of each year subsequent to the submission of the strategy described in paragraph (1), the Secretary shall submit to Congress an update of the strategy. The update shall include—

(A) an outline of the proposed activities with respect to the strategy during the succeeding year, including the manner in which such activities will meet the objectives set forth in paragraph (2); and

(B) detailed information on how certification determinations described in paragraph (2)(F) made the previous year affected achievement of the objectives set forth in paragraph (2) for the previous calendar year.

(4) LIMITATION ON DELEGATION.—The Secretary shall designate an official in the Department who reports directly to the Secretary to oversee the implementation of the strategy throughout the Department.

(b) INFORMATION ON INTERNATIONAL CRIMINALS.—

(1) INFORMATION SYSTEM.—The Secretary shall, in consultation with the heads of appropriate United States law enforcement agencies, including the Attorney General and the Secretary of the Treasury, take appropriate actions to establish an information system or improve existing information systems containing comprehensive information on serious crimes committed by foreign nationals. The information system shall be available to United States embassies and missions abroad for use in consideration of applications for visas for entry into the United States.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the actions taken under paragraph (1).

(c) OVERSEAS COORDINATION OF COUNTERDRUG AND ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.—

(1) STRENGTHENING COORDINATION.—The responsibilities of every diplomatic mission of the United States shall include the strengthening of cooperation between and among the United States and foreign governmental entities and multilateral entities with respect to activities relating to international narcotics and crime.

(2) DESIGNATION OF OFFICERS.—

(A) IN GENERAL.—Consistent with existing memoranda of understanding between the Department of State and other departments and agencies of the United States, including the Department of Justice, the chief of mission of every diplomatic mission of the United States shall designate an officer or officers within the mission to carry out the responsibility of the mission under paragraph (1), including the coordination of counterdrug, law enforcement, rule of law, and administration of justice programs, policy, and assistance. Such officer or officers shall report to the chief of mission, or the designee of the chief of mission, on a regular basis regarding activities undertaken in carrying out such responsibility.

(B) REPORTS.—The chief of mission of every diplomatic mission of the United States shall submit to the Secretary on a regular basis a report on the actions undertaken by the mission to carry out such responsibility.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the status of any proposals for action or on action undertaken to improve staffing and personnel management at diplomatic missions of the United States in order to carry out the responsibility set forth in paragraph (1).

SEC. 1215. ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES.

The Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.) is amended by adding at the end the following new section:

''SEC. 12. Not later than March 1 of each year, the Secretary of State shall submit to Congress a report listing overseas United States surplus properties that are administered under this Act and that have been identified for sale.''.

SEC. 1216. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) by striking ''January 31'' and inserting ''February 25'';

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the status of child labor practices in each country, including—

''(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

''(B) the extent to which each country enforces such policies, including the adequacy of the resources and oversight dedicated to such policies;''.

SEC. 1217. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by this Act, is further amended by adding at the end the following new section:

''SEC. 56. CRIMES COMMITTED BY DIPLOMATS.

''(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

''(1) REPORT TO CONGRESS.—180 days after the date of enactment, and annually thereafter, the Secretary of State shall prepare and submit to the Congress, a report concerning diplomatic immunity entitled ''Report on Cases Involving Diplomatic Immunity''.

''(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

''(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

''(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a

State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

''(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

''(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

''(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

''(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

''(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

''(A) any felony under Federal, State, or local law;

''(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

''(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

''(D)(i) driving under the influence of alcohol or drugs;

''(ii) reckless driving; or

''(iii) driving while intoxicated.

''(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

''(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

''(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

''(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.''.

SEC. 1218. REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY.

(a) PROCUREMENT POLICY.—It is the policy of the United States to foster and support procurement of goods and services from private, commercial companies.

(b) IMPLEMENTATION.—In order to achieve the policy set forth in subsection (a), the Diplomatic Telecommunications Service Program Office (DTS-PO) shall—

(1) utilize full and open competition, to the maximum extent practicable, in the procurement of telecommunications services, including satellite space segment, for the Department of State and each other Federal entity represented at United States diplomatic missions and consular posts overseas;

(2) make every effort to ensure and promote the participation in the competition for such procurement of commercial private sector providers of satellite space segment who have no ownership or other connection with an intergovernmental satellite organization; and

(3) implement the competitive procedures required by paragraphs (1) and (2) at the prime contracting level and, to the maximum extent practicable, the subcontracting level.

SEC. 1219. REDUCTION OF REPORTING.

(a) REPEALS.—The following provisions of law are repealed:

(1) MODEL FOREIGN LANGUAGE COMPETENCE POSTS.—The second sentence of section 161(c) of the Foreign Relations Authorization Act, Fiscal Year 1990 and 1991 (22 U.S.C. 4171 note).

(2) ACTIONS OF THE GOVERNMENT OF HAITI.—Section 705(c) of the International Security and Development Cooperation Act of 1985 (Public Law 99–83).

(3) TRAINING FACILITY FOR THE FOREIGN SERVICE INSTITUTE.—Section 123(e)(2) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

(4) MILITARY ASSISTANCE FOR HAITI.—Section 203(c) of the Special Foreign Assistance Act of 1986 (Public Law 99–529).

(5) INTERNATIONAL SUGAR AGREEMENT, 1977.—Section 5 of the Act entitled ''An Act providing for the implementation of the International Sugar Agreement, 1977, and for other purposes'' (Public Law 96–236; 7 U.S.C. 3605 and 3606).

(6) AUDIENCE SURVEY OF WORLDNET PROGRAM.—Section 209 (c) and (d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204).

(7) RESEARCH ON THE NEAR AND MIDDLE EAST.—Section 228(b) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138; 22 U.S.C. 2452 note).

(b) PROGRESS TOWARD REGIONAL NONPROLIFERATION.—Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c); relating to periodic reports on progress toward regional nonproliferation) is amended by striking ''Not later than April 1, 1993 and every six months thereafter,'' and inserting ''Not later than April 1 of each year,''.

(c) REPORT ON PARTICIPATION BY UNITED STATES MILITARY PERSONNEL ABROAD IN UNITED STATES ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. 1973ff(b)(6)) is amended by striking ''of voter participation'' and inserting ''of uniformed services voter participation, a general assessment of overseas nonmilitary participation,''.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 1221. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to title V of the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 1222. SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) in paragraph (2), by striking ''providing consular services'' and inserting ''the Department of State's border security program, including the costs of the installation and operation of the machine readable visa and automated namecheck process, improving the quality and security of the United States passport, investigations of passport and visa fraud, and the technological infrastructure to support the programs referred to in this sentence'';

(2) by striking the first sentence of paragraph (3) and inserting ''For each of the fiscal years 1998 and 1999, any amount collected under paragraph (1) that exceeds $140,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.''; and

(3) by striking paragraphs (4) and (5).

SEC. 1223. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: ''For purposes of this paragraph, the term 'consular officer' includes any United States citizen employee of the Department of State who is designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe.''.

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 1689 of the Revised Statutes (22 U.S.C. 4191) is amended by inserting ''and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe'' after ''such officers''.

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS.—

(1) DESIGNATED UNITED STATES CITIZENS PERFORMING NOTARIAL ACTS.—Section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221) is further amended by inserting after the first sentence: ''At any post, port, or place where there is no consular officer, the Secretary of State may authorize any other officer or employee of the United States Government who is a United States citizen serving overseas, including any contract employee of the United States Government, to perform such acts, and any such contractor so authorized shall not be considered to be a consular officer.''.

(2) DEFINITION OF CONSULAR OFFICERS.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: ''For purposes of this section and sections 3493 through 3496 of this title, the term 'consular officers' includes any United States citizen who is designated to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).''.

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: ''For purposes of this section, a consular officer shall include any United States citizen serving overseas, authorized to perform notarial functions pursuant to section 1750 of the Revised Statutes, as amended (22 U.S.C. 4221).''.

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting ''or employee'' after ''officer'' the second place it appears; and

(2) inserting before the period at the end of the sentence ''or, when used in title III, for the purpose of adjudicating nationality''.

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

''(d)(1) Before a United States citizen employee (other than a diplomatic or consular officer of the United States) may be designated by

the Secretary of State, pursuant to regulation, to perform a consular function abroad, the United States citizen employee shall—

''(A) be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function; and

''(B) be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function.

''(2) As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.''.

SEC. 1224. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214), as amended (relating to accounting for consular fees) are repealed.

SEC. 1225. ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES.

(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49, United States Code, is amended—

(1) by inserting ''and'' at the end of paragraph (1);

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (46 U.S.C. App. 1804(a)) is amended by striking the second sentence, relating to Federal Register publication by the Secretary of State.

SEC. 1226. DENIAL OF VISAS TO CONFISCATORS OF AMERICAN PROPERTY.

(a) DENIAL OF VISAS.—Except as otherwise provided in section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), and subject to subsection (b), the Secretary of State may deny the issuance of a visa to any alien who—

(1) through the abuse of position, including a governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is owned by a national of the United States, or who is complicit in such a conversion; or

(2) induces any of the actions or omissions described in paragraph (1) by any person.

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

(1) any country established by international mandate through the United Nations; or

(2) any territory recognized by the United States Government to be in dispute.

(c) REPORTING REQUIREMENT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Secretary of State shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report, including—

(1) a list of aliens who have been denied a visa under this subsection; and

(2) a list of aliens who could have been denied a visa under subsection (a) but were issued a visa and an explanation as to why each such visa was issued.

SEC. 1227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR.

(a) AMENDMENT OF IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by striking clause (ii) and inserting the following:

''(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

''(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i),

''(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i), or

''(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.

''(iii) EXCEPTIONS.—Clauses (i) and (ii) shall not apply—

''(I) to a government official of the United States who is acting within the scope of his or her official duties;

''(II) to a government official of any foreign government if the official has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion; or

''(III) so long as the child is located in a foreign state that is a party to the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking admission to the United States on or after the date of enactment of this Act.

SEC. 1228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORTING REQUIREMENTS.

(a) GROUNDS FOR EXCLUSION.—Except as provided in subsection (c), a consular officer shall not issue a visa to, and the Attorney General shall exclude from the United States, any alien who the Secretary of State, in the Secretary's sole and unreviewable discretion, has reason to believe is a person who—

(1) has been credibly alleged to have ordered, carried out, or materially assisted, in the extrajudicial and political killings of Antoine Izmery, Guy Malary, Father Jean-Marie Vincent, Pastor Antoine Leroy, Jacques Fleurival, Mireille Durocher Bertin, Eugene Baillergeau, Michelange Hermann, Max Mayard, Romulus Dumarsais, Claude Yves Marie, Mario Beaubrun, Leslie Grimar, Joseph Chilove, Michel Gonzalez, and Jean-Hubert Feuille;

(2) was included in the list presented to former president Jean-Bertrand Aristide by former National Security Council Advisor Anthony Lake in December 1995, and acted upon by President Rene Preval;

(3) was sought for an interview by the Federal Bureau of Investigation as part of its inquiry into the March 28, 1995, murder of Mireille Durocher Bertin and Eugene Baillergeau, Jr., and was credibly alleged to have ordered, carried out, or materially assisted, in those murders, per a June 28, 1995, letter to the then Minister of Justice of the Government of Haiti, Jean-Joseph Exume;

(4)(A) was a member of the Haitian High Command during the period 1991–1994, who has been credibly alleged to have planned, ordered, or participated with members of the Haitian Armed Forces in the September 1991 coup against the duly elected Government of Haiti or the subsequent murders of as many as three thousand Haitians during that period; or

(B) is an immediate relative of an individual described in subparagraph (A); or

(5) has been credibly alleged to have been a member of the paramilitary organization known as FRAPH who planned, ordered, or participated in acts of violence against the Haitian people.

(b) EXEMPTION.—Subsection (a) shall not apply where the Secretary of State finds, on a case by case basis, that the entry into the United States of the person who would otherwise be excluded under subsection (a) is necessary for medical reasons, or such person has cooperated fully with the investigation of the political murders or acts of violence described in subsection (a). If the Secretary of State exempts such a person, the Secretary shall notify the appropriate congressional committees in writing.

(c) REPORTING REQUIREMENT ON EXCLUSION OF CERTAIN HAITIAN ALIENS.—

(1) PREPARATION OF LIST.—The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings referred to in paragraph (1) of subsection (a).

(2) SUBMISSION OF LIST TO CONGRESS.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees.

(3) LISTS OF VISA DENIALS AND EXCLUSIONS.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States, as a result of subsection (a).

(4) DURATION FOR SUBMISSION OF LISTS.—The Secretary shall submit the list under paragraph (3) not later than six months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

(d) REPORT ON THE COST OF UNITED STATES ACTIVITIES IN HAITI.—(1) Not later than September 1, 1998, and every 6 months thereafter, the President shall submit a report to Congress on the situation in Haiti, including—

(A) a listing of the units of the United States Armed Forces or Coast Guard and of the police and military units of other nations participating in operations in and around Haiti;

(B) incidents of the use of force in Haiti involving hostile acts against United States Armed Forces or Coast Guard personnel during the period covered by the report;

(C) the estimated cumulative program costs of all United States activities in Haiti during the period covered by the report, including—

(i) the incremental cost of deployments of United States Armed Forces and Coast Guard personnel training, exercises, mobilization, and preparation activities, including the United States contribution to the training and transportation of police and military units of other nations of any multilateral force involved in activities in Haiti;

(ii) the costs of all other activities relating to United States policy toward Haiti, including humanitarian assistance, reconstruction assistance, assistance under part I of the Foreign Assistance Act of 1961, and other financial assistance, and all other costs to the United States Government; and

(D) a detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (3), including—

(i) in the case of amounts expended out of funds available to the Department of Defense budget, by military service or defense agency, line item, and program; and

(ii) in the case of amounts expended out of funds available to departments and agencies other than the Department of Defense, by department or agency and program.

(2) DEFINITION.—In this section, the term ''period covered by the report'' means the 6-month period prior to the date the report is required to be submitted, except that, in the case of the initial report, the term means the period since the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999.

CHAPTER 3—REFUGEES AND MIGRATION

Subchapter A—Authorization of Appropriations

SEC. 1231. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities, $650,000,000 for the fiscal year 1998 and $704,500,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), not more than $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 are authorized to be available for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance are authorized to be available, including food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subchapter B—Authorities

SEC. 1241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this division shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by section 1231 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term ''to effect the involuntary return'' means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 1242. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the heads of the appropriate agencies shall prescribe regulations to implement the obligations of the United States under Article 3 of the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

(c) EXCLUSION OF CERTAIN ALIENS.—To the maximum extent consistent with the obligations of the United States under the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention, the regulations described in subsection (b) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, and except as provided in the regulations described in subsection (b), no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(e) AUTHORITY TO DETAIN.—Nothing in this section shall be construed as limiting the authority of the Attorney General to detain any person under any provision of law, including, but not limited to, any provision of the Immigration and Nationality Act.

(f) DEFINITIONS.—

(1) CONVENTION DEFINED.—In this section, the term ''Convention'' means the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) SAME TERMS AS IN THE CONVENTION.—Except as otherwise provided, the terms used in this section have the meanings given those terms in the Convention, subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution of ratification of the Convention.

SEC. 1243. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended—

(1) in subsection (a)—

(A) by striking ''Foreign Affairs'' and inserting ''International Relations and the Committee on Appropriations''; and

(B) by inserting ''and the Committee on Appropriations'' after ''Foreign Relations''; and

(2) by adding at the end the following new subsection:

''(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.''.

SEC. 1244. ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking ''For purposes'' and inserting ''Notwithstanding any other provision of law, for purposes''; and

(B) by striking ''fiscal year 1997'' and inserting ''fiscal years 1997 and 1998''; and

(2) by amending subsection (b) to read as follows:

''(b) ALIENS COVERED.—

''(1) IN GENERAL.— An alien described in this subsection is an alien who—

''(A) is the son or daughter of a qualified national;

''(B) is 21 years of age or older; and

''(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

''(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

''(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

''(ii) is the widow or widower of an individual described in clause (i); and

''(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

''(ii) on or after April 1, 1995, is or has been accepted—

''(I) for resettlement as a refugee; or

''(II) for admission as an immigrant under the Orderly Departure Program.''.

SEC. 1245. REPORTS TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, the Secretary of State shall supplement the monthly report to Congress entitled ''Update on Monitoring of Cuban Migrant Returnees'' with additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

''(f) COORDINATOR FOR COUNTERTERRORISM.—

''(1) IN GENERAL.—There is within the office of the Secretary of State a Coordinator for Counterterrorism (in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) DUTIES.—

''(A) IN GENERAL.—The Coordinator shall perform such duties and exercise such powers as the Secretary of State shall prescribe.

''(B) DUTIES DESCRIBED.—The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

''(3) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

SEC. 1302. ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

SEC. 1303. PERSONNEL MANAGEMENT.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended by adding at the end the following new subsection:

''(g) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.''.

SEC. 1304. DIPLOMATIC SECURITY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended by adding at the end the following new subsection:

''(h) QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.''.

SEC. 1305. NUMBER OF SENIOR OFFICIAL POSITIONS AUTHORIZED FOR THE DEPARTMENT OF STATE.

(a) UNDER SECRETARIES.—

(1) IN GENERAL.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended by striking ''5'' and inserting ''6''.

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking ''Under Secretaries of State (5)'' and inserting ''Under Secretaries of State (6)''.

(b) ASSISTANT SECRETARIES.—

(1) IN GENERAL.—Section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) is amended by striking ''20'' and inserting ''24''.

(2) CONFORMING AMENDMENT TO TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of State (20)'' and inserting ''Assistant Secretaries of State (24)''.

(c) DEPUTY ASSISTANT SECRETARIES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended by this Act, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 1306. NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES OF STATE.

(a) UNDER SECRETARIES OF STATE.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this Act, is further amended by adding at the end the following new paragraph:

''(4) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.''.

(b) ASSISTANT SECRETARIES OF STATE.—Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)), as amended by this Act, is further amended by adding at the end the following new paragraph:

''(3) NOMINATION OF ASSISTANT SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the regional or functional bureau or bureaus of the Department of State with respect to which the individual shall have responsibility.''.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 1311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.—Section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) is amended—

(1) in subsection (a), by striking ''Members'' and inserting ''Subject to subsection (e), members''; and

(2) by adding at the end the following new subsection:

''(e) Notwithstanding any other provision of law, the Secretary of State may provide for recognition of the meritorious or distinguished service of any member of the Foreign Service described in subsection (a) (including any member of the Senior Foreign Service) by means other than an award of performance pay in lieu of making such an award under this section.''.

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom 5 percent of his or her class for 2 or more of the 5 years preceding the date of enactment of this Act (in this subsection referred to as the ''years of lowest ranking'') if the rating official for such member was not the same individual for any two of the years of lowest ranking.

(2) SPECIAL INTERNAL REVIEWS.—In any case where the member was evaluated by the same rating official in any 2 of the years of lowest ranking, an internal review of the member's file shall be conducted to determine whether the member should be considered for action leading to separation.

(3) PROCEDURES.—The Secretary of State shall develop procedures for the internal reviews required under paragraph (2).

SEC. 1312. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A), by inserting ''or any other applicable provision of chapter 84 of title 5, United States Code,'' after ''section 811'';

(2) in subsection (a), by inserting ''or section 855, as appropriate'' after ''section 806''; and

(3) in subsection (b)(2)—

(A) by striking ''(2)'' and inserting ''(2)(A) for those participants in the Foreign Service Retirement and Disability System,''; and

(B) by inserting before the period at the end ''; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851''; and

(4) in subsection (b) in the matter following paragraph (2), by inserting ''(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)'' after ''age 60''.

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1)—

(A) by inserting ''611,'' after ''608,'';

(B) by inserting ''or for participants in the Foreign Service Pension System,'' after ''for participants in the Foreign Service Retirement and Disability System''; and

(C) by striking ''Service shall'' and inserting ''Service, shall''; and

(2) in paragraph (3), by striking ''or 610'' and inserting ''610, or 611''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1)(A) and (2) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 on or after January 1, 1996.

SEC. 1313. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM THE FOREIGN SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking ''A member'' and inserting ''Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member''.

SEC. 1314. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following new sentence: ''Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties for more than one month.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 1315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

''(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include—

''(A) any chief of mission;

''(B) any principal officer or deputy principal officer;

''(C) any administrative or personnel officer abroad; or

''(D) any individual described in section 1002(12) (B), (C), or (D) who is not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.''.

SEC. 1316. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) For purposes of this section, the term 'criminal investigator' includes a special agent occupying a position under title II of Public Law 99–399 if such special agent—

''(A) meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof); and

''(B) such special agent satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

''(2) In applying subsection (h) with respect to a special agent under this subsection—

''(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

''(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

''(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to

the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.''.

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking ''Public Law 99–399)'' and inserting ''Public Law 99–399, subject to subsection (k))''.

(2) Section 5542(e) of such title is amended by striking ''title 18, United States Code,'' and inserting ''title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 1317. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.''; and

(2) at the end of section 5546(a), by adding the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.''.

SEC. 1318. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall during each of calendar years 1998 and 1999 submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data for the last preceding examination and promotion cycles for which such information is available (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written Foreign Service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written Foreign Service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral Foreign Service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minority Foreign Service officers at each grade.

(6) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

TITLE XIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS

SEC. 1401. INTERNATIONAL INFORMATION ACTIVITIES AND EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For ''Salaries and Expenses'', $431,000,000 for the fiscal year 1998 and $457,146,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For the ''Technology Fund'' for the United States Information Agency, $5,050,000 for the fiscal year 1998 and $5,050,000 for the fiscal year 1999.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—There are authorized to be appropriated for the ''Fulbright Academic Exchange Programs'' (other than programs described in subparagraph (B)), $99,236,000 for the fiscal year 1998 and $99,236,000 for the fiscal year 1999.

(ii) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under clause (i), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be available for the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—There are authorized to be appropriated for other educational and cultural exchange programs authorized by law, $100,764,000 for the fiscal year 1998 and $100,764,000 for the fiscal year 1999.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for ''South Pacific Exchanges''.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for ''East Timorese Scholarships''.

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999 are authorized to be available for ''Educational and Cultural Exchanges with Tibet'' under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''International Broadcasting Activities'', $344,655,000 for the fiscal year 1998, and $341,655,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Broadcasting Board of Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For ''Radio Construction'', $40,000,000 for the fiscal year 1998, and $25,308,000 for the fiscal year 1999.

(6) RADIO FREE ASIA.—For ''Radio Free Asia'', $22,000,000 for the fiscal year 1998 and $22,000,000 for the fiscal year 1999, and an additional $8,000,000 in fiscal year 1998 for one-time capital costs.

(7) BROADCASTING TO CUBA.—For ''Broadcasting to Cuba'', $22,095,000 for the fiscal year 1998 and $22,704,000 for the fiscal year 1999.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange between East and West'', not more than $12,000,000 for the fiscal year 1998 and not more than $10,000,000 for the fiscal year 1999.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the ''National Endowment for Democracy'', $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For ''Center for Cultural and Technical Interchange between North and South'' not more than $1,500,000 for the fiscal year 1998 and not more than $1,500,000 for the fiscal year 1999.

CHAPTER 2—AUTHORITIES AND ACTIVITIES

SEC. 1411. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement, and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned may be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 1412. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

''USE OF ENGLISH-TEACHING PROGRAM FEES

''SEC. 810. (a) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other law or limitation of authority, fees and receipts described in subsection (b) are authorized to be credited each fiscal year for authorized purposes to the appropriate appropriations of the United States Information Agency to such extent as may be provided in advance in appropriations acts.

''(b) FEES AND RECEIPTS DESCRIBED.—The fees and receipts described in this subsection are fees and payments received by or for the use of the United States Information Agency from or in connection with—

''(1) English-teaching and library services,

''(2) educational advising and counseling,

''(3) Exchange Visitor Program Services,

''(4) advertising and business ventures of the Voice of America and the International Broadcasting Bureau,

''(5) cooperating international organizations, and

''(6) Agency-produced publications,

''(7) an amount not to exceed $100,000 of the payments from motion picture and television programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Education and Cultural Exchange Act of 1961.''.

SEC. 1413. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended by inserting ''journalism and communications, education administration, public policy, library and information science,'' after ''business administration,'' each of the two places it appears.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act,

Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in subsections (a), (b), and (c)(5), by striking ''Soviet Union'' each place it appears and inserting ''independent states of the former Soviet Union'';

(2) in subsection (c)(11), by striking ''Soviet republics'' and inserting ''independent states of the former Soviet Union''; and

*(3) in the section heading, by inserting ''**INDEPENDENT STATES OF THE FORMER**'' after ''**FROM THE**''.*

SEC. 1414. WORKING GROUP ON UNITED STATES GOVERNMENT-SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

''(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government-sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government-Sponsored International Exchanges and Training (in this section referred to as the 'Working Group').

''(2) For purposes of this subsection, the term 'Government-sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

''(3) The Working Group shall be composed as follows:

''(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

''(B) A senior representative of the Department of State, who shall be designated by the Secretary of State.

''(C) A senior representative of the Department of Defense, who shall be designated by the Secretary of Defense.

''(D) A senior representative of the Department of Education, who shall be designated by the Secretary of Education.

''(E) A senior representative of the Department of Justice, who shall be designated by the Attorney General.

''(F) A senior representative of the Agency for International Development, who shall be designated by the Administrator of the Agency.

''(G) Senior representatives of such other departments and agencies as the Chair determines to be appropriate.

''(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the Adviser and the Director, respectively.

''(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

''(6) The Working Group shall have the following purposes and responsibilities:

''(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

''(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

''(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government-sponsored international exchange and training programs, to identify how each Government-sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

''(D)(i) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall develop a coordinated and cost-effective strategy for all United States Government-sponsored international exchange and training programs, including an action plan with the objective of achieving a minimum of 10 percent cost savings through greater efficiency, the consolidation of programs, or the elimination of duplication, or any combination thereof.

''(ii) Not later than 1 year after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, the Working Group shall submit a report to the appropriate congressional committees setting forth the strategy and action plan required by clause (i).

''(iii) Each year thereafter the Working Group shall assess the strategy and plan required by clause (i).

''(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government-sponsored international exchange and training programs, and to issue a report.

''(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government-sponsored international exchange and training activities.

''(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility and advisability of transferring funds and program management for the ATLAS or the Mandela Fellows programs, or both, in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost effects of consolidating such programs under one entity.

''(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

''(8) The Working Group shall meet at least on a quarterly basis.

''(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

''(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

''(11) With respect to any report issued under paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.''.

SEC. 1415. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) IN GENERAL.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended—

(1) by striking ''for fiscal year 1997'' and inserting ''for the fiscal year 1999''; and

(2) by inserting after ''who are outside Tibet'' the following: ''(if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

SEC. 1416. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) ELIMINATION OF RESTRICTION.—Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking ''needed, except'' and all that follows through ''United States'' and inserting ''needed''.

(2) AUTHORIZED INVESTMENTS.—The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: ''Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.''.

(b) REDESIGNATION OF COMMISSION.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Commission shall be redesignated as the ''United States-Japan Commission''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) CONFORMING AMENDMENT.—The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

''UNITED STATES-JAPAN COMMISSION''.

(3) CONFORMING AMENDMENT.—The Japan-United States Friendship Act is amended by striking ''Japan-United States Friendship Commission'' each place such term appears and inserting ''United States-Japan Commission''.

(c) REDESIGNATION OF TRUST FUND.—

(1) REDESIGNATION.—Effective on the date of enactment of this Act, the Japan-United States Friendship Trust Fund shall be redesignated as the ''United States-Japan Trust Fund''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) CONFORMING AMENDMENT.—Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking ''Japan-United States Friendship Trust Fund'' and inserting ''United States-Japan Trust Fund''.

SEC. 1417. SURROGATE BROADCASTING STUDY.

Not later than 6 months after the date of enactment of this Act, the Broadcasting Board of Governors, acting through the International Broadcasting Bureau, should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

SEC. 1418. RADIO BROADCASTING TO IRAN IN THE FARSI LANGUAGE.

(a) RADIO FREE IRAN.—Not more than $2,000,000 of the funds made available under section 1401(a)(4) of this Act for each of the fiscal years 1998 and 1999 for grants to RFE/RL, Incorporated, shall be available only for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iranian people in the Farsi language, such broadcasts to be designated as ''Radio Free Iran''.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing the costs, implementation, and plans for creation of the

surrogate broadcasting service described in subsection (a).

(c) AVAILABILITY OF FUNDS.—None of the funds made available under subsection (a) may be made available until submission of the report required under subsection (b).

SEC. 1419. AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 1420. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 1421. VOICE OF AMERICA BROADCASTS.

(a) IN GENERAL.—The Voice of America shall devote programming each day to broadcasting information on the individual States of the United States. The broadcasts shall include—

(1) information on the products, tourism, and cultural and educational facilities of each State;

(2) information on the potential for trade with each State; and

(3) discussions with State officials with respect to the matters described in paragraphs (1) and (2).

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Broadcasting Board of Governors of the United States Information Agency shall submit a report to Congress detailing the actions that have been taken to carry out subsection (a).

(c) STATE DEFINED.—In this section, the term ''State'' means any of the several States of the United States, the District of Columbia, or any commonwealth or territory of the United States.

TITLE XV—INTERNATIONAL ORGANIZATIONS OTHER THAN UNITED NATIONS

SEC. 1501. INTERNATIONAL CONFERENCES AND CONTINGENCIES.

There are authorized to be appropriated for ''International Conferences and Contingencies'', $3,500,000 for the fiscal year 1998 and $1,223,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

SEC. 1502. RESTRICTION RELATING TO UNITED STATES ACCESSION TO ANY NEW INTERNATIONAL CRIMINAL TRIBUNAL.

(a) PROHIBITION.—The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b), except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act; or

(2) any statute enacted by Congress on or after the date of enactment of this Act.

(b) JURISDICTION DESCRIBED.—The jurisdiction described in this section is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) STATUTORY CONSTRUCTION.—Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) DEFINITION.—The term ''new international criminal tribunal'' means any permanent international criminal tribunal established on or after the date of enactment of this Act and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

SEC. 1503. UNITED STATES MEMBERSHIP IN THE BUREAU OF THE INTERPARLIAMENTARY UNION.

(a) INTERPARLIAMENTARY UNION LIMITATION.—Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1999, then effective October 1, 1999, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d).

(b) ELIMINATION OF AUTHORITY TO PAY EXPENSES OF THE AMERICAN GROUP.—Section 1 of the Act entitled ''An Act to authorize participation by the United States in the Interparliamentary Union'', approved June 28, 1935 (22 U.S.C. 276) is amended—

(1) in the first sentence—

(A) by striking ''fiscal year'' and all that follows through ''(1) for'' and inserting ''fiscal year for'';

(B) by striking ''; and''; and

(C) by striking paragraph (2); and

(2) by striking the second sentence.

(c) ELIMINATION OF PERMANENT APPROPRIATION.—Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C. 276 note)) is amended—

(1) by striking ''$440,000'' and inserting ''$350,000''; and

(2) by striking ''paragraph (2) of the first section of Public Law 74–170,''.

(d) CONDITIONAL TERMINATION OF AUTHORITY.—Unless Congress receives the certification described in subsection (a) before October 1, 1999, effective on that date the Act entitled ''An Act to authorize participation by the United States in the Interparliamentary Union'', approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

(e) TRANSFER OF FUNDS TO THE TREASURY.—Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202) that are available as of the day before the date of enactment of this Act shall be transferred on such date to the general fund of the Treasury of the United States.

SEC. 1504. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: ''On reemployment, an employee entitled to the benefits of subsection (a) is entitled to the rate of basic pay to which the employee would have been entitled had the employee remained in the civil service. On reemployment, the agency shall restore the sick leave account of the employee, by credit or charge, to its status at the time of transfer. The period of separation caused by the employment of the employee with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers that take effect on or after the date of enactment of this Act.

SEC. 1505. REPORTS REGARDING FOREIGN TRAVEL.

(a) PROHIBITION.—Except as provided in subsection (e), none of the funds authorized to be appropriated by this Act for fiscal year 1999 may be used to pay for the expenses of foreign travel by an officer or employee of an Executive branch agency to attend an international conference, or for the routine services that a United States diplomatic mission or consular post provides in support of foreign travel by such an officer or employee to attend an international conference, unless that officer or employee has submitted a preliminary report with respect to that foreign travel in accordance with subsection (b), and has not previously failed to submit a final report with respect to foreign travel to attend an international conference required by subsection (c).

(b) PRELIMINARY REPORTS.—A preliminary report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to proposed foreign travel to attend an international conference, submitted to the Director prior to commencement of the travel, setting forth—

(1) the name and employing agency of the officer or employee;

(2) the name of the official who authorized the travel; and

(3) the purpose and duration of the travel.

(c) FINAL REPORTS.—A final report referred to in subsection (a) is a report by an officer or employee of an Executive branch agency with respect to foreign travel to attend an international conference, submitted to the Director not later than 30 days after the conclusion of the travel—

(1) setting forth the actual duration and cost of the travel; and

(2) updating any other information included in the preliminary report.

(d) REPORT TO CONGRESS.—The Director shall submit a report not later than April 1, 1999, to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives, setting forth with respect to each international conference for which reports described in subsection (c) were required to be submitted to the Director during the preceding six months—

(1) the names and employing agencies of all officers and employees of Executive branch agencies who attended the international conference;

(2) the names of all officials who authorized travel to the international conference, and the total number of officers and employees who were authorized to travel to the conference by each such official; and

(3) the total cost of travel by officers and employees of Executive branch agencies to the international conference.

(e) EXCEPTIONS.—This section shall not apply to travel by—

(1) the President or the Vice President; or

(2) any officer or employee who is carrying out an intelligence or intelligence-related activity, who is performing a protective function, or who is engaged in a sensitive diplomatic mission.

(f) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of International Conferences of the Department of State.

(2) EXECUTIVE BRANCH AGENCY.—The terms ''Executive branch agency'' and ''Executive branch agencies'' mean—

(A) an entity or entities, other than the General Accounting Office, defined in section 105 of title 5, United States Code; and

(B) the Executive Office of the President (except as provided in subsection (e)).

(3) INTERNATIONAL CONFERENCE.—The term ''international conference'' means any meeting

held under the auspices of an international organization or foreign government, at which representatives of more than two foreign governments are expected to be in attendance, and to which United States Executive branch agencies will send a total of ten or more representatives.

(g) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the total Federal expenditure of all official international travel in each Executive branch agency during the previous fiscal year; and

(2) the total number of individuals in each agency who engaged in such travel.

TITLE XVI—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1601. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act $41,500,000 for the fiscal year 1998.

SEC. 1602. STATUTORY CONSTRUCTION.

Section 303 of the Arms Control and Disarmament Act (22 U.S.C. 2573), as redesignated by section 1223 of this Act, is amended by adding at the end the following new subsection:

''(c) STATUTORY CONSTRUCTION.—Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.''.

TITLE XVII—EUROPEAN SECURITY ACT OF 1998

SEC. 1701. SHORT TITLE.

This title may be cited as the ''European Security Act of 1998''.

SEC. 1702. STATEMENT OF POLICY.

(a) POLICY WITH RESPECT TO NATO ENLARGEMENT.—Congress urges the President to outline a clear and complete strategic rationale for the enlargement of the North Atlantic Treaty Organization (NATO), and declares that—

(1) Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO;

(2) the United States should ensure that NATO continues a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership;

(3) the United States should ensure that no limitations are placed on the numbers of NATO troops or types of equipment, including tactical nuclear weapons, to be deployed on the territory of new member states;

(4) the United States should reject all efforts to condition NATO decisions on review or approval by the United Nations Security Council;

(5) the United States should clearly delineate those NATO deliberations, including but not limited to discussions on arms control, further Alliance enlargement, procurement matters, and strategic doctrine, that are not subject to review or discussion in the NATO-Russia Permanent Joint Council;

(6) the United States should work to ensure that countries invited to join the Alliance are provided an immediate seat in NATO discussions; and

(7) the United States already pays more than a proportionate share of the costs of the common defense of Europe and should obtain, in advance, agreement on an equitable distribution of the cost of NATO enlargement to ensure that the United States does not continue to bear a disproportionate burden.

(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—

(1) IMPLEMENTATION.—NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO allies should make this intention clear in negotiations with Russia, including negotiations regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(2) LIMITATIONS ON COMMITMENTS TO RUSSIA.—In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(A) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(B) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(C) providing any international organization, or any country that is not a member of NATO, with authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO;

(D) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance;

(E) establishing a nuclear weapons-free zone in Central or Eastern Europe;

(F) requiring NATO to subsidize Russian arms sales, service, or support to the militaries of those former Warsaw Pact countries invited to join the Alliance; or

(G) legitimizing Russian efforts to link concessions in arms control negotiations to NATO enlargement.

(3) COMMITMENTS FROM RUSSIA.—In order to enhance security and stability in Europe, the United States should seek commitments from Russia—

(A) to demarcate and respect all its borders with neighboring states;

(B) to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states;

(C) to station its armed forces on the territory of other states only with the full and complete agreement of that state and in strict accordance with international law; and

(D) to take steps to reduce further its nuclear and conventional forces in Kaliningrad.

(4) CONSULTATIONS.—As negotiations on adaptation of the Treaty on Conventional Armed Forces in Europe proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the South Caucasus.

(c) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION.—

(1) IN GENERAL.—As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

(2) DISCUSSIONS WITH NATO ALLIES.—The United States should initiate discussions with its NATO allies for the purpose of examining the feasibility of deploying a ballistic missile defense capable of protecting NATO's southern and eastern flanks from a limited ballistic missile attack.

(3) CONSTITUTIONAL PREROGATIVES.—Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 1703. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2702(a).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Romania, Estonia, Latvia, Lithuania, and Bulgaria are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF CONGRESS.—It is the sense of Congress that Romania, Estonia, Latvia, Lithuania, and Bulgaria—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking ''1996 and 1997'' and inserting ''1997, 1998, and 1999''.

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 (22 U.S.C. 1928 note) is amended—

(1) in paragraph (1), by striking '', without regard to the restrictions'' and all that follows through ''section)'';

(2) by striking paragraph (2);

(3) in paragraph (6), by striking ''appropriated under the 'Nonproliferation and Disarmament Fund' account'' and inserting ''made available for the 'Nonproliferation and Disarmament Fund' ''; and

(4) in paragraph (8)—

(A) by striking ''any restrictions in sections 516 and 519'' and inserting ''section 516(e)'';

(B) by striking ''as amended,''; and

(C) by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)''; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 1704. SENSE OF CONGRESS WITH RESPECT TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of Congress that no revisions to the Treaty on Conventional Armed Forces in Europe will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including rights or responsibilities with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with the authority to delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including deliberations and decisions with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

SEC. 1705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 1702(c).

(b) RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of enactment of this Act, that agreement is specifically approved with the advice and consent of the United States Senate pursuant to Article II, section 2, clause 2 of the Constitution.

(c) SENSE OF CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.—

(1) RELATIONSHIP TO MULTILATERALIZATION OF ABM TREATY.—It is the sense of Congress that no ABM/TMD demarcation agreement will be considered for advice and consent to ratification unless, consistent with the certification of the President pursuant to condition (9) of the resolution of ratification of the CFE Flank Document, the President submits for Senate advice and consent to ratification any agreement, arrangement, or understanding that would—

(A) add one or more countries as State Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(B) change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term ''national territory'' as used in Article VI and Article IX of the ABM Treaty.

(2) PRESERVATION OF UNITED STATES THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of Congress that no ABM/TMD demarcation agreement that would reduce the capabilities of United States theater missile defense systems, or the numbers or deployment patterns of such systems, will be approved for entry into force with respect to the United States.

(d) REPORT ON COOPERATIVE PROJECTS WITH RUSSIA.—Not later than January 1, 1999, and January 1, 2000, the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) COOPERATIVE PROJECTS.—A description of all cooperative projects conducted in the area of early warning and ballistic missile defense during the preceding fiscal year and the fiscal year during which the report is submitted.

(2) FUNDING.—A description of the funding for such projects during the preceding fiscal year and the year during which the report is submitted and the proposed funding for such projects for the next fiscal year.

(3) STATUS OF DIALOGUE OR DISCUSSIONS.—A description of the status of any dialogue or discussions conducted during the preceding fiscal year between the United States and Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the ABM Treaty, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) DEFINITIONS.—In this section:

(1) ABM/TMD DEMARCATION AGREEMENT.—The term ''ABM/TMD demarcation agreement'' means any agreement that establishes a demarcation between theater ballistic missile defense systems and strategic antiballistic missile defense systems for purposes of the ABM Treaty.

(2) ABM TREATY.—The term ''ABM Treaty'' means the Treaty Between the United States of American and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS

SEC. 1801. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary of State, after consultation with the Secretary of Defense and the Secretary of Commerce, shall submit a report to the appropriate congressional committees on specific actions taken by the Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) TERMINATION.—Subsection (a) shall cease to have effect on the earlier of—

(1) the date of submission of the third report under that subsection; or

(2) the date that the Secretary of State, after consultation with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

SEC. 1802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to that section;

(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to that section;

(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to that section;

(4) an explanation of the status of the review underway for the cases referred to in paragraph (1); and

(5) an unclassified explanation of each determination of the Secretary of State under section 401(a) of that Act and each finding of the Secretary under section 401(c) of that Act—

(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

(B) in the preceding 3-month period, in the case of each subsequent report.

(b) PROTECTION OF IDENTITY OF CONCERNED ENTITIES.—In preparing the report under subsection (a), the names of entities shall not be identified under paragraph (1) or (4).

SEC. 1803. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.

(a) IN GENERAL.—Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the period ending September 30, 1999, the Secretary of State shall submit a report to the appropriate congressional committees on the compliance with the provisions of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, by the signatory countries of the Convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of the Convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

(5) Information on efforts by the Department of State to encourage other countries to become signatories of the Convention.

(b) DEFINITION.—In this section, the term ''Central Authority for the United States'' has the meaning given the term in Article 6 of the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980.

SEC. 1804. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of Congress that the United States should use its influence with the Government of Turkey to suggest that the Government of Turkey—

(1) recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) ensure the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law,

including the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act (1975), and the Charter of Paris;

(3) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel; and

(4) reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

SEC. 1805. REPORT ON RELATIONS WITH VIETNAM.

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved cases of prisoners of war (POWs) or persons missing-in-action (MIAs) through the provision of records and the unilateral and joint recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 1806. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Sate shall submit a report to the appropriate congressional committees on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include the following:

(1) A full investigation, including full documentation of individual cases of persecution, of the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos.

(2) The steps the Department of State will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the Department of State will take to seek to ensure the cessation of human rights violations.

SEC. 1807. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1808. CONGRESSIONAL STATEMENT REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States and the people of the Republic of China on Taiwan have long enjoyed extensive ties.

(2) Taiwan is currently the 8th largest trading partner of the United States.

(3) The executive branch of Government has committed publicly to support Taiwan's bid to join the World Trade Organization and has declared that the United States will not oppose this bid solely on the grounds that the People's Republic of China, which also seeks membership in the World Trade Organization, is not yet eligible because of its unacceptable trade practices.

(4) The United States and Taiwan have concluded discussions on a variety of outstanding trade issues that remain unresolved with the People's Republic of China and that are necessary for the United States to support Taiwan's membership in the World Trade Organization.

(5) The reversion of control over Hong Kong—a member of the World Trade Organization—to the People's Republic of China in many respects affords to the People's Republic of China the practical benefit of membership in the World Trade Organization for a substantial portion of its trade in goods despite the fact that the trade practices of the People's Republic of China currently fall far short of what the United States expects for membership in the World Trade Organization.

(6) The executive branch of Government has announced its interest in the admission of the People's Republic of China to the World Trade Organization; the fundamental sense of fairness of the people of the United States warrants the United States Government's support for Taiwan's relatively more meritorious application for membership in the World Trade Organization.

(7) Despite having made significant progress in negotiations for its accession to the World Trade Organization, Taiwan has yet to offer acceptable terms of accession in agricultural and certain other market sectors.

(8) It is in the economic interest of United States consumers and exporters for Taiwan to complete those requirements for accession to the World Trade Organization at the earliest possible moment.

(b) CONGRESSIONAL STATEMENT.—The Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

SEC. 1809. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.

(a) WITHHOLDING OF UNITED STATES PROPORTIONAL SHARE OF ASSISTANCE.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(1) by striking ''The limitations'' and inserting ''(1) Subject to paragraph (2), the limitations''; and

(2) by adding at the end the following:

''(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

''(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

''(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

''(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

''(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

''(III) incorporates internationally accepted nuclear safety standards.''.

(b) OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) REPORTING REQUIREMENTS.—

(1) REQUEST FOR IAEA REPORTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation

with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).

SEC. 1810. LIMITATION ON ASSISTANCE TO COUNTRIES AIDING CUBA NUCLEAR DEVELOPMENT.

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

''(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

''(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

''(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

''(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

''(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

''(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.''.

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

SEC. 1811. INTERNATIONAL FUND FOR IRELAND.

(a) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415; 100 Stat. 947) is amended by adding at the end the following new sentences: ''United States contributions should be used in a manner that effectively increases employment opportunities in communities with rates of unemployment higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions should be used to benefit individuals residing in such communities.''.

(b) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(1) in the first sentence—

(A) by striking ''The United States'' and inserting the following:

''(1) IN GENERAL.—The United States'';

(B) by striking ''in this Act may be used'' and inserting the following: ''in this Act—

''(A) may be used'';

(C) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(B) should be provided to individuals or entities in Northern Ireland which employ practices consistent with the principles of economic justice.''; and

(2) in the second sentence, by striking ''The restrictions'' and inserting the following:

''(2) ADDITIONAL REQUIREMENTS.—The restrictions''.

(c) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(1) in subparagraph (A), by striking ''in accordance with the principle of equality'' and all that follows and inserting ''to individuals and entities whose practices are consistent with principles of economic justice; and''; and

(2) in subparagraph (B), by inserting before the period at the end the following: ''and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment''.

(d) ANNUAL REPORTS.—Section 6 of such Act is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) the extent to which the practices of each individual or entity receiving assistance from United States contributions to the International Fund has been consistent with the principles of economic justice.''.

(e) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

''(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.''.

(f) DEFINITIONS.—Section 8 of such Act is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) the term 'principles of economic justice' means the following principles:

''(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

''(B) Providing adequate security for the protection of minority employees at the workplace.

''(C) Banning provocative sectarian or political emblems from the workplace.

''(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

''(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

''(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

''(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

''(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

''(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).''.

SEC. 1812. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated by section 1101(4) of this Act for ''Security and Maintenance of Buildings Abroad'', $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act should be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

SEC. 1813. SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ.

(a) ASSISTANCE FOR JUSTICE IN IRAQ.—There are authorized to be appropriated for fiscal year 1998 $3,000,000 for assistance to an international commission to establish an international record for the criminal culpability of Saddam Hussein and other Iraqi officials and for an international criminal tribunal established for the purpose of indicting, prosecuting, and punishing Saddam Hussein and other Iraqi officials responsible for crimes against humanity, genocide, and other violations of international law.

(b) ASSISTANCE TO THE DEMOCRATIC OPPOSITION IN IRAQ.—There are authorized to be appropriated for fiscal year 1998 $15,000,000 to provide support for democratic opposition forces in Iraq, of which—

(1) not more than $10,000,000 shall be for assistance to the democratic opposition, including leadership organization, training political cadre, maintaining offices, disseminating information, and developing and implementing agreements among opposition elements; and

(2) not more than $5,000,000 of the funds made available under this subsection shall be available only for grants to RFE/RL, Incorporated, for surrogate radio broadcasting by RFE/RL, Incorporated, to the Iraqi people in the Arabic language, such broadcasts to be designated as ''Radio Free Iraq''.

(c) ASSISTANCE FOR HUMANITARIAN RELIEF AND RECONSTRUCTION.—There are authorized to be appropriated for fiscal year 1998 $20,000,000 for the relief, rehabilitation, and reconstruction of people living in Iraq, and communities located in Iraq, who are not under the control of the Saddam Hussein regime.

(d) AVAILABILITY.—Amounts authorized to be appropriated by this section shall be provided in addition to amounts otherwise made available and shall remain available until expended.

(e) NOTIFICATION.—All assistance provided pursuant to this section shall be notified to Congress in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(f) RELATION TO OTHER LAWS.—Funds made available to carry out the provisions of this section may be made available notwithstanding any other provision of law.

(g) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State and the Broadcasting Board of Governors of the United States Information Agency shall submit a detailed report to Congress describing—

(1) the costs, implementation, and plans for the establishment of an international war crimes tribunal described in subsection (a);

(2) the establishment of a political assistance program, and the surrogate broadcasting service, as described in subsection (b); and

(3) the humanitarian assistance program described in subsection (c).

SEC. 1814. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States stands as the beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United

States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Serbian authorities have sought to continue to hinder the growth of free and independent news media in the Republic of Serbia, in particular the broadcast news media, and have harassed journalists performing their professional duties.

(5) Under Slobodan Milosevic, the political opposition in Serbia has been denied free, fair, and equal opportunity to participate in the democratic process.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States, the international community, nongovernmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(2) the normalization of relations between the ''Federal Republic of Yugoslavia'' (Serbia and Montenegro) and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law;

(B) promote the respect for human rights throughout the ''Federal Republic of Yugoslavia'' (Serbia and Montenegro); and

(C) promote and encourage free, fair, and equal conditions for the democratic opposition in Serbia.

SEC. 1815. FUNDS MADE AVAILABLE UNDER CHAPTER 4 OF PART II OF THE FOREIGN ASSISTANCE ACT OF 1961.

Not less than $2,000,000 shall be made available under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), for fiscal years 1998 and 1999 to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 6001 et seq.).

SEC. 1816. FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

''(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

''(1) PERFORMANCE OF ABORTIONS.—

''(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

''(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

''(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

''(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

''(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.''.

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

''(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

''(1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

''(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China.

As used in this section, the term 'coercion' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.''.

(c) The President may waive the provisions of section 104(h)(1) of the Foreign Assistance Act of 1961, as amended, pertaining to population assistance to foreign organizations that perform abortions in foreign countries, for any fiscal year: Provided, That if the President exercises the waiver provided by this subsection for any fiscal year, not to exceed $356,000,000 may be made available for population planning activities or other population assistance for such fiscal year: Provided further, That the limitation in the previous proviso includes all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available.

DIVISION C—UNITED NATIONS REFORM

TITLE XX—GENERAL PROVISIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''United Nations Reform Act of 1998''.

SEC. 2002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—The term ''designated specialized agency'' means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) GENERAL ASSEMBLY.—The term ''General Assembly'' means the General Assembly of the United Nations.

(4) SECRETARY GENERAL.—The term ''Secretary General'' means the Secretary General of the United Nations.

(5) SECURITY COUNCIL.—The term ''Security Council'' means the Security Council of the United Nations.

(6) UNITED NATIONS MEMBER.—The term ''United Nations member'' means any country that is a member of the United Nations.

(7) UNITED NATIONS PEACEKEEPING OPERATION.—The term ''United Nations peacekeeping operation'' means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

SEC. 2003. NONDELEGATION OF CERTIFICATION REQUIREMENTS.

The Secretary of State may not delegate the authority in this division to make any certification.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

SEC. 2101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading ''Contributions to International Organizations'' $901,000,000 for the fiscal year 1998 and $900,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) NO GROWTH BUDGET.—Of the funds made available for fiscal year 1999 under subsection (a), $80,000,000 may be made available only after the Secretary of State certifies that the United Nations has taken no action during calendar year 1998 to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget of $2,533,000,000 and cause the United Nations to exceed that budget.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Service to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY OF OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified, in writing, of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

''(6) the United Nations has procedures in place to ensure that all reports submitted by the

Office of Internal Oversight Service are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals.''; and

(B) by striking ''Inspector General'' each place it appears and inserting ''Office of Internal Oversight Service''.

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expenses related to the holding of a United Nations Global Conference except any conference that the General Assembly, prior to the date of enactment of this Act, decided to convene.

(e) REDUCTION IN NUMBER OF POSTS.—

(1) FISCAL YEAR 1999.—Of the funds authorized to be appropriated for fiscal year 1999 for the United Nations by subsection (a), $50,000,000 shall be withheld from obligation and expenditure until the Secretary of State certifies to Congress that the number of posts authorized by the General Assembly, has resulted in a net reduction of at least 1,000 posts from the 10,012 posts authorized under the 1996–97 United Nations biennium budget, as a result of a suppression of that number of posts.

(2) REPORT.—Not later than October 1, 1998, the Secretary of State shall submit a report to the appropriate congressional committees specifying—

(A) the budget savings associated with the reduction of the 1,000 posts specified in paragraph (1), including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those savings;

(B) the vacancy rates for United Nations professional and general service staff contained in the United Nations biennium budget for 1998–99, including any reduction in the United States assessed contribution for the United Nations regular budget resulting from those vacancy rates; and

(C) the goals of the United States for further staff reductions and associated budget savings for the 1998–99 United Nations biennium budget.

(f) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998-1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the 1998 Desertification Convention.

(g) LIMITATIONS FOR FISCAL YEARS 1999 AND 2000.—

(1) IN GENERAL.—The total amount of funds made available for all United States memberships in international organizations under the heading ''Contributions to International Organizations'' may not exceed $900,000,000 for each of fiscal years 1999 and 2000.

(2) CONSULTATIONS WITH CONGRESS.—The Secretary of State shall regularly consult with the appropriate congressional committees regarding the impact, if any, of the limitation in paragraph (1) on the maintenance of United States membership in such international organizations.

(h) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(i) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 2102. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated under the heading ''Contributions for International Peacekeeping Activities'' $210,000,000 for the fiscal year 1998 and $220,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(b) CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(A) in subsection (a), by striking the second sentence; and

(B) by striking subsection (e) and inserting the following:

''(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

''(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

''(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

''(A) With respect to ongoing United Nations peacekeeping operations, the following:

''(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

''(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

''(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

''(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

''(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

''(i) The anticipated duration, mandate, the command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

''(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

''(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

''(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)) and an estimate of the cost to the United States of such assistance or support.

''(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

''(3) FORM AND TIMING OF INFORMATION.—

''(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

''(B) TIMING.—

''(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

''(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

''(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

''(A) where the authorized force strength is to be expanded;

''(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

''(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

''(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

''(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

''(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

''(ii) EXCEPTION.—This subparagraph does not apply to—

''(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

''(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

''(B) QUARTERLY REPORTS.—

''(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

''(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

''(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d)

and shall include cumulative information for the preceding calendar year.

''(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term 'designated congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.''.

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(c) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (b), is further amended by adding at the end the following:

''(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.''.

TITLE XXII—UNITED NATIONS ACTIVITIES

SEC. 2201. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations; and

(3) steps taken by the United States to secure abolition by the United Nations of groups under subsection (b).

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

SEC. 2202. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

''SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

''(a) UNITED STATES COSTS.—The United States shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States in support of all United Nations peacekeeping operations.

''(b) UNITED NATIONS MEMBER COSTS.—The United States shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such operations.''.

SEC. 2203. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

''SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.

''(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

''(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

''(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

''(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

''(2) EXCEPTIONS.—(A) The requirement in paragraph (1) shall not apply to—

''(i) goods and services provided to the United States Armed Forces;

''(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

''(iii) assistance furnished before the date of enactment of this section;

''(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

''(v) any assistance commitment made before the date of enactment of the United Nations Reform Act of 1998.

''(B) The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

''(3) FORM AND AMOUNT.—

''(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

''(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United States peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

''(b) TREATMENT OF REIMBURSEMENTS.—

''(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

''(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

''(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

''(1) Sections 6 and 7 of this Act.

''(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

''(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

''(d) WAIVER.—

''(1) AUTHORITY.—

''(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

''(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

''(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

''(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

''(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

''(f) DEFINITION.—In this section, the term 'assistance' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.''.

SEC. 2204. UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States—

(1) to ensure that major peacekeeping operations (in general, those comprised of more than 10,000 troops) authorized by the United Nations Security Council under Chapter VII of the United Nations Charter (or missions such as the United Nations Protection Force (UNPROFOR)) are undertaken by a competent regional organization or a multinational force, and not established as a peacekeeping operation under United Nations operational control which would be paid for by assessment of United Nations members;

(2) to consider, on a case-by-case basis, whether it is in the national interest of the United States to agree that smaller peacekeeping operations authorized by the United Nations Security Council under Chapter VII of the United Nations Charter and paid for by assessment of United Nations members (such as the United Nations Transitional Authority in Slavonia (UNTAES)) should be established as peacekeeping operations under United Nations operational control which would be paid for by assessment of United Nations members; and

(3) to oppose the establishment of United Nations peace operations approved by the General Assembly and funded out of the regular budget of the United Nations.

SEC. 2205. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

For the fiscal year 1999, the President may withhold funds for the United States assessed contribution to the United Nations or to any of its specialized agencies in the same percentage and subject to the same requirements as are applicable to the withholding of funds under section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 2206. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f–2) is amended by inserting ''and the United Nations Industrial Development Organization'' after ''International Labor Organization''.

SEC. 2207. SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to comply fully with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

TITLE XXIII—ARREARS PAYMENTS AND REFORM

CHAPTER 1—ARREARAGES TO THE UNITED NATIONS

Subchapter A—Authorization of Appropriations; Obligation and Expenditure of Funds

SEC. 2301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997—

(1) $100,000,000 for fiscal year 1998;

(2) $475,000,000 for fiscal year 1999; and

(3) $244,000,000 for fiscal year 2000.

(b) LIMITATION.—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) STATUTORY CONSTRUCTION.—For purposes of payments made pursuant to subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

SEC. 2302. OBLIGATION AND EXPENDITURE OF FUNDS.

(a) IN GENERAL.—Funds made available pursuant to section 2301 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.—Subject to subsection (e), funds made available pursuant to section 2301 may be obligated and expended only in the following allotments and upon the following certifications:

(1) Amounts authorized to be appropriated for fiscal year 1998, upon the certification described in section 2311.

(2) Amounts authorized to be appropriated for fiscal year 1999, upon the certification described in section 2321.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 2331.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 2301 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY.—

(1) FISCAL YEAR 1999 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 2301 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that one of the following three conditions has been satisfied:

(A) The condition described in section 2321(b)(1).

(B) The condition described in section 2321(b)(4).

(C) The condition described in section 2321(b)(5).

(2) FISCAL YEAR 2000 FUNDS.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 2301 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that one of the following seven conditions has been satisfied: A condition described in paragraph (3), (4), (5), (6), (7), (8),or (9) of section 2331(b).

(3) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) or (2) of this subsection may be exercised only if—

(i) the Secretary of State determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 2331.

(4) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph (1)(A) is exercised, the Secretary of State shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 2321(b)(1).

SEC. 2303. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed $107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(e) EFFECTIVE DATE.—This section shall take effect on the later of—

(1) the date a certification is transmitted to the appropriate congressional committees under section 2331; or

(2) October 1, 1999.

Subchapter B—United States Sovereignty

SEC. 2311. CERTIFICATION REQUIREMENTS.

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(3) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

Subchapter C—Reform of Assessments and United Nations Peacekeeping Operations

SEC. 2321. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 2311 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account do not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the ''contested arrearages account''.

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for the regular budget of the United Nations or any designated specialized agency does not exceed 22 percent for any single United Nations member.

(4) REVIEW OF REGULAR BUDGET-FUNDED PEACE OPERATIONS.—The mandates of the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are reviewed annually by the Security Council, and are subject to the notification requirements pursuant to section 4(e) of the United Nations Participation Act of 1945, as amended by section 2102(b) of this Act.

(5) PROCUREMENT.—

(A) PROHIBITION ON PUNITIVE ACTIONS.—The United Nations has implemented a system that prohibits punitive actions, such as suspension of contract eligibility against contractors on the basis that they have challenged contract awards or complained about delayed payments.

(B) PUBLIC ANNOUNCEMENT OF CERTAIN CONTRACT AWARDS.—The United Nations has implemented a system for public announcement of the award of any contract over $100,000.

(C) NOTIFICATION OF UNSUCCESSFUL BIDDERS.—The United Nations has implemented a system to notify unsuccessful bidders for contracts and to provide an explanation upon request of the reason for rejection of their bids.

(D) PERIODIC REPORTING TO UNITED NATIONS MEMBERS.—The United Nations reports to all United Nations members on a regular basis the value and a brief description of local procurement contracts awarded in excess of $70,000.

Subchapter D—Budget and Personnel Reform

SEC. 2331. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the following conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 2311 and 2321 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the systemwide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly and of programs of the designated specialized agencies in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of programs of designated specialized agencies, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General of the United Nations regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General or the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term ''United Nations program approved by the General Assembly'' means a program approved by the General Assembly of the

United Nations, which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term ''5 largest member contributors'' means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved a negative growth budget in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 2341. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) and section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note).

SEC. 2342. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this division shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

And the Senate agree to the same.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
HENRY HYDE,
CHRISTOPHER H. SMITH,

For consideration of the House bill (except title XXI) and the Senate amendment, and modifications committed to conference:

WILLIAM GOODLING,
DAN BURTON,
DOUG BEREUTER,
Managers on the part of the House.

JESSE HELMS,
PAUL COVERDELL,
CHUCK HAGEL,
ROD GRAMS,
Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

DIVISION A—FOREIGN AFFAIRS REFORM AND RESTRUCTURING

USIA AND BROADCASTING

Section 313 of the Senate bill provides for the creation of a new Under Secretary of State for Public Diplomacy. It should be noted that it is slightly different from the original Senate-passed bill (S. 903) in delineating the duties of this Under Secretary. Specifically, Section 313 provides that the Under Secretary will have primary responsibility for assisting the Secretary and Deputy Secretary in carrying out the public diplomacy function. Additionally, although the bill provides, as did the original Senate bill, that the new Under Secretary will have responsibility for assisting the Secretary and Deputy Secretary with regard to international broadcasting, the authorities of the Department of State with regard to broadcasting are limited. While the Secretary has a seat and vote on the Broadcasting Board of Governors, and she provides foreign policy guidance to the Board, neither she nor the Under Secretary will have specific supervisory powers over the international broadcasting function; those powers are vested in the Broadcasting Board of Governors, as explained below.

Chapter 3 of Title III provides for the organization of all U.S.-sponsored international broadcasting. It is very similar to the original Senate bill (S. 903), with several modifications. The central element of this chapter is that the current Broadcasting Board of Governors—which supervises international broadcasting, but is currently part of the U.S. Information Agency—will remain in place, but it will not be merged into the Department of State. Instead, the Board will become an independent federal establishment.

The Broadcasting Board of Governors was established by the United States International Broadcasting Act of 1994 (Title III of the Foreign Relations Authorization Act for Fiscal Years 1994–1995, P.L. 103–236). In that Act, Congress consolidated all U.S.-sponsored international broadcasting—the Voice of America (VOA), Radio and TV Marti, Worldnet TV, Radio Free Europe/Radio Liberty (RFE/RL), and Radio Free Asia (RFA)—under the direction and supervision of one governing board. The Board is part of the United States Information Agency, although in essence it is a self-contained unit within the Agency.

The bill does not alter the consolidation achieved in 1994, but it does prevent the Board and the international broadcasting entities from being merged into the State Department, where the credibility and journalistic integrity of the broadcasters would be threatened. The rationale for creating this arms-length distance from the State Department is two-fold: (1) to provide ''deniability'' for the Department when foreign governments voice their complaints about specific broadcasts; and (2) to provide a ''firewall'' between the Department and the broadcasters to ensure the integrity of the journalism.

Establishing this structure is not to deny that the broadcast entities are funded by the United States government—quite obviously, they are. This structure in no way should be construed to lessen the responsibility of the Board to ensure that U.S. broadcasts are ''consistent with the broad foreign policy objectives of the United States,'' as required by Section 303(a)(1) of the 1994 Broadcasting Act. For example, this legislation states that the VOA should continue to include editorials which present the views of U.S. policy. But the concepts of ''deniability'' and ''firewall'' are not merely diplomatic fictions. In truth, the State Department will be able to deny responsibility for a specific broadcast—because it will have denied itself the ability to directly affect the content of any specific broadcast. It can do so because the ''firewall'' will have operational meaning. Whenever a foreign government complains to a U.S. diplomat that a broadcast is inconsistent with U.S. foreign policy objectives, that diplomat can plausibly deny that the broadcast is ''not my department,'' and

refer their counterpart to the Board. The Board, in turn, will exercise its oversight duties to investigate the matter, take steps to influence overall broadcast policy to ensure that broadcasts are consistent with broad foreign policy objectives of the United States, but the journalists themselves will be shielded from political interference by State Department officials.

Of course, this bureaucratic separation does not mean that the broadcasters should remain aloof from U.S. foreign policy interests. Broadcasting is an important instrument of U.S. foreign policy, and should remain so. The broadcasting agencies would continue to serve the foreign policy needs of the U.S. government, and would be linked to the foreign affairs apparatus by what might be described as a ''dotted-line'' relationship to the State Department: (1) the Secretary of State would be a permanent voting member of the Board (as the USIA Director is now), would provide foreign policy guidance to the Board, and would be consulted about the addition or deletion of language services; (2) the VOA mission of telling America's story would remain intact, as would the VOA Charter; (3) the statutory requirements requiring that the broadcasts be consistent with the broad foreign policy objectives of the United States would remain intact; (4) the broadcasters would continue to have the capability to provide surge capacity to support broad U.S. foreign policy objectives during crises abroad.

Although the Board will be a federal agency, the work performed by the international broadcasting entities under it can hardly be described as a typical government function. Cynics may deride their work as ''propaganda,'' but in fact the broadcasters are journalists, reporting the news of the United States and the world to foreign audiences. The news gathering and reporting functions of the broadcasters must continue to be independent and objective. The broadcasters themselves understand the importance of this imperative. It is no accident that VOA employees treasure the VOA Charter, which states that the VOA will ''serve as a consistently reliable and authoritative source of news'' and that VOA news will be ''accurate, objective, and comprehensive.'' The employees do so because they take this command seriously. Similarly, the employees of the surrogate services—Radio and TV Marti, RFE/RL and RFA—are committed to the highest standards of professional journalism. Accuracy and credibility are their watchwords.

This credibility would be at risk if the various broadcast services were placed inside the Department of State, where they would be perceived by foreign audiences as mere adjuncts of the Department, and where they would be subject to the daily pressures of diplomacy. But in establishing this structure, it is not intended that the broadcasters will become unmoored from the broad objectives of American policy.

The provision in this bill also provides that the current Board members may complete their existing terms without being reappointed. Furthermore, they may be appointed to new terms when those terms expire.

It should be noted here that the bill does not include the original Senate proposal to create a separate Inspector General for broadcasting within the Broadcasting Board of Governors. Instead, that function will continue to be performed by the Inspector General of the Department of State. The bill states, however, that the Inspector General shall respect the journalistic integrity of all broadcasters covered by this title, and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts. The Inspector General must take great care in reviewing broadcast operations, for, as noted earlier, international broadcasting is not a typical government function. The broadcasters are journalists, and the Inspector General must not be involved in second-guessing the daily decisions of journalists and their editors. To do so could have a chilling effect on the activities of the journalists. The Inspector General is currently conducting a review of the Cuba services of the Voice of America, known as Radio and TV Marti. She contends that this review is limited to analyzing whether the Martis have a process in place for assuring that broadcasts are consistent with broad U.S. foreign policy objectives. This provision is intended to ensure that any content review not cross this line drawn by the Inspector General.

In establishing the Broadcasting Board of Governors as an independent agency in the executive branch, several changes to existing law were made—and new authorities were provided to the Board. A few of these changes are highlighted below:

Section 323(d)) amends the ''standards and principles'' section of the 1994 Broadcasting Act in two respects. First, it makes clear that U.S. international broadcasting should include editorials broadcast by the Voice of America which present the views of the U.S. government (only the VOA performs this function). This provision and this title are not intended to change in any manner the current process for ensuring that editorials are consistent with U.S. policy. Second, this section states that international broadcasting should have the capability to provide surge capacity to support U.S. foreign policy objectives during crises abroad.

Sections 323(e) and 323(f) make several amendments to the authorities of the Board, which are set forth in Section 305 of the 1994 Broadcasting Act. First, it amends the statute to provide that the Board has the power to ''supervise'' all broadcasting activities; current law gives the Board the power to ''direct and supervise.'' This change is intended to clarify any confusion that may have been caused by the use of the word ''direct''. The word ''direct'' implies day-to-day management responsibilities, a function that is incongruous with a part-time oversight board. The daily operations of the broadcasters are conducted by the Director of the International Broadcasting Bureau, and the presidents of the respective grantees (RFE/RL and RFA), operating under the supervision of the Board.

Second, the bill requires the Board to consult with the Secretary of State in making its determinations on the addition or deletion of language services. This change is not intended to give the Secretary veto power over such decisions; at the end of the day, she has but one vote on the Board. The amendment does recognize, however, that the addition or deletion of language services has foreign policy implications, and that the Board should give careful consideration to the Secretary's views on such matters.

Third, the bill provides the Board with several additional legal authorities that are necessary for it to function as a separate federal agency. These are intended to ensure that the Board and the Director of the International Broadcasting Bureau have, for the purposes of carrying out their respective duties, all the authorities which are now available to the Director of the U.S. Information Agency on the day before the effective date of this division. It is intended that the Board and the Bureau be enabled thereby to operate utilizing the full range of the Director's administrative, technical, contracting, personnel, and all other authorities, including acquisition and disposal of international broadcasting facilities abroad, liberally interpreted, to carry out their functions.

Fourth, the bill provides the Board with the authority to procure, pursuant to the ''Economy Act,'' goods and services from other federal departments and agencies. In keeping the Board and the Bureau outside the State Department, it is not intended that these entities will grow significantly. The Bureau will likely need additional personnel to carry out certain administrative tasks now performed by the administrative offices of USIA. But some of these routine functions may just as easily—and perhaps more efficiently—be performed by existing federal agencies.

Finally, the bill provides authority for the Board to delegate certain authorities to the Director of the International Broadcasting Bureau, and any other officer or employee of the United States. It bears emphasis here that the Board need not do so, for the Board has a small professional staff which assists it to carry out its statutory functions; the provision simply provides the Board with the option to delegate certain authorities.

Section 323(j) of the bill makes two changes to current law with regard to the role of the Secretary of State. First, the bill amends current law to make clear that the Secretary's authority to provide foreign policy guidance to the Board may be exercised at her discretion.

Second, it authorizes the Secretary of State to use Worldnet broadcasts, on a nonreimbursable basis, for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the State Department. ''Interactive dialogue'' is a term of art, which describes, in essence, press conferences between a U.S. policy maker (sitting in a studio in Washington), and foreign journalists (sitting in a U.S. Information Service post or other facility overseas). This is a public diplomacy function that should be under the policy control of the State Department after the integration of USIA into the Department. Most other Worldnet programs are, by contrast, the type of traditional broadcasting carried out by the VOA; for example, the VOA has recently commenced simulcasts of its radio programs on television. The Broadcasting Board of Governors and USIA have already reached a cooperative agreement regarding Worldnet (which was submitted recently to the Foreign Relations Committee in the form of a reprogramming) that is similar to the design set forth in the bill. It is intended that this arrangement continue when USIA is merged into the State Department, with the Board making available appropriate broadcasting time slots to the State Department to continue this important program. This provision is not intended to limit the access the Secretary currently has to Worldnet for other purposes, such as the current practice of using this service to broadcast from time to time to employees located at U.S. missions abroad.

Section 326 contains specific authority for the transfer of appropriate USIA assets and personnel to the Broadcasting Board of Governors. This includes those assets and personnel employed in connection with, or to carry out, the functions transferred by this chapter to the Board. It also includes provisions which will permit the transfer of assets and personnel which support the functions transferred by this chapter. These latter determinations will be made by the Secretary of State, with the concurrence of the Broadcasting Board of Governors. It is intended that the Broadcasting Board of Governors should receive administrative support funds and personnel commensurate with the administrative support it now receives from the U.S. Information Agency.

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Section 333 addresses the complex question of how to apply restrictions in current law on USIA to influence public opinion in the United States once USIA is integrated into the Department of State. The Department has a responsibility to communicate with the American people on U.S. foreign policy, for example, to explain the importance of continuing U.S. involvement in international affairs. Subsection (a) makes clear that none of the restrictions applicable to USIA shall become applicable to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this division. Subsection (b) provides that existing restrictions will, however, continue to apply to USIA public diplomacy programs (which are carried out abroad) once they are integrated into the State Department. This subsection preserves the exceptions in current law. Under this approach, public diplomacy programs that are unique to USIA, including the program material produced by them, shall continue to be subject to the restrictions of the Zorinsky Amendment and in the Smith-Mundt Act, as relevant. At the same time, the Department of State will be able to integrate the activities that it already performs, such as public outreach, direct public affairs contact with domestic and foreign press, and administrative activities, with such activities of the other foreign affairs agencies without these restrictions being applicable.

In addition, subsection (c) provides that funds that are specifically authorized in statute for such public diplomacy programs at the Department in the future shall not be used to influence public opinion in the United States, and that no program material prepared using such funds shall be distributed or disseminated in the United States. This provision makes clear that if an amount is specifically authorized in an authorization bill for such public diplomacy programs, such amount will be subject to these restrictions.

Subsections (d) and (e) create greater planning and budget transparency for how public diplomacy functions are integrated into the Department.

AUTHORITY TO REORGANIZE THE DEPARTMENT

Section 611(a) authorizes the Secretary, subject to the requirements of the subdivision, to allocate or reallocate any function transferred to the Department, and to establish, consolidate, alter, or discontinue such organizational entities within the Department as may be necessary or appropriate to carry out any reorganization under this subdivision. This subsection does not authorize the Secretary to modify the terms of any statute that establishes or defines the functions of any bureau, office or officer of the Department. Thus, while the Secretary could add functions and responsibilities to a bureau that is mandated under current law, she could not eliminate such a bureau or take away any responsibilities currently mandated by statute to be performed by that bureau.

TRANSFER OF PERSONNEL

Section 613 of the Senate bill provides in subsections (a) and (b) that except as provided in Title III, not later than the date of abolition of ACDA and USIA, or the transfer of any function of AID to the Department of State, affected personnel and positions of those agencies shall be transferred to the Department of State at their same grade or class, the same rate of basic pay or basic salary rate, and with the same tenure held immediately preceding transfer. Thus, members of the Foreign Service will transfer to the Department in the same Foreign Service class (or, in the case of Foreign Service nationals, at the same grade), at the same salary rate, and with the same tenure held prior to transfer. Civil Service employees transferred to the Department will transfer at the same Civil Service grade, at the same rate of basic pay, and with the same tenure held prior to transfer. Tenure, in this context, refers to the employment status of the employee (e.g., probationary, career conditional, or career tenure). This provision is also intended to ensure that the type of appointment (e.g., Civil Service competitive or excepted service appointment, or Foreign Service career or limited appointment) held immediately preceding transfer will remain unchanged by reason of the transfer.

Subsection (c) authorizes the Secretary, for a period of not more than six months commencing on the effective date of the transfer of personnel to the Department under subsections (a) and (b), to assign such personnel to any position or set of duties at any grade in the Department except that by virtue of such assignment, such personnel shall not have their grade or class or rate of basic pay or basic salary rate reduced, nor their tenure changed. Although the Secretary's authority to make assignments under this subsection is limited to a six-month period following transfer, the duration of any assignment made pursuant to this authority and the retention of grade may continue indefinitely, as long as the employee remains in a position to which s/he is assigned during the six month period. This provision will overcome any requirement for the Department of State involuntarily to demote or reassign personnel at the end of the six-month period, even though the number of employees who retain a particular grade may exceed the number of positions at that grade level. This provision does not, however, provide Civil Service personnel with a guaranteed grade if, for example, they apply for and obtain another position or the Department chooses to employ reduction in force procedures to reduce the number of Department employees. The Secretary shall consult with the relevant labor organizations with regard to the exercise of this authority. This subsection gives the Secretary the flexibility to assign and reassign for a six month period transferred personnel to any position within the Department after they have been transferred to the Department, except to positions that by law require appointment by the President, by and with the advice and consent of the Senate.

REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT

The bill requires that AID's Press Office and certain administrative functions be transferred to and consolidated with the Department of State. The committee of conference is aware that the Department of State and the Agency for International Development recently entered into an agreement to implement the President's April 1997 decision that these two agencies should share certain administrative functions.

The single largest change will occur overseas as the International Cooperative Administrative Support Services (ICASS) system is put into place. ICASS is designed to provide AID with the data and other information needed to compare the costs of services within the system that encourages the use of the most economic service provider. Both agencies will, over the next fiscal year, work to maximize shared administrative support services. As part of this agreement, both agencies agree to analyze jointly the data generated by ICASS to identify opportunities where one or the other agency can expand shared services.

Also, AID had agreed already to have the Department of State provide retirement processing for Foreign Service officers, retirement counseling for AID officers, and site consolidation of AID headquarters' computer operations. According to the Administration, these are either now implemented or on their way to implementation.

Further, AID has agreed to expand its use of training services offered by the Department of State. Specifically, AID will attempt to obtain all of its foreign language training from the Department of State. In addition, State and AID have agreed to jointly develop training programs so that other professional and technical training can be shared to the maximum extent possible.

The Department of State has agreed to try to accommodate AID by taking responsibility for storage of employees' household goods. In addition, State and AID already share other transportation and storage services, and they will continue to review these areas for other opportunities. The committee of conference expects AID and the State Department to continue to explore areas in which additional consolidation and cost savings can occur and that the Foreign Relations Committee and the International Relations Committee will be notified of such progress.

ASSISTANCE PROGRAMS COORDINATION AND OVERSIGHT

The bill provides for the coordination of activities of the Secretary of State in relation to United States assistance. The activities include designing of an overall assistance strategy for countries in the region; ensuring the coordination of United States government agencies; coordinating with the individual country governments and international organizations; and resolving policy disputes among United States government agencies with respect to assistance being provided.

This coordination authority does not supersede the responsibility of the Secretary of Commerce in relation to the promotion of exports of United States goods and services. Nor does this supersede the responsibility of the Secretary of the Treasury to coordinate the activities of the United States in relation to the International Financial Institutions, and the organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs.

This section of the bill is essential to bring improved coordination and rationalization to U.S. overseas economic and development assistance programs. The establishment within the Department of State of this coordination function will ensure that, in the future, foreign aid programs are being carried out in a manner consistent with our nations overall foreign policy. It furthers the President's goal of establishing the Secretary of State's pre-eminence in foreign policy making. According to the State Department's April 17, 1997, statement regarding reorganization, one reform ''...would be to further improve coordination between AID's and State's regional Bureaus.'' This section supports that objective.

A.I.D. UNDER THE DIRECT AUTHORITY AND FOREIGN POLICY GUIDANCE OF THE SECRETARY OF STATE

The President's decision on reorganization retains the Agency for International Development as a distinct agency but places it under the direct authority and foreign policy guidance of the Secretary of State. This bill supports that objective.

This bill includes a section which provides that funds formerly allocated to the International Development Cooperation Agency (IDCA)—which is abolished by this legislation—now be allocated to the Secretary of

State. The bill provides that the Secretary of State may allocate or transfer these funds to the head of any other agency. It is the understanding of the committee of conference that Secretary Albright intends to allocate this foreign aid and the administrative funds currently apportioned to AID to its Administrator. Bringing AID under the direct authority and foreign policy guidance of the Secretary of State, will strengthen the U.S. Government's coordination of long term development and humanitarian assistance.

AUTHORITY TO TRANSFER FUNCTIONS EARLY

Section 616 provides that the Secretary may, notwithstanding any provision of this subdivision and with the concurrence of the head of the appropriate Federal Agency, transfer the whole or part of any function prior to the effective dates established in this subdivision, including the transfer of personnel and funds associated with such functions. In exercising this authority, personnel and funds would be transferred in accordance with the applicable provisions of Title VI. This provision is intended to permit the Administration to have an orderly transfer of functions if the Administration chooses to transfer some functions from an agency prior to its abolition. It is intended that the Secretary will consult with the Broadcasting Board of Governors if she exercises the authority of this section to transfer personnel or assets that might otherwise be used to provide administrative support for the Board when it becomes a separate federal establishment.

DIVISION B—STATE DEPARTMENT AND RELATED AGENCIES AUTHORIZATION ACT

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE

The conference substitute authorizes a total of $6,140,895,000 for fiscal year 1998 and $6,664,093,000 for fiscal 1999. The President's request for FY 1999 is $6,789,259,000. The conference substitute follows the Senate format providing the authorization of appropriations in the specific sections of the bill.

ADMINISTRATION OF FOREIGN AFFAIRS

The House bill (sec. 1101) authorizes $2,610,271,000 for fiscal year 1998 and $2,610,271,000 for fiscal year 1999 for the Administration of Foreign Affairs. The House bill (sec. 1101 (1)(B)) requires the Secretary of State to provide passport information without charge to citizens of the U.S.

The Senate amendment (sec. 1101) authorizes for $2,609,661,000 fiscal year 1998 and $2,634,706,000 for fiscal year 1999 for the Administration of Foreign Affairs. The Senate amendment has no comparable provision to House sec. 1101(1)(B) on passport information.

The conference substitute (sec. 1101) authorizes $2,656,143,000 for fiscal year 1998 and $2,830,387,000 for fiscal year 1999 for the Administration of Foreign Affairs. The conference substitute is the same as the Senate amendment with regard to the passport information provision.

The recommended level of authorization for Diplomatic and Consular Programs is intended to be utilized to maintain a strong U.S. presence abroad, and to meet current unfunded needs, including security of personnel and overseas U.S. facilities, and does not include funding for new programs, not presently funded for environmental conferences, programs, and associated expanded staffing.

The conference substitute incorporates the sub-authorization of $2,000,000 for fiscal years 1998 and 1999 for recruitment of minorities for careers in the foreign Service.

INTERNATIONAL COMMISSIONS

The House bill (sec. 1103) authorizes $43,512,000 for fiscal year 1998 and $43,512,000 for fiscal year 1999 for the International Commissions.

The Senate amendment (sec. 1202) authorizes $43,512,000 for fiscal year 1998 and $43,512,000 for fiscal year 1999 for the International Commissions.

The conference substitute (sec. 1102) authorizes $42,452,000 for fiscal year 1998 and $45,120,000 for fiscal year 1999 for the International Commissions.

ASIA FOUNDATION

The House bill (sec. 1105) authorizes $10,000,000 for fiscal year 1998 and $10,000,000 for fiscal year 1999 for the Asia Foundation.

The Senate amendment (sec. 1103) authorizes $8,000,000 fiscal year 1998 and $8,000,000 for fiscal year 1999 for the Asia Foundation.

The conference substitute (sec. 1103) authorizes $10,000,000 for fiscal year 1998 and $10,000,000 for fiscal year 1999 for the Asia Foundation.

VOLUNTARY CONTRIBUTIONS

The House bill (sec. 1102(b)) authorizes $199,725,000 for fiscal year 1988 and $199,725,000 for fiscal year 1999 for voluntary contributions to international organizations. The provision also includes limitations for the World Food Program, the United Nations Voluntary Fund for victims of Torture, and International Program on the Elimination of Child Labor.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1104) is the same as the House bill, except it authorizes $294,500,000 for fiscal year 1988 and $294,500,000 for fiscal year 1999.

VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING OPERATIONS

The House bill (sec. 1102(d)) authorizes $87,600,000 in fiscal year 1988 and $67,000,000 in fiscal year 1999 for voluntary contributions to peacekeeping operations.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1105) authorizes $77,500,000 in fiscal year 1988 and $68,000,000 in fiscal year 1999 for voluntary contributions to peacekeeping operations.

LIMITATIONS ON U.S. VOLUNTARY CONTRIBUTIONS TO THE UNDP

The House bill (sec. 1102(g)) requires the withholding from U.S. voluntary contributions to the UN Development Program an amount equal to the amount UNDP intends to spend in Burma during each of the fiscal years 1998 and 1999, unless the President certifies to Congress that UNDP programs in Burma are focused on eliminating human sufffering and other issues.

The Senate amendment contains no comparable provision.

The conference subsititute (sec. 1106) is the same as the House bill.

UN POPULATION FUND

The House (1523) House bill section 1523 UN Population Fund, authorizes $25 million for the UN Population Fund for fiscal years 1998 and 1999, but makes only $12.5 million available to UNFPA before March 1 of each fiscal year. It also contains other prohibitions.

The conference substitute (sec. 1107) is similar to the House bill, but deletes subsections (b), (c) and (d).

Conference Report (H.R. 1757) (000s)

INTERNATIONAL RELATIONS COMMITTEE ACCOUNT	FY98 Enacted Levels	FY98 Conference Report	FY99 President's Request	FY99 Conference Report
Foreign Relations Authorization (H.R. 1757) Totals				
Administration of Foreign Affairs				
Diplomatic and Consular Programs	1,638,193	1,746,997	1,691,282	1,691,282
Salaries and Expenses	352,205	363,513	367,778	367,148
Minority Recruitment		[2,000]		[2,000]
Capital Investment Fund	86,000	86,000	118,340	118,340
Security and Maintenance of US Missions	397,943	397,943	640,800	590,800
Jerusalem Embassy Authorization	[9,500]	[25,000]		[75,000]
Representation Allowances	4,200	4,300	4,300	4,300
Emergencies in the Diplomatic and Consular Service	5,500	5,500	5,500	5,500
Office of the Inspector General	27,495	28,300	28,717	28,717
Payment to the American Institute in Taiwan	14,000	14,490	16,426	15,000
Protection of Foreign Missions and Officials	7,900	7,900	8,100	8,100
Repatriation Loans Program Account	1,200	1,200	1,200	1,200
International Commissions				
International Boundary Waters Comm. (S&E)	17,490	17,490	19,179	19,179
International Boundary Waters Comm. (Constr)	6,463	6,463	7,125	7,125
American Sections: IBC	761	761	835	835
American Sections: IJC	3,189	3,189	3,432	3,432
International Fisheries Commissions	14,549	14,549	14,549	14,549
Asia Foundation	8,000	10,000	15,000	10,000
Refugee Assistance				
Migration and Refugee Assistance	553,384	650,000	650,000	704,500
Administration	12,000			
Refugees Resettling In Israel	80,000	[80,000]		[80,000]

House International Relations Committee

Conference Report (H.R. 1757) (000s)

INTERNATIONAL RELATIONS COMMITTEE ACCOUNT	FY98 Enacted Levels	FY98 Conference Report	FY99 President's Request	FY99 Conference Report
UN Fund for Vulnerable Children	5,000			
Humanitarian Assistance for Displaced Burmese		[1,500]		[1,500]
Tibetan Refugees in India and Nepal		[2,000]		[2,000]
United States Information Agency				
Salaries and Expenses	453,146	431,000	461,728	457,146
Technology Fund	5,050	5,050	5,050	5,050
Educational and Cultural Exchange Programs				
Fulbright Academic Exchange Program	100,000	99,236	99,046	99,236
Vietnam Fulbright	[5,000]	[5,000]		[5,000]
Other Programs	97,731	100,764	99,978	100,764
South Pacific Exchanges		[500]	[439]	[500]
East Timorese Scholarships		[500]	[470]	[500]
Tibetan Exchanges		[500]	[416]	[500]
International Broadcasting Operations (IBO)	362,789	344,655	388,690	341,655
Radio Construction	40,000	40,000	25,308	25,308
Radio Free Asia	0	30,000	[19,400]	22,000
Broadcasting to Cuba	22,095	22,095	[22,704]	22,704
East-West Center	12,000	12,000	5,000	10,000
National Endowment for Democracy	30,000	30,000	31,000	30,000
North-South Center	1,500	1,500	2,500	1,500
International Conferences and Contingencies	6,537	3,500	1,223	1,223
International Organizations and Peacekeeping				
Voluntary International Organizations	294,500	294,500	314,000	294,500
World Food Program		[4,000]		[2,000]
U.N. Voluntary Fund for Victims of Torture		[3,000]		[3,000]
International Program on the Elimination of Child Labor		[5,000]		[5,000]

House International Relations Committee

Conference Report (H.R. 1757) (000s)

INTERNATIONAL RELATIONS COMMITTEE ACCOUNT	FY98 Enacted Levels	FY98 Conference Report	FY99 President's Request	FY99 Conference Report
UNFPA Limitation	[25,000]	[25,000]	[25,000]	[25,000]
Voluntary Peacekeeping Contributions	77,500	77,500	83,000	68,000
Assessed Contributions to International Organizations	894,461	901,000	930,773	900,000
Assessed Peacekeeping	210,000	210,000	231,000	220,000
International Organization or Peacekeeping Arrears	100,000	100,000	475,000	475,000
Arms Control and Disarmament Agency	42,716	41,500	43,400	0
State Authorization Bill Subtotals (FY98-FY99)	**5,985,497**	**6,102,895**	**6,789,259**	**6,664,093**
Foreign Assitance				
Iraq				
Justice in Iraq		3,000		
Democratic Opposition		15,000		
Political Training		[10,000]		
Radio Free Iraq		[5,000]		
Humanitarian Assistance		20,000		
Cuba ESF Earmark for LIBERTAD Activities		[2,000]		[2,000]
subtotal		**38,000**		**0**
Grand Total	**5,985,497**	**6,140,895**	**6,789,259**	**6,664,093**
UN and Other International Organization Arrears FY00				**244,000**
Grand Total FY 1998-2000				**13,048,988**

House International Relations Committee

DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

OVERSEAS EDUCATIONAL FACILITIES

The House bill (sec. 1213) provides the authority for US government agencies to make grants to overseas educational facilities. This amendment allows agencies that may not have grant authority to make grants to support these schools if agency employees have children attending these schools.

The Senate provision (sec. 1136) is identical.

The conference substitute (sec. 1201) is identical to the House provision.

REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM

The House bill (sec. 1201(a)) rewrites the State Department rewards statute to update the program and improve its use as a tool to help capture fugitives abroad in cases of terrorism and narcotics offenses. The following changes are made to current law: (1) raising the cap on the funds available for the rewards program; (2) requiring that, to the maximum extent possible, the program funds are split equally between terrorism and narcotics related rewards programs; (3) allowing rewards to be paid for help in preventing counterfeiting of U.S. currency by state sponsors and others supporting terrorism; (4) allowing rewards to be paid for help in arresting any individual who aids or abets in the commission of any narcotics-related offense; (5) deleting the requirement for consultation over procedures for the chiefs' of mission recommendations of rewards the Secretary of State and the Attorney General; (6) requiring an annual report on the rewards program and; (7) making clear that the funds authorized for the rewards program are available to advertise rewards offered by foreign governments for international terrorism offenses. The Secretary is also required to submit a report to Congress when a reward payment is made.

The House bill also clarifies that determinations by the Secretary of State regarding counter terrorism and narcotics-related rewards are solely at the discretion of the Secretary, in consultation, as appropriate, with the Attorney General and are not subject to judicial review. This language conforms the State Department rewards program to similar provisions in various statutes that provide the reward authorities of the Attorney General, including those related to domestic terrorism. This language is intended to preclude unnecessary lawsuits that could divert Department resources, as well as bring unwarranted negative publicity to the rewards program and discourage potential informers.

The House bill (sec. 1201(b) makes available to carry out the rewards program up to two percent of the foreign assets frozen by of the President under the International Emergency Economic Powers Act. This section also clarifies that determinations by the Secretary of State regarding counter terrorism and narcotics-related rewards are solely at the discretion of the Secretary, in consultation as appropriate with the Attorney General and are not subject to judicial review.

The Senate amendment (sec. 1125) similar to the House provision, amends section 36 of the State Department Basic Authorities Act of 1956 to make clear that terrorism rewards would be paid at the sole discretion of the Secretary of State and that reward determinations made by the Secretary would not be subject to judicial review.

The conference substitute (sec. 1202) adopts the House language with modifications. The conference substitute requires that before making a reward in a matter over which there is federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General. The House provision required ''consultation'' with the Attorney General. The conference substitute also deletes the House section requiring the use of frozen foreign assets for the rewards program.

RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES

The House bill (sec. 1208) amends section 45(a) of the State Department Basic Authorities Act to enable the Department to retain all of the registration fees that the Department's office of Defense Trade Controls collects. The additional fees are to be used for enhanced reporting on end-use monitoring and expanded registration and licensing and company audits.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1203) is the same as the House bill.

FEES FOR COMMERCIAL SERVICES

The House bill (sec. 1211) allows fees collected for commercial services provided to businesses to remain available for obligation until expended. This authority will ensure the Department does not forfeit funds collected late in a fiscal year and that are not obligated by the end of that year.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1204) is similar to the House position but makes the collected funds available only for two fiscal years.

PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT

The House bill (sec. 1209) amends section 701 of the Foreign Service Act of 1980 by adding a new subsection to allow the State Department to provide training for employees and their family members of the U.S. companies operating overseas on a reimbursable basis. In addition, this section allows the Department to provide foreign language training on a reimbursable basis to Members and employees of Congress. Section 1209(b) authorizes the Secretary of State to charge a fee for use of the National Foreign Affairs Training Center Facility. These fees shall be deposited as an offsetting collection to any State Department appropriations and shall remain available until expended. Fees set for renting these facilities should not provide a competitive advantage over other commercial facilities.

The Senate amendment (sec. 1135) is similar to the House bill except the training program is set up as a pilot project that terminates October 1, 1999. The provision also requires an assessment of the program within one year after enactment.

The conference substitute (sec. 1205) is similar to the Senate amendment. Changes include extending the pilot program to October 2002, and requiring the report two years after enactment.

FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS

The House bill (sec. 1210) authorizes the Secretary of State to charge a fee for use of the Department of State diplomatic reception rooms. Such fees are deposited as an offsetting collection to recover the costs of such use and shall remain available for obligation until expended.

The Senate amendment (sec. 1124) is identical to the House bill.

The conference substitute (sec. 1206) is the same as the House bill.

BUDGET PRESENTATION DOCUMENTS

The House bill (sec. 1212) requires the State Department to report in the budget presentation documents all sources of income from fees or other collections.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1207) is the same as the House bill. This Act provides several additional new fee collections for the Department, as well as continuing the collection and retention of fees for machine readable visas. This provision is designed to secure budget transparency particularly for funds that are not subject to appropriations, and provide a full accounting of resources available to the Department. The report on income required by this provision is intended to include an accounting of proceeds from the sale of properties owned by the Department, projected expenditures from and the balance in the Foreign Service Building Fund for long term capital reinvestment.

OFFICE OF THE INSPECTOR GENERAL

The Senate amendment (sec. 1126) amends Section 209 of the Foreign Service Act of 1980 to require the State Department Inspector General (IG) to provide (1) information to employees on rights to counsel, and (2) guidelines describing in general terms IG policies and procedures with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law.

The House bill contains no comparable provision.

The conference substitute (sec. 1208) maintains the Senate language and further amends Section 209 of the Foreign Service Act to require that only officials from the Office of the Inspector General may participate in formal interviews or other formal meetings with the individual who is the subject of an investigation unless that individual receives prior adequate notice regarding the participation of any other person, including any officer or employee of the Department of Justice, in such interview or meeting. The notice requirement does not apply to (1) any intelligence-related or sensitive undercover investigation; or (2) any situation in which the Inspector General has reasonable grounds to believe that the provision of notice would cause tampering with any witness, the destruction of evidence, or the endangering of the life of any individual.

CAPITAL INVESTMENT FUND

The House bill (sec. 1202) amends section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 to allow the Capital Investment Fund to be used for the procurement and upgrade of information technology and other related capital investments of the department of State. Sec. 135(e) eliminates the requirement that subjects money in the fund to Congressional reprogramming requirements before it is obligated.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1209) is identical to the House bill.

CONTRACTING FOR LOCAL GUARD SERVICES OVERSEAS

The House bill (sec. 1204) amends section 136 of PL 101–246 by repealing subsection (c)(7) and replacing (c)(3) with a more efficient process for evaluating requests for proposals for contracts for the local guard program. These changes continue a preference for firms and joint ventures qualifying under an existing definition of a U.S. person.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1210) is similar to the House bill, with a change to the price preference system. The price preference which is used to reduce the price of US firms' contracts, was increased from five percent to ten percent.

AUTHORITY OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION

The House bill (sec. 1205) amends section 4 of the International Claims Settlement Act to permit the Foreign Claims Settlement Commission to preadjudicate claims by U.S. citizens. Preadjudication would provide the Department with important information on the value and validity of claims by the U.S. public in advance of the negotiations and conclusion of an agreement. The Committee understands that in the event of preadjudication, the Secretary of State will make every effort to inform affected people.

The Senate amendment (sec. 1122) amends section 4 of the International Claims Settlement Act to permit the Foreign Claims Settlement Commission to preadjudicate claims by the US citizens in a category determined by the Secretary of State. Currently the Commission only has general authority to adjudicate claims after settlement has been reached by the Department with a foreign government. This section is designed to facilitate claims settlement practices by providing a mechanism for obtaining further information from US citizens about their claims in advance of actual negotiation.

The conference substitute (sec. 1211) is identical to the Senate amendment.

EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS

The House bill (sec. 1206) allows the Department to accept in certain cases reimbursement from private sector claimants for tribunal expenses, salaries and ordinary expenses. The intent of this provision is to allow the Department to accept reimbursement from claimants who would normally pay for the legal expenses of pursuing a claim.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1212) is similar to the House bill, with a clarification that eligible expenses include salaries and personnel expenses.

GRANTS TO REMEDY INTERNATIONAL ABDUCTIONS OF CHILDREN

The House bill (sec. 1214) amends section 7 of the International Child abduction Remedies Act to allow the U.S. Central Authority to make grants or enter into contracts or agreements for the purposes of carrying out certain functions required by the Hague Convention on the Civil Aspects of International Child Abduction.

The Senate amendment (sec. 1137) is identical.

The conference substitute (sec. 1213) is identical to the House bill.

COUNTERDRUG & ANTICRIME ACTIVITIES OF THE DEPARTMENT OF STATE

The Senate amendment (sec. 1128(a)) requires that not later than 180 days after the date of enactment of this Act, the Secretary of State shall establish, implement, and submit to Congress a comprehensive, long-term strategy, involving all elements of the Department, to carry out State Department counterdrug responsibilities in a manner consistent with the National Drug Control Strategy (''National Strategy'').

The House bill has no comparable provision.

The conference substitute (sec. 1214) adopts the Senate approach with several modifications: (1) the strategy shall also ensure that the President's drug certification determinations conform to meet the objectives of the strategy; (2) the annual reports shall include a detailed analysis of how drug certification determinations made the previous year affected achievement of such objectives for the previous calendar year; (3) the required coordination of counterdrug and law enforcement programs, policy and assistance shall include coordination of rule of law and administration of justice enforcement programs, policy and assistance; and (4) the section clarifies that such coordination will be consistent with memoranda of understanding between the State Department and other United States agencies.

ANNUAL REPORT ON OVERSEAS SURPLUS PROPERTIES

The House bill (sec. 1216) requires the Secretary of State to report annually on the list of overseas surplus properties for sale. In addition, the provision requires that proceeds for the sale of U.S. overseas surplus properties be deposited in the Treasury to be used for deficit reduction.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1215) requires an annual report on the surplus properties identified for sale.

HUMAN RIGHTS REPORTS

The House bill (sec. 1704) makes two changes to the requirement for the annual country reports on Human Rights Practices. First, the reporting date is extended from January 31 to February 25. Second, the section requires that the report include information on child labor practices in each country the report covers.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1216) is identical to the House bill.

REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY

The House bill (sec. 1215 and 1706) requires the Secretary of State to submit to Congress an annual report on cases involving diplomatic immunity.

A related provision, section 1215 of the House bill amends the State Department Basic Authorities Act, requiring reporting similar to that required under section 1706 of the House bill. It also requires the Secretary to take ''such steps as may be necessary'' to educate and encourage local law enforcement officials to investigate, charge and prosecute members of foreign missions to the extent consistent with international law. Section 1215 forbids ''interference'' by State Department officers in the investigation, charge, or prosecution of aliens not exempt from the criminal jurisdiction of the United States and requires notification by the Secretary to members of diplomatic missions about United States policies relative to criminal offenses committed by members of the diplomatic corps.

The Senate amendment has no comparable provision to House bill section 1215, and Senate section 1610 is identical to section 1706 of the House bill.

The conference substitute (sec. 1217) is a modification and consolidation of sections 1215 and 1706 of the House bill. The conference substitute adds several provisions drawn from Section 1215 of the House bill, such as broadening the definition of ''serious crime'' (triggering reports to Congress) to include reckless driving and driving while intoxicated or under the influence of drugs or alcohol whether or not personal injury resulted, requiring the provision of information furnished to the Secretary on crimes that appear to have been committed by a person with diplomatic immunity in periods prior to the period covered by a particular report by the Secretary (so that readers of the report will be aware if there is a pattern of violations attributable to a particular person), and encouraging the Secretary to notify diplomatic missions of United States policies encouraging the prosecution of members of foreign missions who commit crimes.

The conference substitute provides Congressional impetus for restructuring a troubling aspect of international practice with respect to diplomatic immunity: the prospect that an individual who commits a serious offense will escape all liability because of his or her status as a diplomat. A number of highly publicized, and indeed tragic, cases have occurred in recent years. The fact is that while cases of diplomats abusing their immunity in the United States are relatively rare, the number of such cases needs to be reduced, if possible, to zero.

Diplomatic immunity serves the interests of the United States. The United States cannot have its diplomats exposed to the full rigor of the criminal laws of the countries where they are stationed, since they could be subject to trumped-up charges, unfair treatment in court, or inhumane punishments.

The committee of conference applaud governments, such as the government of the Republic of Georgia, which have waived the immunity of their diplomats accused of serious crimes. They suggest that in the exceedingly rare cases where American officials apparently abuse their status—and do so in countries where they would prosecuted on an equal footing with local residents and can receive a fair trial and humane treatment if convicted—the Department consider waiving the immunity of the Americans in question.

The committee of conference also supports the Administration's practice of notifying prosecutors that they may charge diplomats whose immunity has not been waived and who been withdrawn from or expelled from the United States. Such abusers of diplomatic immunity are then put on the Department's ''watch list'' and are denied visas; they may also be subject to extradition if they travel to third countries where they are not covered by diplomatic immunity.

REAFFIRMING UNITED STATES INTERNATIONAL TELECOMMUNICATIONS POLICY

The Senate amendment (sec. 1127) clarifies that the Diplomatic Telecommunications Service Program Office will have full and open competition in the procurement of telecommunications services; will make efforts to promote the participation of all commercial private sector provider; and will implement these requirements at the prime contracting level and at the subcontracting level unless the fixed price contracts make it more costly to require a prime contractor to compete subcontracts.

The House bill has no comparable provision.

The conference substitute (sec. 1218) is identical to the Senate amendment.

Concerns about DTSPO continue as certain users have decided to utilize other systems to meet their overseas communications needs. DTS was unable to meet agency requirements in a timely fashion. Developing a cost sharing system to increase resources for DTS for post communications upgrades and maintenance should be priority. The committee of conference urges the Office of Management and Budget to promptly finalize a charge back system thereby enhancing DTS's capabilities to coordinate overseas communications structures and provide the services for which it was created.

REDUCTION OF REPORTING

The House bill (sec. 1203) eliminates several reporting requirements. This provision has been requested by the Administration.

The Senate (Sec. 1121) eliminates several reporting requirements as follows: Repeals section 161(c), second sentence, 22 U.S.C. 4171 note, on required reports on competency of foreign language experts at embassies. Repeals Section 502B (b), 22 U.S.C. 2304 (b), on required reports on human rights in countries that receive security assistance. Repeals Section 705 (c), P.L. 99–83, on required

reports on emigration from Haiti. Repeals Section 123 (e) (2), P.L. 99–93, on required reports on Operation, Maintenance, Security, Alteration, Repair of Foreign Service facilities. Repeals Section 203 (c), P.L. 99–529, on required reports on military training and other nonlethal assistance for Haiti. Repeals Sections 5 and 6, P.L. 96–236; 7 U.S.C. 3605 and 3606, on required reports on implementation of the sugar agreement. Repeals Section 514, P.L. 97–121, the Foreign Assistance and Related Programs Appropriations Act, a one time report on appropriations. Repeals Section 209 (c) and (d), P.L. 100–204, on required reports on audience survey of Worldnet program and notification of selected surveyor. Repeals Section 228 (b), P.L. 102–138; 22 USC 2452 note, on required reports on Near and Middle East research and training.

The conference substitute (sec. 1219) is similar to the Senate amendment and eliminates seven reports and modifies two reporting requirements. The provision does not repeal Section 502(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) and Section 514 of the Foreign Assistance and Related Programs Appropriations Act, 1982 (PL 97–121).

USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES

The House bill (sec. 1241) requires that thirty percent of the funds generated by the expedited passport fee (estimated to be $18 million in fiscal year 1998) be dedicated exclusively to enhancing passport services for U.S. citizens, improving the system of issuing the passport, developing a more secure document and increasing U.S. border security.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1221) is identical to the House bill.

The Committee of conference is alarmed by recent revelations that the State Department does not maintain a data base on lost or stolen U.S. passport. These U.S. passports are the frequent document of choice for international travel by drug traffickers, other criminals, and terrorists who may target U.S. interests. The timely identification of lost or stolen documents for law enforcement purposes is critical to protecting our national security.

In addition, the committee of conference is aware that on weekends there is no Departmental procedure or mechanism to access the passport issuance records maintained by the Consular Affairs Bureau. The result is that when a foreign law enforcement authority inquires about the status of a person or passport on the weekend, the State Department does not or cannot respond. This is a clear deficiency in border security procedures. The two identified shortcomings limit the U.S. government's responses to foreign police security inquires at airports and often makes it impossible for such authorities to prevent travel by possible criminals and terrorists who may use lost or stolen U.S. travel documents.

The Department shall provide a report within 180 days of enactment on the Department's efforts to rectify weekend access to passport data, and establishing a data base for lost or stolen passports. The committee of conference urges that the Consular Affairs Bureau work expeditiously with the Diplomatic Security Bureau to establish a weekend access program to records now available on U.S. passports.

SURCHARGE FOR PROCESSING CERTAIN MACHINE READABLE VISAS

The House bill (sec. 1207) extends the authority to collect and retain fees collected for the machine readable visa for fiscal years 1998 and 1999. The fees collected are offsetting collections to be used for the costs of the State Department's border security program. The House bill limits fees deposited to $140 million in each fiscal year and fees are subject to appropriation.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1222) is similar to the House bill. The limitation on the deposit of $140 million and requiring that fees be subject to appropriations were both deleted. The provision requires that collections that exceed $140 million will only be available for expenditure subject to Congressional approval of a reprogramming notice that details how the Department intends to spend any fees above $140 million in either fiscal year 1998 or fiscal year 1999. The reprogramming notification will be sent to the Chairmen of the House and Senate authorizing committees and the House and Senate appropriations committees.

CONSULAR OFFICERS

The House bill (sec. 1242) permits U.S. citizen employees abroad who are not consular officers to perform additional consular functions, including the issuance of reports of birth abroad, the authentication of foreign documents, the administration of nationality provisions, and the administration of oaths for patent purposes. This provision is intended to improve the service to the public and to overcome consular staffing shortfalls abroad.

The Senate amendment (sec. 1151) is similar to the House bill except that it also authorizes the Secretary to allow US government contractors to serve as notaries abroad.

The conference substitute (sec. 1223) is similar to the House bill with the inclusion of the Senate provision on notaries.

REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS

The House bill (sec. 1243) repeals an 1856 Act that required the issuance of a receipt when fees were collected by a consular officer for a service.

The Senate amendment (sec. 1152) is virtually identical.

The conference substitute (sec. 1224) is identical to the House bill.

ELIMINATION OF DUPLICATE FEDERAL REGISTER PUBLICATION FOR TRAVEL ADVISORIES

The House bill (sec. 1244) eliminates a duplicative report on travel advisories. Presently, both the Secretary of Transportation and the Secretary of State publish the same advisories. This section eliminates the need for the Secretary of State to publish this advisory.

The Senate amendment (sec. 1153) is virtually identical.

The conference substitute (sec. 1225) is the same as the Senate amendment.

DENIAL OF VISAS TO ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY NATIONALS OF THE UNITED STATES

The Senate amendment (sec. 1155) would provide the Secretary of State with discretion to deny the issuance of a visa to any alien who has confiscated or has directed or overseen the confiscation or expropriation of property claimed by a United States national, or converts or has converted for personal gain confiscated or expropriated property claimed by a United States national.

The House bill has no comparable provision.

The conference substitute (sec. 1226) provides the Secretary of State with the authority to deny the issuance of a visa to any alien who, through the abuse of position, including a position of governmental or political party position, converts or has converted for personal gain real property that has been confiscated or expropriated, a claim to which is held by a United States national, or who is complicit in such conversions, or who induces any such actions or omissions.

The committee of conference consulted closely with the Department of State in fashioning a provision that is acceptable to both sides. The committee of conference intends that this section provides the Secretary of State with the authority to respond to particularly egregious, unlawful confiscations by foreign governments, especially those confiscations not undertaken for a public purpose but rather for the private gain of certain persons of public position. The committee notes that this provision would cover abuses of governmental or political positions, but there may be rare cases where aliens hold positions of particular social prominence and exercise forms of authority that allow them to take the property of foreign nationals for personal gain.

This section is not intended to apply to the issuance of a visa to aliens involved in a foreign government's legitimate expropriation of property, consistent with international law. Neither is this section intended to affect in any way the broad variety of private commercial disputes in which United States citizens are involved all over the world. Further, this section does not cover the exercise of ministerial functions or legitimate police powers, such as seizures of property used in police and judicial authorities involved in anti-drug programs. While this section supplements the sanctioning authority of Section 527 of the 1994–1995 Foreign Relations Authorization Act (P.L. 103–236, April 30, 1994), it is not meant to revise or otherwise detract from the substantive requirements of that section of law.

INADMISSIBILITY OF ANY ALIEN SUPPORTING AN INTERNATIONAL CHILD ABDUCTOR

The Senate amendment (sec. 1156) denies visas to aliens or family members of such aliens who assist in the abducting of children.

The House bill has no similar provision.

The conference substitute (sec. 1227) is similar to the Senate amendment with technical changes.

HAITI; REPORTS AND EXCLUSION OF CERTAIN ALIENS

The Senate amendment (sec. 1607) requires a report to Congress on the deployment of United States armed forces, and the costs thereof, in Haiti. The Senate amendment (sec. 1614) makes findings regarding political killings in Haiti and requires the exclusion from the United States of any alien credibly alleged to have been involved in such political killings or in the September 1991 coup d'etat or related violence against Haitians. This exclusion provision is subject to an exemption by the Secretary of State on a case-by-case basis, under specific conditions.

The House bill has no similar provision.

The conference substitute (sec. 1228) combines and modifies Senate sections 1607 and 1614. This section clarifies the subjects of the report to Congress. For the purposes of the report, activities ''in Haiti'' shall apply to those activities in the territory of the Republic of Haiti, including its territorial waters; and ''cost of deployments of United States Armed Forces'' shall include, inter alia, any extraordinary United States Coast Guard operations initiated to control smuggling to and from Haiti.

Regarding the exclusion of aliens, the conference substitute incorporates several technical amendments requested by the Department of State; however, it does not include language that the Department requested that would have broadened the Secretary's exemption to include ''compelling foreign policy'' reasons.

MIGRATION AND REFUGEE ASSISTANCE

The House bill (sec. 1104) authorizes $623,000,000 for each of the fiscal years 1998 and 1999 for Migration and Refugee Assistance. Of this amount, $1,000,000 is authorized for each fiscal year 1998 and 1999 for Tibetan refugees in India. This section authorizes an additional $80,000,000 for each of the fiscal years 1998 and 1999 for the resettlement of refugees in Israel; and $1,500,000 for each of the fiscal years 1998 and 1999 for displaced Burmese. The total amount available for refugee programs for fiscal years '98 and '99 is $704,500,000.

The Senate amendment (sec. 1102) authorizes a total of $650,000,000 for each of the fiscal years 1998 and 1999 for Migration and Refugee Assistance.

The conference substitute (sec. 1231) authorizes $650,000,000 for fiscal year 1998 and $704,500,000 for fiscal year 1999 for Migration and Refugee Assistance. The total for each fiscal year includes specific authorization of no more than $2 million for the Tibetan refugee program, the resettlement of refugees in Israel and for humanitarian assistance for the displaced Burmese.

UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES

The House bill (sec. 1701) provides that no funds authorized by division B be used for the involuntary return of refugees to countries in which they have a well-founded fear of persecution, except on grounds recognized as precluding refugee protection under the 1951 Convention and the 1967 Protocol. It would not prohibit funding for the return of persons who had been found to be non-refugees by a process genuinely calculated to identify and protect refugees.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1241) is similar to the House bill with a technical change.

US POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSON IN DANGER OF SUBJECTION TO TORTURE

The House bill (sec. 1702) prohibits the involuntary return of any person to country in which he or she is in serious danger of being subjected to torture.

The Senate amendment (sec. 1606) prohibits the United States from expelling, extraditing, or otherwise effecting the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

The conference substitute (sec. 1242) is similar to the House bill but makes a statement of policy regarding implementation of the Torture Convention. The provision gives the authority to the appropriate federal agencies to promulgate regulations to implement the Convention, subject to the conditions of ratification set by the Senate in its resolution of ratification of the Torture Convention. The conference provision also makes clear that the regulations will be consistent with the Immigration and Nationality Act (INA). The provision agreed to by the conferees does not permit for judicial review of of the regulations or of most claims under the Convention. Finally, the Conference provision ensures that the Attorney General is not prevented from detaining any individual under the INA.

REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS

The House bill (sec. 1262) provides a waiver of the 15-day notification requirement of the drawdown of funds from the migration and refugee account in the case of an emergency.

The Senate amendment has no similar provision.

The conference substitute (sec. 1243) is identical to the House bill.

ELIGIBILITY FOR REFUGEE STATUS

The Senate amendment (Sec. 1624) amends current law to permit the unmarried children of Vietnamese persons who emigrate to the United States under the Orderly Departure Program to also qualify for emigration under the program.

The House bill has no comparable provision.

The conference substitute (Sec. 1244) is identical to the Senate provision.

REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES

The House bill (sec. 1261) requires periodic reports on the Cuban Government's methods of enforcing its 1994 and 1995 anti-immigration agreements with the United States, on treatment of persons returned to Cuba under the 1995 agreement, and on the methods used by the United States to monitor such treatment and enforcement.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1245) is similar to the House bill with technical change on the first reporting date.

ORGANIZATION OF THE DEPARTMENT OF STATE; PERSONNEL; FOREIGN SERVICE

COORDINATOR FOR COUNTER TERRORISM

The House bill (sec. 1301) establishes the office of the Coordinator for Counter terrorism.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1301) is identical to the House bill.

ELIMINATION OF DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING

The House bill (sec. 1302) eliminates the statutory requirements for the Assistant Secretary for South Asia, the Assistant Secretary for Oceans, Environment and Science and the Deputy Assistant Secretary for Burden sharing.

The Senate amendment (sec. 1131) eliminates the Deputy Assistant Secretary for Burden sharing.

The conference substitute (sec. 1302) is identical to the Senate amendment.

PERSONNEL MANAGEMENT

The House bill (sec. 1303) provides that the official with primary responsibility for matters relating to personnel in the Department of State, or that person's deputy, shall have substantial professional qualifications in the field of human resource policy and management.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1303) is similar to the House bill and includes technical changes.

DIPLOMATIC SECURITY OFFICIALS OF THE DEPARTMENT OF STATE

The House bill (sec. 1304) provides that any Assistant Secretary with primary responsibility for diplomatic security, or that person's principal deputy, shall have substantial professional qualifications in the fields of (1) management and (2) federal law enforcement, intelligence, or security.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1304) is similar to the House bill. It modifies the House provision so that any ''official'' with primary responsibility, rather than any ''Assistant Secretary'' with such responsibility (or that person's deputy), is required to have the stated qualifications. This provision is intended to apply even if the primary responsibility for diplomatic security is lodged with someone other than an Assistant Secretary.

The committee of conference is concerned that a lack of professional expertise in the areas of security, law enforcement, intelligence, and management at the top often places the Bureau at an operational disadvantage. The head of the Diplomatic Security bureau must contend with the institutional indifference to security matters while keeping abreast of threats and countermeasures. Professionally experienced leadership should help improve the implementation of security standards, oversight of regional security operations, confidence within the executive branch agencies, and advocacy within the State Department for appropriate resources. In short qualified leadership will ensure that the duties assigned to the Diplomatic Security Service are fully executed.

NOMINATION OF UNDER SECRETARIES AND ASSISTANT SECRETARIES

The conference substitute (sec. 1306) added this section to require that the President identify the particular position the Under Secretary or the Assistant Secretary will occupy when the nomination is transmitted to the Senate for confirmation.

FOREIGN SERVICE REFORM

The Senate bill (Sec. 1138): 1) requires that Foreign Service Officers, as Officers commissioned by the President, receive in all such instances their regular salaries based upon rank and service; (2) makes it possible to confer a Presidential award without requiring an accompanying cash payment; and (3) requires the Secretary of State to develop and implement a plan to identify officers who are ranked by promotion boards in the bottom 5% of their class for any two of five years, and recommend such officers for separation from the Foreign Service.

The House bill has no comparable provision.

The conference substitute (Sec. 1311) is similar to the Senate bill but eliminates the requirement regarding regular salaries. The substitute also amends the expedited separation out requirement to add protections where one supervisor has a grudge against an individual he or she is supervising.

RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION

The House bill (sec. 1326) corrects drafting oversights regarding retirement benefits for the foreign service employees under the ''new system'' for those who are involuntarily separated. The amendment makes clear that separated members cannot receive both immediate retirement benefits and severance-type payments.

The Senate amendment had no comparable provision.

The conference substitute (sec. 1312) is identical to the House bill.

AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM SERVICE

The House bill (sec. 1323) excludes individuals who have been convicted of a crime for which a sentence of imprisonment of greater than one year may be imposed from the right to have the cause for their separation established in a hearing before the Foreign Service Grievance Board.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1313) is identical to the House bill. The committee of conference believes that because of the special trust placed in members of the Foreign Service, in the case of an individual who has been convicted of a felony and where the Secretary has determined that the individual be separated for cause, the due process rights of the individual will have been sufficiently protected by the processes of the criminal

justice system, and the individual in question may be separated without the need for a hearing before the Grievance Board.

CAREER COUNSELING

The House bill (sec. 1324) provides that the statutory authority permitting career counseling and related job placement services that may be provided to employees prior to their separation from the Foreign Service shall not be construed to permit an assignment that consists primarily of paid time to conduct a job search and without other substantive duties. This limitation would not have applied to individuals being separated from the Foreign Service and who are both (a) not receiving an immediate annuity, and (b) have not been stationed in the United States within one year prior to their separation.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 1314) modifies the House provision to prohibit any member of the foreign service to be assigned to more than one month of paid time, free of other substantive duties, to undertake a job search. This limitation does not apply to the one month ''job search seminar'' currently offered to certain departing employees. The Committee of conference does not intend to create an entitlement to either program. The Administration may further limit or eliminate the program.

As in the House bill, the effective date of this new provision is delayed for 180 days so as not to disadvantage individuals who had relied on the earlier policies of the Administration.

LIMITATIONS ON MANAGEMENT ASSIGNMENTS

The House bill (sec. 1328) amends section 1017(e) of the Foreign Service Act of 1980 to modify the definition of ''management official'' to include only those individuals involved in labor-management relations or personnel programs. Section 1017 was previously amended to restrict the movement of Foreign Service personnel between certain positions in labor organizations and management positions in the Foreign Affairs agencies in order to prevent conflicts of interests from arising. This provision is intended to continue to protect against conflicts of interest, but narrows the application of the two-year prohibition to individuals who take management jobs subsequent to serving in a position with the American Foreign Service Association and vice versa.

The Senate amendment (sec. 1141) is identical to the House bill.

The conference substitute (sec. 1315) is the same as the Senate amendment.

AVAILABILITY PAY FOR THE DIPLOMATIC SECURITY SERVICE

The House bill (sec. 1327) extends eligibility for law enforcement availability pay (LEAP) to certain agents with the Department of State's Diplomatic Security service. The House intended to provide LEAP to certain individuals (1) whose ''primary'' duties consist of ''performing'' protective functions or criminal investigations or both, and (2) who actually worked the required hours.

The Senate amendment (sec. 1139) is similar to the House bill but it does not contain either of the two conditions set out above.

The conference substitute (sec. 1316) is similar to the House bill. It deletes condition (1) and retains condition (2) of the House bill.

NON OVERTIME DIFFERENTIAL PAY

The House bill (sec. 1322) allows the Secretary of State to substitute another day in lieu of Sunday for purposes of Sunday premium pay in countries where the normal workweek includes Sunday.

The Senate amendment (sec. 1134) is virtually identical to the House bill.

The conference substitute (sec. 1317) is identical to the House bill.

REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE

The House bill (sec. 1325) requires the Secretary of State to submit an annual report concerning minorities in the Foreign Service.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1318) is similar to the House bill with two modifications: (1) it requires a report only for calendar years 1998 and 1999; and (2) it deletes the redundant requirement to provide the numbers and percentages of all minorities in the Foreign Service.

AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATION AGENCY

AUTHORIZATION OF APPROPRIATIONS

The House bill (sec. 1106) authorizes a total of $1,112,928,000 for fiscal year 1998 and $1,102,928,000 for 1999 for the U.S. Information Agency.

The Senate amendment (sec. 1301) authorizes a total of $1,093,120,000 for fiscal year 1998 and $1,083,410,000 for 1999 for the U.S. Information Agency.

The conference substitute (sec. 1401) authorizes a total of $1,116,300,000 for fiscal year 1998 and $1,115,363,000 for 1999 for the U.S. Information Agency. The conference report includes the following subauthorizations:

(1) Vietnam Fulbright exchange programs: $5,000,000 for fiscal year 1998 and $5,000,000 for fiscal year 1999.

(2) South Pacific exchanges programs: $500,000 for fiscal year 1998 and $500,000 for fiscal year 1999.

(3) East Timorese Scholarships: $500,000 for fiscal year 1998 and $500,000 for fiscal year 1999.

(4) Tibetan Exchanges: $500,000 for fiscal year 1998 and $500,000 for fiscal year 1999.

Vietnam Fulbright Authorization. The Senate bill (section 1301 (b)) authorizes to be appropriated $5,000,000 in each of the fiscal years 1998 and 1999 for the Vietnam Fulbright Program established by Section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (PL 102–138).

The House bill contains no comparable provision.

The conference substitute (sec. 1401(3)(A)(ii)) is identical to the Senate provision.

This program was first authorized at an annual level of $3 million in fiscal year 1994 and was funded at $2.7 million in fiscal year 1997. The increase in authorization will provide for an increase in the number of scholarships given to Vietnamese candidates to study in the United States and an expansion of the teaching program in Vietnam including the curricula and the number of American teachers and Vietnamese students.

The conferees remain deeply concerned about the current lack of political and religious freedom in Vietnam. However, the conferees believe that exchange programs of this nature, which provide educational opportunities and exposure to American institutions and values, can be important tools in hastening the transition of countries like Vietnam into free and open societies. The conferees understand that the Vietnamese Government does not select the participants in this program and that any Vietnamese citizen can apply for admission to this program. The conferees expect USIA to continue to ensure that opportunities to participate in the program are made available to all qualified applicants and to administer this program under the guidelines set out in Section 102 of the Human Rights, Refugee, and Other Foreign Provisions Act of 1996 (PL 104–319).

The success of the Vietnam Fulbright Program and similar programs in like countries will be marked by the extent of progress toward freedom and democracy. The conferees will continue to monitor this program to evaluate its impact on such progress.

Women's World Cup Soccer. The committee of conference is pleased to note that the 1999 Women's World Cup soccer event will take place in the United States. The committee of conference recognizes that the U.S. Information Agency has provided support for similar events in the past since such competitions offer opportunities to advance the public diplomacy goals of the United States. Accordingly, the committee of conference urges the U.S. Information Agency to provide appropriate support within available resources for exchange-related activities associated with the World Cup.

National Endowment for Democracy. The Senate amendment (sec. 1302) authorizes $30,000,000 for fiscal year 1998 and $30,000,000 for fiscal year 1999 to carry out the National Endowment for Democracy Act. The section prescribes in law current National Endowment for Democracy (NED) practice, that 55 percent of funding will be divided equally between the four major NED grantees: the International Republican Institute (IRI), the National Democratic Institute (NDI), the Free Trade Union Institute (FTUI), and the Center for International Private Enterprise.

The House bill (sec. 1106(9)) authorizes $30,000,000 for fiscal year 1998 and $30,000,000 for fiscal year 1999 to carry out the National Endowment for Democracy Act.

The conference substitute (sec. 1401(9)) is identical to the House bill.

RETENTION OF INTEREST

The House bill (sec. 1402) authorizes grantees of the National Endowment of Democracy to deposit their grant money in interest bearing accounts and to use the interest for the purposes of the grant.

The Senate bill has no comparable provision.

The conference substitute (sec. 1411) is identical to the House bill.

USE OF SELECTED PROGRAM FEES

The House bill (sec. 1404) expands the United States Information Agency's existing fee retention authority.

The Senate amendment (sec. 1311) is virtually identical.

The conference substitute (sec. 1412) is similar to the Senate amendment, with technical changes to fully rewrite the section of law amended by the section.

MUSKIE FELLOWSHIP PROGRAM

The House bill (sec. 1405) expands the fields of study covered by the Muskie Fellowship Exchange Program which operates in the former Soviet Union, Lithuania, Latvia, and Estonia. In addition, the provision replaces the term ''Soviet Union'' in the statute with ''Independent States of the Former Soviet Union.''

The Senate amendment (sec. 1313) is nearly identical to the House bill.

The conference substitute (sec. 1413) is identical to the House bill.

WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING

The House bill (sec. 1406) establishes an interagency working group on international exchanges and training to improve the coordination, efficiency and effectiveness of US government sponsored exchange programs.

The Senate amendment (sec. 1317) is similar to the House bill.

The conference substitute (sec. 1414) is similar to the House bill with technical changes.

EDUCATIONAL/CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE

The House bill (sec. 1407) requires USIA to provide 30 scholarships for Tibetans and 15

scholarships for Burmese. It also requires USIA to establish exchange programs for Tibetans and Burmese.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1415) is similar to the House bill. The provision was redrafted to amend current law (Section 103(b)(1) of PL 104–319) to extend the Tibet and Burmese scholarship program for fiscal years 1998 and 1999. In addition, section 1732 of the House bill was incorporated into this section which provides for participants from Tibet to be active in the preservation of Tibet's culture, religion and language.

UNITED STATES-JAPAN COMMISSION

The House bill (sec. 1408) amends the United States-Japan Friendship Act (PL 94–118) to permit the Commission to invest the trust fund in either Japan or US Government securities.

The Senate amendment (sec. 1618) is virtually identical.

The conference substitute (sec. 1416) is identical to the House bill.

SURROGATE BROADCASTING STUDY

The House bill (sec. 1409) requires the USIA to conduct studies on the feasibility of providing surrogate broadcasting service to Africa and Iran.

The Senate has no comparable amendment.

The conference substitute (sec. 1417) is similar to the House bill but eliminates the study regarding Iran.

RADIO BROADCASTING TO IRAN

The Senate amendment (sec. 1315) provides $2 million of the grant funds designated for Radio Free Europe/Radio Liberty to be available for broadcasting to Iran. It also requires a report on how this new surrogate broadcasting service will be implemented.

The House bill has no comparable provision.

The conference substitute (sec. 1418) is identical to the Senate amendment.

AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS

The House bill (sec. 1410) authorizes the Director of USIA to administer the summer travel/work program without regard to the pre-placement requirements of the ''J'' visa.

The Senate amendment (sec. 1319) is virtually identical.

The conference substitute (sec. 1419) is identical to the Senate amendment.

PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS

The House bill (sec. 1411) allows the USIA to transfer among accounts in the second year of a two-year bill and makes this authority permanent. The transfers could exceed the authorized levels, but are subject to limitation. The limitations are that amounts appropriated to the Salaries and Expenses and Exchange Program accounts may not exceed by more than 5% the authorized level. No other appropriation account may exceed by more than 10% the amount authorized.

The Senate amendment (sec. 1312) is similar to the House provision, except that it permits the transfer to occur in either year of a two year authorization and makes the authority permanent.

The conference substitute (sec. 1420) is the same as the House bill.

VOICE OF AMERICA BROADCASTS

The Senate amendment (sec. 1316) requires that the Voice of America devote programming time each day to broadcasting information on the individual States of the United States. The broadcasts are to include information on the products, cultural and educational facilities, and trade opportunities.

The House bill has no comparable provision.

The conference substitute (sec. 1421) is the same as the Senate amendment. The committee of conference notes that the House Report (105–94) discussed this issue in support of expanding VOA programming to incorporate specific interests of the states and territories. Such programming is in keeping with U.S. international broadcasting standards and principles.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

The House bill (sec. 1102) provides authorization of appropriations for voluntary and assessed contributions to international organizations, voluntary and assessed contributions to UN peacekeeping, and international conferences and contingencies.

The Senate amendment (sec. 1201) provides authorization of appropriations for international conferences and contingencies on; $3,944,000 for fiscal year 1998, and $3,500,000 for fiscal year 1999.

The conference substitute (sec. 1501) provides $3,500,000 for fiscal years 1998, and $1,223,000 for fiscal year 1999 for international conferences and contingencies.

RESTRICTIONS RELATING TO INTERNATIONAL CRIMINAL TRIBUNAL

The Senate amendment (sec. 1211) requires that any participation of the United States in an international criminal court is subject to the advise and consent of the Senate and statutory implementing legislation.

The House bill has no similar provision

The conference substitute (sec. 1502) is similar to the Senate bill but clarifies the definition of membership and jurisdiction under such a court. The provision also makes clear that nothing in the section would prohibit the sharing of information, expertise, or other such assistance with such a court prior to Congressional approval. Finally, the conference substitute makes clear that this provision does not apply to the existing Rwanda and Former Yugoslavia war crimes tribunals.

MEMBERSHIP IN THE INTER-PARLIAMENTARY UNION

The Senate bill (Sec. 1213) requires either a cap of $500,000 on U.S. payments to the Inter-Parliamentary Union (IPU) or withdrawal by the United States. The fund also requires that funds allocated for travel by Members of Congress be returned to the State Department.

The House bill has no similar provision.

The conference substitute (Sec. 1503) makes technical and conforming amendments to the Senate provision. The provision has the same effect of capping U.S. payments at $500,000 or requiring withdrawal so that the United States will not accumulate arrears to the IPU. The provision also makes conforming amendments to delete the permanent appropriation for travel by Members of Congress. Unobligated balances in this account shall be transferred to the U.S. Treasury following enactment of this Act. This provision was requested by the Secretary of the Senate and the Clerk of the House of Representatives due to a lack of Congressional interest during the last decade. The Secretary of the Senate has indicated that interested Members of Congress can still travel under Leadership authorization and use State Department 502b funds.

SERVICE IN INTERNATIONAL ORGANIZATIONS

The House bill (sec. 1501) repeals a provision in the Federal Employees International Organizations Services Act which entitles a Federal employee after terminating his/her service with an international organization and reentering the federal service, the difference between (a) the salary, allowance, post adjustment and other monetary benefits actually paid to him/her by the international organization and (b) salary/benefits that he/she would have received had he/she been detailed to the international organization but paid by the U.S. Government.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1504) is similar to the House bill with technical changes.

REPORTS REGARDING FOREIGN TRAVEL

The Senate amendment (sec. 1214) requires any officer or employee of United States Executive agencies attending any international conference or engaging in any other foreign travel to submit a report to the Director of the Office of International Conferences of the Department of State stating the purpose, duration and estimated cost of the travel. The requirement does not apply to the President, the Vice President, or any person traveling on a delegation led by the President or Vice President, or any officer or employee of the Executive Office of the President, or the foreign travel of officers or employees of United States Executive agencies who are carrying out intelligence or intelligence-related activities, or law enforcement activities, or the deployment of members of the Armed forces of the United States or U.S. Government officials engaged in sensitive diplomatic missions.

The House bill has no similar provision.

The conference substitute (sec. 1505) is similar to the Senate amendment but makes changes to limit the application of the reporting requirement to travel to and from international conferences and meetings. The exception to this reporting requirement is narrowed to apply only to the President or Vice President (not their staffs), and officers or employees engaged in protective functions, intelligence activities, or sensitive diplomatic missions. For all other travel, the substitute requires the President to submit a report detailing the cost of and number of persons engaged in international travel.

ACDA AUTHORIZATION OF APPROPRIATIONS

The House bill (sec. 1107) authorizes $44,000,000 for fiscal year 1998 and $44,000,000 for fiscal year 1999 for the Arms Control and Disarmament Agency.

The Senate amendment (sec. 1501) authorizes $39,000,000 for fiscal year 1998 and $0 for fiscal year 1999 for the Arms Control and Disarmament Agency.

The conference substitute (sec. 1601) authorizes $41,500,000 for fiscal year 1998. For fiscal year 1999, $0 is authorzied for ACDA. The committee of conference notes that there will be an expected 2–fold increase in fees collected from the Machine Readable Visa which can be used to offset costs for ACDA.

STATUTORY CONSTRUCTION

The Senate bill (sec. 1511) reinstates a clarification contained in the Arms Control and Disarmament Act removed in the 102nd Congress. This section makes clear that the Arms Control and Disarmament Agency cannot authorize policies which would interfere with the use of firearms by an individual for the lawful purpose of personal defense, sport, recreation education or training.

The House bill has no comparable provision.

The conference substitute (sec. 1602) is identical to the Senate amendment.

TITLE XVIII—EUROPEAN SECURITY ACT

The House bill (sec. 3201–3207), includes the ''European Security Act of 1998'' which contains various provisions relating to security relations with Europe and Russia, including with respect to NATO enlargement, conventional arms control negotiations in Europe, and ballistic missile defense.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1701–1705) is similar to the House bill with modest changes.

With respect to NATO enlargement, the Act declares, among other things, that Poland, Hungary, and the Czech Republic should not be the last emerging democracies in central and Eastern Europe admitted to NATO. To implement this policy, the Act designates Romania, Estonia, Latvia, Lithuania, and Bulgaria as eligible to receive assistance under the NATO Participation Act of 1994. This designation gives these countries the same status under U.S. law as currently enjoyed by Poland, Hungary, the Czech Republic, and Slovenia. The Act further declares that NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia.

With respect to conventional arms control, the Act declares that no revisions to the Conventional Armed Forces in Europe Treaty will be approved for entry into force with respect to the United States that jeopardize fundamental United States security interests in Europe or the effectiveness of NATO as a defensive alliance by, for example, extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, or by limiting the ability of NATO to defend the territory of new NATO members.

With respect to ballistic missile defense, the Act declares that as the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning.

To implement this policy, the Act provides that no agreement establishing a demarcation between theater and strategic missile defense systems may enter into force with respect to the United States without the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution. The purpose of this restriction is to prevent the Administration from implementing such an agreement on its own on the theory that Congress has ''preauthorized'' the implementation of such an agreement in prior legislation.

The Act further implements this policy regarding ballistic missile defense by requiring the submission of a report on cooperative ballistic missile defense efforts with Russia, including in the area of early warning, not later than July 1, 1998, July 1, 1999, and July 1, 2000. This report shall include, among other matters, a discussion of the status of any dialogue with Russia aimed at exploring the potential for mutual accommodation of outstanding issues between the two countries arising under the ABM Treaty.

REPORTS ON CLAIMS BY U.S. FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA

The House bill (sec. 1703) requires a report every 120 days on the progress in resolving the commercial disputes between US firms and the Government of Saudi Arabia.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1801) is the same as the House bill with some modifications to the report requirements.

REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT

The House bill (sec. 1705) requires the Secretary of State to make quarterly reports to the Congress on the implementation of Title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (P.L. 104–114).

The Senate amendment has no comparable provision.

The conference substitute (sec. 1802) is similar to the House language, although it does not amend the permanent law but applies through September 30, 1999. The conference substitute also clarifies that the reports shall not identify the names of entities under review pursuant to Title IV of the LIBERTAD Act.

REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION

The House bill (sec. 1710) requires periodic reports on the compliance of the signatories to the Hague Convention on the Civil Aspects of International Child Abduction.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1803) is similar to the House bill with the addition that the report include efforts by the State Department to encourage other countries to become signatories of the Convention, and limiting the reporting requirement to fiscal years 1998 and 1999.

ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY

The House bill (sec. 1711) expresses a sense of Congress that the US should recognize the Ecumenical Patriarchate, located in Istanbul, Turkey as the spiritual center for more than 300 million Orthodox Christians worldwide.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1804) is the same as the House bill, except that the reference to the US using its influence as a permanent member of the UN Security Council was deleted.

REPORT ON RELATIONS WITH VIETNAM

The House bill (sec. 1714) expresses a sense of Congress that US-Vietnamese relations should be developed in such a way as to facilitate maximum progress in the areas of POW/MIA, human rights, and refugee issues, regional stability and economic relations.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1805) requires the Secretary of State to report on the extent to which the Government of Vietnam is 1) cooperating with the US on the fullest possible accounting of POW/MIA's; 2) has made progress on the release of political and religious prisoners; 3) is cooperating on requests by the U.S. to obtain full and free access to persons for interviews under the Orderly Departure and Resettlement Opportunities for Vietnamese Refugees programs; 4) has taken action to end corrupt practices in connections with exit visas; and 5) is making efforts to interview and resettle former reeducation camp victims and other persons.

REPORTS CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS

The House bill (sec. 1723) requires a report on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1806) is identical to the House bill.

REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE

The Senate amendment (section 1608(a)) expresses the sense of the Congress that the President should discuss with the democratically-elected Western Hemisphere governments, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address drug trafficking. In such consultations, the President should seek such governments' input on the possibility of forming alliance structures to (1) develop a regional, multilateral strategy to address the drug trafficking threat; and (2) establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

The House bill has no comparable provision.

The conference substitute (section 1807) is the same as the Senate amendment with technical changes.

TAIWAN AND THE WORLD TRADE ORGANIZATION

House bill (sec. 1722) expresses that Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1808) is the same as the House bill with a few modifications.

PROGRAMS AND PROJECTS OF THE IAEA IN CUBA

The House bill (sec. 1801) withholds funds to a country in the amount equal to the value of nuclear fuel and related assistance provided by that country to Cuba during the preceding year.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1809) is the same as the House bill.

LIMITATION ON ASSISTANCE TO COUNTRIES AIDING CUBA NUCLEAR DEVELOPMENT

The House bill (sec. 1801) prohibits assistance to countries aiding Cuba's nuclear programs.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1810) is the same as the House bill.

INTERNATIONAL FUND FOR IRELAND

The House bill (sec. 1737) amends the Anglo-Irish Agreement Support Act of 1986 (P.L. 99–415) to strongly recommend that U.S. contributions ''shall'' be used in a manner that effectively increases employment opportunities in communities with rates of unemployment ''significantly'' higher than the local or urban average of unemployment in Northern Ireland (defined as the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh).

Funding should be provided by the IFI only if individuals or entities receiving such funds are in compliance with the ''principles of economic justice.'' The principles of economic justice are defined as the ''MacBride Principles'' as modified, include:

(1) Increasing the representation of individuals, from under represented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs,

(2) Providing adequate security for the protection of minority employees at the workplace,

(3) Banning provocative sectarian or political emblems from the workplace,

(4) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from under represented religious groups,

(5) Providing that layoff, recall and termination procedures do not favor a particular religious group,

(6) Abolishing job reservations, apprenticeship restrictions and differential employment criteria which discriminate on the basis of religion,

(7) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled

jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees,

(8) Establishing procedures to assess, identify and actively recruit minority employees with the potential for further advancement, and

(9) Proving for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described above.

The section also includes the principles of economic justice to insure that these principles should be applied by those individuals or entities who receive any portion of the U.S. contribution to the International Fund for Ireland.

In addition a new provision was added to insure nothing shall require quotas or reverse discrimination, which is consistent with the intent and purpose of the MacBride principles.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1811) is similar to the House bill except the mandatory requirement that the US contributions shall be used in a manner that effectively increases employment opportunities in communities with rates of unemployment ''significantly'' higher than the local or urban average of unemployment in Northern Ireland (defined as the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh) is changed to ''should''.

US POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL

The House bill (sec. 1709) contains four provisions which together reaffirm and strengthen U.S. policy as reflected in the Jerusalem Embassy Act of 1995 (P.L. 104–45) that Jerusalem should remain the undivided capital of Israel.

The Senate amendment (sec. 1603) similar to the House bill.

The conference substitute sec. 1812(a) authorizes the appropriation of $25,000,000 for fiscal year 1998 and $75,000,000 for fiscal year 1999 for the construction of a U.S. Embassy in Jerusalem. This subsection restates and updates the Jersusalem Embassy Act of 1995 (P.L. 104–45). It reiterates Congressional intent concerning the establishment of the U.S. Embassy in Jerusalem, Israel, no later than May 31, 1999.

Subsection (b) urges the President to correct the current anomalous situation in which the United States Ambassador to Israel, currently resident in Tel Aviv, does not supervise all U.S. diplomatic and consular activities in the State of Israel, and particularly, does not supervise the Consul General and consualte personnel in Jerusalem, Israel.

Subsection (c) requires new public documents to describe Jerusalem as Israel's capital as a prerequisite for funding under the bill. This requirement follows State Department practice in such publications as the ''Background Notes'' for Israel.

Subsection (d) requires that for purposes of registration of birth, certification of nationality, or issuance of a passport, that the Secretary of State, upon the request of a U.S. citizen born in Jerusalem, record the place of birth as Israel. The section does not constitute a requirement that U.S. citizens born in Jerusalem have Israel recorded as their place of birth.

A reporting requirement pertaining to subsection (a) is required by P.L. 104–45. The committee of conference recommends that that report also include information pertaining to subsections (b), (c), and (d). Accordingly, the commitment to implement subsection (b) should be detailed, the new public documents referred to in subsection (c) should be included with the report, and the Department of State should indicate the steps taken to inform U.S. citizens born in Jerusalem of the option they may exercise in seeking implementation of subsection (d). The Department of State should also include the number of citizens requesting the change permitted by subsection (d).

SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ

The conference substitute (sec. 1813) adds a new section on Iraq. The committee of conference notes that bringing Saddam Hussen and other Iraqi officials to justice for war crimes has been a stated goal of President Clinton's administration since 1993. Legislation encouraging the Administration to pursue this course has passesd the House (H. Con. Res. 137) and is pending in the Senate (S. Con. Res. 78). Secretary of State Albright's statement of February 26, 1998 is noted: ''We look forward to working effectively with them in the future.'' The overt support for political activities and broadcasting by opposition forces can have a significant impact inside Iraq. In addition, the committee of conference notes that disparate Kurdish, Shiite, and Sunni groups have in the past been willing to set aside their differences and unite under the umbrella of the Iraqi National Congress (INC) to effectively challenge Saddam Hussein. The committee of conference recommends supporting efforts to reunite these disparate groups under a unified umbrella, whether it be the INC or another opposition group, to present a solid, pro-democracy, Iraqi front against Saddam Hussein. The Administration is expected to work closely with the Committee on Foreign Relations and the Committee on International Relations in the development of the program, including the selection of grantees.

DEVELOPMENT OF DEMOCRACY IN SERBIA

The House bill (sec. 1713) expresses a sense of Congress regarding the various methods and actions that can be taken to support the development of democracy in the Republic of Serbia. The Senate amendment has no comparable provision.

The conference substitute (sec. 1814) is similar to the House bill with modifications to consolidate the findings.

CUBA ASSISTANCE

The House bill (sec. 1901) makes $2 million available for democracy programs in Cuba under chapter 4 part II of the Foreign Assistance Act of 1961.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1815) is the same as the House bill.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION; FORCED ABORTION IN CHINA

The House bill (sec. 2101)

The Senate amendment had no comparable provision.

The conference substitute (sec. 1816) combines House bill sections 2101 and 2102. Section 2101 concerns U.S. population assistance to foreign organizations that perform or promote abortions. Section 2102 concerns UN Population Fund (UNFPA) activities in the People's Republic of China in relation to forced abortions carried out in connection with the Chinese government's population program.

The conference substitute prohibits, inter alia, population assistance to foreign organizations that ''engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.'' Such practices include not only overt lobbying for such changes, but also such other activities as sponsoring, rather than merely attending, conferences and workshops on the alleged defects of the abortion laws, as well the drafting and distribution of materials or public statements calling attention to such alleged defects.

DIVISION C—UNITED NATIONS REFORM

GENERAL PROVISIONS

Short title

The House bill has no similar section.

The Senate bill (Sec. 2001) names this division the ''United Nations Reform Act of 1997.''

The conference substitute (Sec. 2001) is identical to the Senate bill.

DEFINITIONS

The House bill has no similar section.

The Senate bill (Sec. 2002) defines the terms: appropriate congressional committee, designated specialized agency, secretary general, United Nations member, United Nations peacekeeping operation.

The conference substitute (Sec. 2002) is nearly identical to the Senate bill.

NONDELEGATION OF CERTIFICATION REQUIREMENTS

The House bill has no similar section.

The Senate bill (Sec. 2003) expresses that the Secretary of State may not delegate the authority in this chapter to make any certification.

The conference substitute (Sec. 2003) is identical to the Senate bill.

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

ASSESSED CONTRIBUTIONS TO THE UNITED NATIONS AND AFFILIATED ORGANIZATIONS.

The House bill (Sec. 1102) provides for $960,389,000 in fiscal year 1998 and $987,590,000 in fiscal year 1999 for assessed contributions to the United Nations and affiliated organizations.

The Senate bill (Sec. 2101) provides for $938,000,000 in fiscal year 1998 and $900,000,000 in fiscal year 1999 for assessed contributions to the United Nations and affiliated organizations, subject to certifications and conditions enumerated below.

The conference substitute (Sec. 2101) provides $901,000,000 for fiscal year 1998 and $900,000,000 for fiscal year 1999.

NO GROWTH BUDGET

The House bill has no similar provision.

Of the funds authorized, the Senate bill (Sec. 2101) makes available in fiscal years 1998 and 1999, $80,000,000 on a semi-annual basis only when the Secretary of State certifies to the Congress that no action has been taken by the United Nations to increase the United Nations 1998–99 budget of $2,533,000,000 during that period without finding an offset elsewhere in the United Nations budget during that period.

The conference substitute (Sec. 2101) amends the certification for a no growth budget to become an annual rather than a semi-annual certification

INSPECTOR GENERAL

The House bill has no similar provision.

The Senate bill (Sec. 2101) withholds 20 percent of the funds made available for the United Nations until the Secretary of State certifies that the Office of Internal Oversight Services (OIOS) continues to function as an independent inspector general. This section requires the Director of the OIOS to report directly to the Secretary General on the adequacy of his resources and to notify in writing each program, project, or activity funded by the United Nations that it has the authority to audit, inspect, or investigate it.

The conference substitute (Sec. 2101) makes several technical and conforming

amendments to the inspector general requirements of the Senate bill. This section requires that all reports completed by the Office of Internal Oversight Service, including audit, investigation, inspection, and evaluation reports, are made available to the United Nations members states, regardless of whether or not these reports are provided to the Secretary General.

PROHIBITION ON CERTAIN U.N. GLOBAL CONFERENCES

The House bill has no similar provision.

The Senate bill (Sec. 2101) prohibits U.S. funding of U.N. global conferences.

The conference substitute (Sec. 2101) is nearly identical to the Senate bill, except that it exempts conferences that were approved by the United Nations prior to enactment of the Act. The Conferees agree that the U.N. Global Conferences referred to in this section are those organized on a one-time basis with universal participation to address a single subject, such as the environment or population, outside of the normal course of regularly scheduled deliberations by existing U.N. bodies. For example, this section would have applied to the Rio Earth Summit, the Beijing Women's Conference, or the Habitat Conference. Should the U.N. schedule a conference of this kind, the U.S. will not fund such a conference nor any arrears related to such a conference. This section does not include conferences directed to the achievement of a binding international agreement, or other legal instrument, on a particular matter (such as, the negotiation on the control and elimination of anti-personnel land mines in the U.N. Conference on anti-personnel land mines in the U.N. Conference on Conventional Weapons and the U.N. Conference on Disarmament).

REDUCTION IN THE NUMBER OF POSTS

The House bill has no similar provision.

The Senate bill (Sec. 2101) requires annual withholding of $50,000,000 until the Secretary of State certifies that in fiscal year 1998 that 1,000 authorized posts have been suppressed at the United Nations, and that in fiscal year 1999 the United Nations is maintaining a vacancy rate of at least five percent for professional staff and 2.5 percent for general services staff. Both policies have been presented by Secretary General Kofi Annan as part of the 1998–99 budget for the United Nations.

The conference substitute (Sec. 2101) makes several technical and conforming amendments to the post reduction requirements of the Senate bill. The Conferees note the Secretary General's intention to abolish 1,000 posts, and understand that this reform represents the deletion of 1,000 posts that will not be filled. The Conferees intend that the transfer of posts due to changes in UN budget methodology, or for any other purpose, must not be counted toward the 1,000 post suppression required by this section. For example, posts from the jointly-financed activities which still exist, but are deleted from the UN staffing table because of the use of net budgeting, would not be included in the 1,000 post suppression.

PROHIBITION ON FUNDING ORGANIZATIONS OTHER THAN THE UNITED NATIONS FROM THE UNITED NATIONS REGULAR BUDGET

The House bill has no similar provision.

The Senate bill (Sec. 2101) requires the Secretary of State to certify that no United States contributions have been used to fund other international organizations out of the United Nations regular budget. This certification is not intended to refer to the U.N. giving grants or payments to other organizations.

The conference substitute (Sec. 2101) makes several technical and conforming amendments to the prohibition on funding of other organizations in the Senate bill. The Conferees clarified that no portion of the U.S. contribution to the United Nations regular budget should be used to fund the operating costs of another organization, which has been established through a framework treaty. Such organizations are those established under separate treaties of a framework nature, composed only of parties to the treaties, having their own secretariats. This term does not include U.N. human rights treaty bodies. Should any such framework treaty organization be funded out of the regular budget, the provision will require that the U.S. withhold from its U.S. assessment to the U.N. budget the U.S. share of the amount budgeted for such organizations.

LIMITATION ON U.S. ASSESSED CONTRIBUTIONS

The House bill has no similar provision.

The Senate bill (Sec. 2101) caps the amount authorized in assessed contributions to international organizations at $901,000,000 for fiscal years 1999 and 2000. Additional authorization is required to exceed this amount.

The conference substitute (Sec. 2101) is identical to the Senate bill.

REFUND OF EXCESS CONTRIBUTIONS

The House bill has no similar provision.

The Senate bill (Sec. 2101) requires that the United States continue to press its policy that the organizations in this account should have procedures in place to return excess contributions to member states when contributions exceed expenditures.

The conference substitute (Sec. 2101) is identical to the Senate bill.

ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The House bill (Sec. 1102) authorizes $240 million for fiscal year 1998 and $240 million for fiscal year 1999 for assessed peacekeeping operations and activities.

The Senate bill (Sec. 2103) authorizes $200 million for fiscal year 1998 and $205 million for fiscal year 1999 for assessed peacekeeping operations and activities. This section also consolidates many current reporting requirements regarding international peacekeeping activities.

The Conference substitute (Sec. 2102) authorizes $210 million for fiscal year 1998 and $220 million for fiscal year 1999 for assessed peacekeeping operations and activities.

CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2103) consolidates many current reporting requirements regarding international peacekeeping activities.

The conference substitute (Sec. 2102) amends the timing of notification and makes amendments to the funding and troop levels that trigger notification.

TITLE XXII—UNITED NATIONS ACTIVITIES

UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS

The House bill (Sec. 1522) requires reports on efforts to promote full equality at the UN for Israel. Section 1522 expresses a sense of Congress to expand Israel's participation at the United Nations. The Secretary is required to submit a report not later than 90 days after the date of enactment (and on a quarterly basis thereafter) that outlines actions taken by the United States to encourage the Western European and Other Group (WEOG) to accept Israel as a member, and the efforts undertaken by the Secretary General of the United States to secure Israel's participation in that body. The report must include the specific responses of each of the WEOG member states regarding their position concerning Israel's membership as well as other measures either underway or planned to promote Israel's full and equal participation in the United Nations.

The Senate bill (Sec. 2102) provides that it shall be the policy of the United States to assist Israel in gaining acceptance into a United Nations regional bloc. It states further that it shall be the policy of the United States to seek the abolition of the U.N. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the U.N.'s Committee on the Exercise of the Inalienable Rights of the Palestinian People; the U.N.'s Division for the Palestinian Rights; and the U.N.'s Division on Public Information on the Question of Palestine. The Secretary of State is required to consult with the appropriate congressional committees on steps taken to these ends, including efforts to bring Israel into the Western Europe and Others Groups of the U.N.

The conference substitute (Sec. 2201) requires that the it be the policy of the United States to assist Israel in gaining acceptance into a United Nations regional bloc. It states further that it shall be the policy of the United States to seek the abolition of the U.N. Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the U.N.'s Committee on the Exercise of the Inalienable Rights of the Palestinian People; the U.N.'s Division for the Palestinian Rights; and the U.N.'s Division on Public Information on the Question of Palestine. The section requires an annual report on actions taken by the United States to encourage the Western European and Other Group (WEOG) to accept Israel as a member, and the efforts undertaken by the Secretary General of the United States to secure Israel's participation in that body. The conference substitute also requires the Secretary to consult with Congress when submitting the annual report on the specific responses of each of the WEOG member states regarding their position concerning Israel's membership as well as other measures either underway or planned to promote Israel's full and equal participation in the United Nations.

DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACE AND SECURITY OPERATIONS

The House bill has no similar division.

The Senate bill (Sec. 2104) requires the United States to report annually to the United Nations on the total costs of United Nations peacekeeping activities—including assessed, voluntary and incremental costs—to the United Nations. The section also requires the United States to request that the United Nations prepare and publish a report that compiles similar information for other United Nations member states.

The conference substitute (Sec. 2202) is nearly identical to the Senate bill. The Conferees expect that this comprehensive reporting will quantify all costs to the United States for peacekeeping activities, and enable the Congress to consider those costs in relation to the proposed operation or expansion of an operation prior to action by the United Nations Security Council.

REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS

The House bill contains no similar provision.

The Senate bill (section 2105) requires that the United States seek and receive reimbursement for any assistance, including personnel, services, supplies, equipment, and facilities, to the United Nations, United Nations assessed peacekeeping operations, and

bilateral assistance designed to assist that country to participate in the peacekeeping operation.

The Senate bill is prospective in its application and permits the President to waive the provision if he determines that an important national interest exists. However, such a waiver is subject both to notification requirements of section 634A of the Foreign Assistance Act and a joint resolution of disapproval by Congress if Congress disapproves of the President's determination.

The Senate bill also exempts direct assistance for U.S. military personnel. The Administration requested this provision, and understands that it is designed only to allow for incidental costs in support of U.S. troops such as extra blankets, latrines, or other similar services that the U.N. does not ordinarily supply for troops carrying out a U.N. peacekeeping operation.

The conference substitute (Sec. 2203) makes several changes but, like the Senate provision, is intended to ensure that the U.S. Government is reimbursed by the U.N. in a timely manner for military assistance it provides in support of the U.N. or U.N. peacekeeping operations, whether this assistance is provided to the U.N. or to another country participating in such an operation. The conference substitute makes clear that this provision is not intended to apply to civilian police monitors, which are funded individually by the nation contributing monitors.

As drafted, the conferees believe that this section does not impede the President in his ability to use any constitutional authority to provide assistance at any time. The conference substitute exempts the deployment of United States troops by the President from the requirement of reprogramming procedures under section 634A of the Foreign Assistance Act of 1961. As written, this section does not affect the President's constitutional authority as Commander-in-Chief. Nothing in this section shall be construed as an authorization of the use of force.

UNITED STATES POLICY REGARDING UNITED NATIONS PEACEKEEPING MISSIONS

The House bill has no similar section.

The Senate bill (section 2107) makes clear that the policy of the United States is to limit the size and scope of United Nations peacekeeping missions. It is not the policy of the United States to support major U.N. peacekeeping operations such as the United Nations Protection Force (UNPROFOR) in the former Yugoslavia. Smaller peacekeeping missions should be considered on a case by case basis (with full consultation with Congress as required in section 2102 of this Act).

The conference substitute (Sec. 2204) is nearly identical to section 2107 of the Senate bill and also consolidates section 2106 of the Senate bill into this provision. Thus, this section also makes clear that the stated policy of the United States is not to fund peacekeeping activities out of the regular budget unless the President determines and notifies Congress that an important national security interest exists.

The Conferees expect that a clear statement of this policy will save United States taxpayers millions of dollars as it limits the scope and mandate of United Nations peacekeeping missions.

REFORM IN BUDGET DECISION-MAKING PROCEDURES OF THE UNITED NATIONS AND SPECIALIZED AGENCIES

The House bill (Sec. 1521) extends current law allowing the President to withhold 20 percent of appropriated funds for the U.N. or any of its specialized agencies if the U.N. or the agency fails to implement consensus-based budget decision making procedures. The President is directed to notify Congress of any decisions to withhold the U.S. share of an assessed contribution to the United Nations.

The Senate bill has no similar provision.

The conference substitute is nearly identical to the House bill.

CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO

The House bill (Sec. 1524) extends U.S. privileges and immunities to the United Nations Industrial Development Organization consistent with longstanding U.S. policy regarding U.S. withdrawal from multilateral organizations.

The Senate bill has no similar provision.

The conference substitute is identical to the House bill.

SENSE OF THE CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL

The House bill (Sec. 1728) urges the Secretary of State to fully comply with regulations regarding compliance with child and spousal support obligations by United Nations personnel. The House bill also withholds $10 million until the Secretary certifies that the U.N. is enforcing child and spousal support payments, and reforming its pension policy.

The Senate bill has no similar provision.

The conference substitute deletes the withholding requirement but continues to urge that the Secretary of State ensure that the U.N. is enforcing child and spousal support payments.

ORGANIZATION OF AMERICAN STATES

The House bill (Sec. 1502) expresses the Sense of the Congress that the Secretary of State should make every effort to pay the United States share of assessed funding levels for the Organization of American States (OAS).

The Senate bill (Sec. 2108) is identical to the House bill.

The conference substitute deletes this provision. The Conferees recognize that the OAS is uniquely important to the United States interests in the Western Hemisphere, especially in the areas of trade, anti-drug trafficking efforts, support for human rights and democracy, and that the OAS is disproportionately supported by the United States contribution of 59 percent. Responding in part to the leadership of the United States, the OAS is continuing broad reforms in its agenda and its budget. The Committee notes that the OAS operating budget has not grown for the past three years. It was the intent of both the Senate and House provisions that the State Department consider these factors when allocating resources to international organizations.

TITLE XXII—ARREARS PAYMENTS AND REFORM

Chapter 1—Arrearage to the United Nations

AUTHORIZATION OF APPROPRIATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2201) section authorizes $100,000,000 in fiscal year 1998, $475 million in fiscal year 1999, and $244 million in fiscal year 2000 for the repayment of arrears to the United Nations, United Nations peacekeeping activities, United Nations specialized agencies, and other international organizations.

The conference substitute (Sec. 2301) is nearly identical.

DISBURSEMENT OF FUNDS

The House bill has no similar provision.

The Senate bill (Sec. 2202) outlines the manner in which disbursements will be made, and requires that certification of specified reforms be completed prior to any disbursement of funds by the United States. This section also requires a 30 day notification by the Secretary of State to Congress prior to the disbursement of any funds.

The conference substitute (Sec. 2302) is nearly identical, except that it contains a limited waiver of certain conditions. In response to a direct request from the Secretary of State, we agreed to grant the Secretary a very limited waiver authority upon assurances that it would be exercised only if strict conditions are met. We continue to believe that achievement of each of the reforms contained in this plan is essential if the United Nations is to be able to contend with the challenges of the 21st Century. Thus, we expect that all of the conditions required by the legislation will be met and that there will be no need to use the waiver authority.

The bill grants the Secretary of State a very limited authority to waive one of the conditions in each of the second and third years of the U.N. payment plan. This waiver may be exercised only if substantial progress has already been made in meeting the condition proposed to be waived. Further, prior to exercising such a waiver, the Secretary of State must first consult with the appropriate Congressional Committees to explain in detail why it is important to the national interest of the United States to do so.

Most important, this section prohibits the Secretary from waiving requirements to reduce U.S. assessment rates or to establish an inspector general in the specialized agencies. The Secretary of State, while serving as the U.S. Permanent Representative to the United Nations, proposed a bold plan to reduce the U.S. assessment to 20 percent. That proposal was incorporated into this legislation and its is expected that the Administration will achieve this reduction within three years. For this reason, this section strictly prohibits the Secretary from waiving the requirements on reducing the U.S. assessment rates for peacekeeping operations or for the U.N. regular budget. Also, the Conferees continue to believe that the specialized agencies are in need of serious, independent scrutiny. Therefore, the requirement that there be established within the World Health Organization (WHO), the Food and Agriculture Organization (FAO), and the International Labor Organization (ILO) an inspector general to investigate cases of waste, fraud and abuse, cannot be waived.

While we rejected outright the Administration's proposal to allow a waiver of the U.S. assessment rates, we are persuaded that an unforeseen circumstance may arise which prohibits total achievement of the legislative requirements related to the assessment rates. For this reason, the Administration should be allowed some flexibility if it has substantially achieved the requirement to reduce the U.S. general budget assessment to 20 percent. If Congress is convinced that the Administration has substantially achieved the requirement to reduce the U.S. assessment to 20 percent, we commit to act expeditiously to consider legislation to release the funds in Fiscal Year 2000.

Throughout the three year reform period, the we expect that the Administration will consult with Congress regularly to discuss the status of each of these reforms and to explain well in advance if a particular reform cannot be met fully.

Subchapter B—United States Sovereignty/ Certification requirements

SUPREMACY OF THE CONSTITUTION

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that the United States Constitution controls U.S. law and no action by the United Nations or any of its agencies has caused the U.S. to violate the Constitution.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO UNITED NATIONS SOVEREIGNTY

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that neither the United Nations nor its specialized agencies have exercise authority over the United States or taken forward steps to require that the U.S. cede sovereignty.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO UNITED NATIONS TAXATION

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that U.S. law does not give the United Nations any legal authority to tax the American people; no taxes or comparable fees have in fact been imposed; and there has been no effort sanctioned by the United Nations to develop, advocate or promote such a taxation proposal.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO UNITED NATIONS STANDING ARMY

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that the United Nations has not taken formal steps to create or develop a standing army under Article 43 of the United Nations Charter.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO INTEREST FEES

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that interest fees have not been levied on the U.S. for any arrears owed to the United Nations.

The conference substitute (Sec. 2311) is identical to the Senate bill.

NO UNITED NATIONS REAL PROPERTY RIGHTS

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that neither the United Nations nor its specialized agencies have exercised any authority or control over public or private property in the United States.

The conference substitute (Sec. 2311) is nearly identical to the Senate bill. This section should not be construed to override obligations of the parties to the International Organizations Immunities Act, the Agreement Regarding the Headquarters of the United Nations, supplemental agreements to the Agreement, the Convention on the Privileges and Immunities of the United Nations, or under any other agreement with the United States according the United Nations or its specialized agencies privileges and immunities, or apply to property occupied or utilized under lease or contract with private or government owners.

TERMINATION OF BORROWING AUTHORITY

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the Secretary of State certify that the United Nations has not engaged in external borrowing, nor have the financial regulations of the United Nations or any of its specialized agencies been amended to permit borrowing, nor has the United States paid any interest for any loans incurred through external borrowing by the United Nations or its specialized agencies.

The conference substitute (Sec. 2311) is identical to the Senate bill.

Subchapter C—Reform of Assessments and United Nations Peace Operations

CERTIFICATION REQUIREMENTS FOR FISCAL YEAR 1999

The House bill has no similar provision.

The Senate bill (Sec. 2221) requires that the Secretary shall not make her 1999 certification if she determines the 1998 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 1999, certify that the certification requirements set out below have been met.

The conference substitute (Sec. 2321) is nearly identical to the Senate bill.

CONTESTED ARREARS ACCOUNT

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that prior to disbursement of any funds authorized in this title, a contested arrears or some other appropriate mechanism has been created for the U.S. This account represents the difference between what the United Nations says is owed by the United States and the amount recognized by the United States Congress. Thus, the sum of the obligations that the Congress is authorizing in this legislation is the total that the Congress shall authorize to be appropriated to the U.N. for its arrears under the regular and peacekeeping budgets. Agreement must be reached with the United Nations that any monies identified in this account will not affect the voting rights of the United States as contained in Article 19 of the United Nations charter.

The conference substitute (Sec. 2321) is nearly identical, but the timing of the certification was moved to fiscal year 1999 certifications at the request of the Administration.

LIMITATION ON SHARE OF REGULAR BUDGET

The House bill has no similar provision.

The Senate bill (Sec. 2211) requires that the share of the total regular budget assessment for the United Nations and its specialized agencies does not exceed 22 percent for any member.

The conference substitute (Sec. 2311) is identical to the Senate bill.

LIMITATION ON ASSESSED SHARE OF BUDGET FOR PEACE OPERATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2221) requires that the Secretary of State certify that the share of the total peacekeeping budget for each United Nations assessed peace operation does not exceed 25 percent for any member.

The conference substitute (Sec. 2321) is identical to the Senate bill.

TRANSFER OF REGULAR BUDGET-FUNDED PEACE OPERATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2221) requires that the Secretary of State certify that the mandates of two peace operations funded from the regular budget, the United Nations Truce Supervision Organization (UNTSO) and the United Nations Military Observer Group in India and Pakistan (UNMOGIP) are subject to annual review by the Security Council, and the Congressional notification requirements for peacekeeping activities.

The conference substitute (Sec. 2321) is identical to the Senate bill.

Subchapter D—Budget and Personnel Reform

CERTIFICATION REQUIREMENTS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary shall not make her fiscal year 2000 certification if she determines the fiscal year 1998 and 1999 certifications are no longer valid, and prior to payment of authorized arrears in fiscal year 2000, certify that the certification requirements set out below have been met.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the share of the total regular budget assessment for the United Nations and its specialized agencies does not exceed 20 percent for any member.

The conference substitute (Sec. 2331) is identical to the Senate bill.

INSPECTOR GENERAL FOR CERTAIN ORGANIZATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the three largest specialized agencies, the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established an internal inspector general office comparable to the Office of Internal Oversight Services established in the United Nations following a similar certification requirement in the Foreign Relations Authorization Act, FY94–95 (section 401 of P.L. 103–236).

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

NEW BUDGET PROCEDURES FOR THE UNITED NATIONS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the United Nations is implementing budget procedures that require the budget agreed to at the start of a budgetary cycle to be maintained, and the system wide identification of expenditures by functional categories. For purposes of this section, system-wide identification of expenditures by functional categories is defined to mean an object class distribution of resources. The object class distribution should accompany the initial regular assessed budget estimates for both the United Nations and its specialized agencies.

The conference substitute (Sec. 2331) is identical to the Senate bill.

SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the United Nations and the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established an evaluation system that requires a determination as to the relevance and effectiveness of each program. The United States is required to seek a ''sunset'' date for each program unless the program demonstrates relevance and effectiveness.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill. The Conferees strongly object to the incorporation of funding for terminated programs into the baseline of the UN budget for the next biennium. Funding for programs which have ceased and one-time expenditures should not be carried over into the next budget cycle. The sunset of programs should result in financial savings for the member states.

UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the United States have a seat on the United Nations Committee on Administrative and Budgetary Questions (ACABQ). Until 1997, the United States has served on this committee since the creation of the United Nations. This committee is key to the budgetary decisions at the United Nations and the United States, as the largest contributing nations, should have a seat on this Committee.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

NATIONAL AUDITS

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the General Accounting Office (GAO) shall have access to United Nations financial data so that the GAO may perform nationally mandated reviews of all United Nations operations.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill. Financial data means data pertaining to the financial transactions of the United Nations as well as data relating to its organization and activities. It is contemplated that as a result of this provision, GAO will have access to the data it determines it needs to conduct reviews of all U.N. operations.

PERSONNEL

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the United Nations is enforcing a personnel system based on merit and is enforcing a worldwide availability of its international civil servants; a code of conduct is being implemented that requires, among other standards, financial disclosure statements by senior United Nations officials; a personnel evaluation system is being implemented; periodic assessments are being completed by the United Nations to determine total staffing levels and reporting of those assessments; and the United States has completed a review of the United Nations allowance system, including recommendations for reductions in allowances.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

REDUCTION IN BUDGET AUTHORITIES

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each approved a budget that reflects a decline in the budget approved for 2000–01 from the levels agreed to for 1998–99.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS FOR SPECIALIZED AGENCIES

The House bill has no similar provision.

The Senate bill (Sec. 2231) requires that the Secretary of State certify that the International Labor Organization, the Food and Agriculture Organization, and the World Health Organization have each established procedures require the budget agreed to at the start of a budgetary cycle to be maintained; the system wide identification of expenditures by functional categories; and approval of supplemental budget requests to the secretariat in advance of appropriations for those requests.

The conference substitute (Sec. 2331) is nearly identical to the Senate bill.

Chapter 2—Miscellaneous provisions

STATUTORY CONSTRUCTION IN RELATION TO EXISTING LAWS

The House bill has no similar provision.

The Senate bill (Sec. 2241) makes clear that this Act does not change or reverse any previous provision of law regarding restriction on funding to international organizations.

The conference substitute (Sec. 2341) is identical to the Senate bill.

PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING

The House bill has no similar provision.

The Senate bill (Sec. 2242) prohibits payment to organizations from which the United States has withdrawn or from which Congress has rescinded funding, including the United Nations Industrial Organization and the World Tourism Organization.

The conference substitute (Sec. 2342) is identical to the Senate bill.

OTHER PROVISIONS

STATEMENT CONCERNING RETURN OF WRONGFULLY CONFISCATED FOREIGN PROPERTIES

The House bill (sec. 1715) expresses a sense of Congress supporting efforts and encouraging further actions by post-communist countries to address the questions of the status of wrongly confiscated properties.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1909) is identical to the Senate.

PAYMENT OF IRAQI CLAIMS

The Senate amendment (sec. 1601), at subsection (a), requires that all nondiplomatic accounts of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) vest in the President. It further requires that the President liquidate such accounts within 30 days of the date of enactment of the Act, and transfer the amounts from such liquidation into the Iraq Claims Fund, established under subsection (b).

The House bill contains no comparable provision.

The conference substitute is the same as the House bill.

PROHIBITION ON FUNDING FOR UNESCO WORLD HERITAGE PROGRAMS

The House bill (sec. 1525) prohibits funds authorized by this Act to be made available for the Man and Biosphere Program or the World Heritage Program administered by UNESCO.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES

The House bill (sec. 1601) repeals a reporting requirement to compile arms control and disarmament studies because a similar report is produced by another organization.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

USE OF FUNDS

The House bill (sec. 1602) amends current law by eliminating a requirement to use the Government Printing Office and allowing the Arms Control and Disarmament Agency to procure printing and binding from local vendors.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

RADIO FREE EUROPE/RADIO LIBERTY

The House bill (sec. 1707) is a sense of Congress that RFE/RL should continue surrogate broadcasting beyond the year 2000 to countries whose people do not yet fully enjoy freedom of expression.

The Senate amendment has no comparable provision.

The conference substitute (sec. 1328) revised the House provision to require that the Broadcasting Board of Governors issue a report to include an assessment of the need for continued funding of RFE/RL broadcasts in the year 2000 and beyond.

U.S. CITIZENS HELD IN PRISONS IN PERU

The House bill (sec. 1716) expresses a sense of Congress that Peru should respect the rights of prisoners to timely legal procedures, including the rights of all US citizens held in prisons in Peru.

The Senate amendment (sec. 1613) expresses a sense of the Senate that the Government of Peru should take all necessary steps to ensure that US citizens charged with a crime is accord fair proceedings in a civilian court.

The conference substitute does not include any provision.

PRISONERS IN ANDEAN COUNTRIES

The House bill (sec. 1730) expresses the Sense of Congress that the Governments of the Andean countries should respect the rights of prisoners to timely legal procedures.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

SPECIAL ENVOYS FOR MUTUAL DISARMAMENT

The House bill (sec. 1718) requires the US Ambassador to the United Nations to support UN efforts to appoint special envoys for conflict prevention to organize and conduct mutual disarmament talks in every region of the world.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

TRANSFER OF NUCLEAR WASTE FROM TAIWAN TO NORTH KOREA

The House bill (sec. 1719) expresses a sense of Congress that the Government of Taiwan should refrain from issuing an export license for the transfer of nuclear waste to North Korea until all parties on the Korean peninsula are assured that certain safety precautions are met.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

ASSISTANCE FOR ETHIOPIA

The House bill (sec. 1717) states that the Department of State should monitor human rights progress in Ethiopia.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

PRIME MINISTER GUJRAL

The House bill (sec. 1720) expresses a sense of Congress that the Administration should support and work closely with Indian Prime Minister Gujral to strengthen relations between the US and India.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

SOVEREIGNTY OF BELARUS

The House bill (sec. 1721) expresses a sense of Congress that the Administration urge the Government of President Aleksandr Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

BORDER CLOSURES

The House bill (sec. 1724) requires a report on any border closure or use of an economic or commercial blockade by or against any independent state of the former Soviet Union against any other country.

The Senate amendment has no comparable provision.

The conference substitute is the same as to the Senate amendment.

NAGORNO-KARABAGH CONFLICT

The House bill (sec. 1725) expresses a sense of Congress that the US should take a greater leadership role in working for a negotiated settlement of the Nagorno-Karabagh conflict.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

CRISIS IN ALBANIA

The House bill (sec. 1726) expresses a sense of Congress that among other things, the US should support the new Albanian government as it attempts to reestablish calm and achieve political reconciliation .

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

UKRAINE

The House bill (sec. 1727) expresses a sense of Congress that the President should ensure that Ukraine receives assistance for fiscal years 1998 and 1999 for political and economic reforms at a level equal to that allocated to Ukraine for fiscal year 1997.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

AZERBAIJAN

The House bill (sec. 1729) expresses a sense of Congress that the President should seek cooperation from the governments of Armenia, Azerbaijan and Turkey to encourage the construction of a pipeline route from Azerbaijan through Armenia that could reach Turkey and Mediterranean sea ports.

The Senate amendment has no comparable amendment.

The conference substitute is the same as the Senate amendment.

ADDITIONAL REQUIREMENTS

The House bill (sec. 1731) permitted counter narcotic military assistance to countries that had been decertified on their cooperation on drug-related matters.

The Senate amendment has no comparable provision

The conference substitute is the same as the Senate amendment.

US POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN

The House bill (sec. 1733) imposed trade and investment sanctions on the government of Sudan until such time as the President certifies to Congress that Sudan is no longer sponsoring or supporting terrorism.

The Senate amendment (sec. 1605) imposed prohibitions on financial transactions on state sponsors of terrorism.

The conference substitute contains no provision.

SYRIA

The House bill (sec. 1734) expresses the sense of Congress that the US should consider applying to Syria sanctions which are currently enforced against Iran and Libya under the Iran and Libya Sanctions Act of 1996 if the Government of Syria does not eliminate its destablizing policies.

The Senate has no comparable amendment.

The conference substitute is the same as the Senate amendment.

ABDUCTION OF DONALD HUTCHINGS

The House bill (sec. 1735) expresses the sense of Congress that the militant organization Al-Faran should release Donald Hutchings and three Western Europeans from captivity.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

CUBAN CIGARS

The House bill (sec. 1736) expresses a sense of Congress that the US should not prohibit the importation into the U.S. of cigars that are the product of Cuba until the Government of Cuba has met certain human rights criteria.

The Senate amendment has no comparable provision.

The conference substitute is identical to the Senate amendment.

LITHUANIA AND LATVIA

The House bill (sec. 1738) expresses the sense of Congress that adequate assistance should be provided to Lithuania and Latvia in fiscal year 1998.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

EAST TIMOR

The House bill (sec. 1739) states that Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

NATO ENLARGEMENT ASSISTANCE

The House bill (sec. 1740) expresses the sense of Congress that Romania has made progress toward meeting the criteria for accession into NATO and states that the President shall designate Romania as eligible to receive assistance under the program established under the NATO Participation Act.

The Senate amendment (sec. 1612) expresses a sense of the Senate that Romania, Estonia, Latvia, Lithuania, and Bulgaria are to be commended for their progress toward political and economic reform. In addition it states that Romania, Estonia, Latvia, Lithuania and Bulgaria are designated as eligible to receive assistance under the program established under the NATO participation Act.

The conference substitute is the same as the Senate amendment.

PALESTINIAN LAND SALES

The House bill (sec. 2201) expresses the sense of Congress condemning the policy and practice of murdering Palestinian sales of land to Jews.

The Senate amendment (sec. 1622) is similar to the House provision.

The conference substitute does not include any provision.

CONGO

The House bill (sec. 2301) makes foreign assistance available to the Democratic Republic of Congo.

The Senate amendment has no comparable amendment.

The conference substitute is the same as the Senate amendment.

CHINA

The House bill (sec. 2401) expresses a sense of Congress regarding the imprisonment of Ngawang Choephel in China.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

BUY AMERICAN

The House bill (sec. 2501) requires compliance with the Buy American Act.

The Senate amendment has no comparable provision.

The conference substitute is identical to the Senate amendment.

FOREIGN AID REPORTING REFORM

The House bill (sec. 2601–2604) requires detailed annual reports justifying the foreign assistance programs.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

PROGRAMS IN LATIN AMERICA, THE CARIBBEAN AND THE ASIA AND PACIFIC REGION

The House bill (sec. 2701) requires aid to be proportional by region.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

INDONESIA

The House bill (sec. 2801) expresses the sense of Congress on various political and human rights issues within Indonesia.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

LIBYA

The House bill (sec. 2901) prohibits foreign aid to any country that assists Libya in circumventing UN sanctions.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

RUSSIA

The House bill (sec. 3101) prohibits foreign aid to Russia if Russia transfers missiles to China.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

BELARUS

The Senate amendment (sec. 1602) expresses the sense of the Congress that if Belarus concludes a treaty of unification with another country the US Permanent Representative to the UN should introduce resolutions abrogating the sovereign status of Belarus within the UN.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

ITALIAN CASE

The Senate amendment (sec. 1611) states that the Congress urges the Italian government to seek a negotiated settlement with an American citizen whose property was confiscated over twenty years ago without fair and proper compensation.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

IRAN-IRAQ

The Senate amendment (sec. 1615) expresses the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992.

The House bill has no comparable amendment.

The conference substitute is the same as the House bill.

CHRISTIAN MINORITIES IN CHINA

The Senate amendment (sec. 1616) expresses the sense of the Senate that the government of the People's Republic of China be urged to release from incarceration all those held for participation in religious activities outside the aegis of the official churches and cease prosecuting those who participate in such religious activities.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

NATO

The Senate amendment (sec. 1617) expresses a sense of Congress that NATO should consider a formal dispute resolution process within the Alliance prior to its December 1997 ministerial meeting.

The House bill has no comparable amendment.

The conference substitute is the same as House bill.

AVIATION SAFETY

The Senate amendment (sec. 1619) expresses a sense of Congress that the need for cooperative efforts in transportation and aviation safety be placed on the agenda for the Summit of the Americas to be held in March 1998.

The House bill has no comparable amendment.

The conference substitute is the same as the House bill.

CHINA

The Senate amendment (sec. 1620) expresses the sense of the Senate that the US should limit the granting of US visas to Chinese government offices who work in entities implementing China's laws and directives on religious practices and coercive family planning.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

RULE OF LAW IN CHINA

The Senate amendment (sec. 1621) expresses the sense of the Senate to encourage the National Endowment for Democracy to expand its activities in China and Hong Kong.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

FACILITIES IN BEIJING AND SHANGHAI

The Senate amendment (sec. 1623) authorizes appropriations for the renovation and construction of housing and diplomatic facilities at the Embassy in Beijing and the Consulate in Shanghai, China.

The House bill has no comparable provision.

The conference substitute (sec. 1101(4)(B)) is the same as the House bill.

RETURN OF HONG KONG TO CHINA

The House bill (sec. 1712) expresses the sense of Congress that the People's Republic of China should respect the rule of law, and the freedom of press, speech, association and movement that the people of Hong Kong currently enjoy.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

RADIO FREE ASIA/VOICE OF AMERICA

The House bill (sec. 1108) expresses a sense of Congress that U.S. broadcasting through Radio Free Asia and the Voice of America should increase to 24 hours broadcasting to China.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

PROCUREMENT OF SERVICES

The Senate amendment (sec. 1123) amends the State Department Basic Authorities Act to enable the Department to use personal services contracts to obtain expert and other support services for international claims and proceedings. Currently, the law allows the Legal Adviser's Office to obtain these services by contracting with firms. In many cases, the same services could be obtained at half the cost by contracting with an individual. This amendment would permit the Department, for example, to hire an individual accountant or records manager to work on a particular project, rather than having to retain an accounting firm to perform the same task, usually at more than twice the cost.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

RESTRICTIONS ON LOBBYING ACTIVITIES

The Senate amendment (sec. 1132) amends Section 207 of title 18, United States Code, regarding ''Restrictions on former officers, employees, and elected officials of the executive and legislative branches'', to also prohibit any person who serves in the position of chief of mission within the category of senior executive branch personnel who are restricted, for one year after they leave the chief of mission position, from knowingly making representations on behalf of someone with an interest in a matter that is before any officer or employee of the department or agency in which they served.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

RECOVERY OF COSTS OF HEALTH CARE SERVICES

The Senate amendment (sec. 1133) has been requested by the Administration. This section, which implements recommendations of the Department of State's Office of the Inspector General, amends section 904 of the Foreign Service Act of 1980 to authorize the Department to recover and retain the costs incurred by the Department for health care services provided to eligible USG employees and their families and to other eligible individuals. The proposed legislation would permit the Department to recover and retain such costs from third-party payers, and to recover directly from the employee if the employee chooses to be uninsured. The Departments of Defense and Veterans Affairs, as well as the Indian Health Service, already have similar authority.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

INTERNATIONAL ARMS SALES CODE OF CONDUCT

The House bill (sec. 2001) expresses the sense of the Congress that the President should attempt to achieve the foreign policy goal of an international arms sales code of conduct with all Wassenaar Arrangement countries.

The Senate amendment has no comparable amendment.

The conference substitute is the same as the Senate amendment.

ARMS TRANSFERS CODE OF CONDUCT

The House bill (sec. 3001–3006) establishes policy guidelines regarding the provision of U.S. military assistance and arms transfers to foreign governments by prohibiting such assistance and transfers to countries that fail to promote democracy and respect human rights, are engaged in armed aggression, and do not fully participate in the U.N. register of conventional arms.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

INADMISSIBILITY OF MEMBERS OF FORMER SOVIET UNION INTELLIGENCE SERVICES

The Senate amendment (sec. 1154) denies United States visas to individuals who were employed by the intelligence services of the Union of Soviet Socialist Republics prior to the collapse of the Soviet Union at the end of 1991.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES

The Senate amendment (sec. 1212) expands upon current law which requires withholding the proportional amount of foreign aid to what a country owes Washington, D.C. in parking fines, plus ten percent. Section 1212 expands this requirement to New York City, and Virginia, and Maryland.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

GREENHOUSE GAS EMISSIONS AGREEMENT

The Senate amendment (sec. 1609) section requires that the President prepare a detailed and comprehensive report on the economic and environmental impacts of the final negotiating text of any proposed international agreement under the U.N. Framework Convention on Climate Change (FCCC) to reduce greenhouse gas emissions.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

SENSE OF THE SENATE ON USE OF FUNDS IN JAPAN-US FRIENDSHIP TRUST FUND.

The Senate amendment (sec. 1215) expresses the sense of the Senate that the Japan-US Friendship Commission shall be able to use amounts in the Trust Fund in pursuit of the original mandate of the Commission.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

INTERNATIONAL INFORMATION PROGRAMS

The Senate amendment (sec. 1318) would change the name of the salaries and expense account for the US Information Agency to International Information Programs.

The House bill has no comparable provision.

The conference substitute is the same as the House bill.

AUTHORIZED STRENGTH OF THE FOREIGN SERVICE

The House bill (sec. 1321) establishes personnel end strengths for the Foreign Service.

The Senate amendment has no comparable provision.

The conference substitute is identical to the Senate amendment.

STATEMENT CONCERNING RETURN OF OR COMPENSATION FOR WRONGLY CONFISCATED FOREIGN PROPERTIES

The House bill (sec. 1715) expresses a sense of Congress supporting efforts and encouraging further actions by post-Communists countries to address question of the status of wrongfully confiscated properties.

The Senate amendment has no comparable provision.

The conference substitute is the same as the Senate amendment.

EXTENSION OF AU PAIR PROGRAMS

The House bill (sec. 1401) permanently extends the Au Pair program as authorized in P.L. 104–72.

The Senate amendment (sec. 1314) is virtually identical to the House bill.

The conference substitute does not include the provision. The extension was passed as a separate bill (PL 105–48).

PEACE CORPS

The Senate amendment (sec. 1401–1403) authorizes appropriations for the Peace Corps. In addition, section 1403 makes certain modifications to current law regarding personal services contractors, overseas travel, and other technical changes.

The House has no comparable provision.

The conference substitute is identical to the House bill.

GPS Standards Negotiations. The Committee of Conference finds that the U.S. Department of Defense-developed and operated Global Positioning System provides crucial information for global navigation, position location and precision timing. With its various

military, scientific and commercial uses, GPS is making important contributions to the national security, foreign policy, economic growth, and trade goals of the United States.

The Committee of Conference further finds that, by seeking to establish GPS as an international standard, the United States can advance national security interests, strengthen cooperative security relations with our allies, and support the competitive leadership of American industry in providing GPS products and services to the global marketplace. The broad use of GPS spurs global economic growth as it contributes to improving infrastructures of both developing and industrial countries.

The Committee of Conference is pleased that the U.S. Department of State is undertaking an important leadership role in coordinating efforts within the executive branch in pursuit of regional agreements with U.S. allies, starting with Japan, that seek to achieve three critical goals: (1) ensure the operation of the GPS on a continuous worldwide basis free of direct user fees; (2) establish GPS and its augmentations as an acceptable international standard; (3) eliminate any foreign barriers to, and other restrictions of foreign governments on, peaceful applications of GPS.

The Committee of Conference therefore directs that, not later than 60 days after the enactment of this legislation, and annually thereafter, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that provides the status, prospects and results of cooperative activities undertaken by the United States with the governments of other countries to achieve regional agreements that establish GPS and its augmentations as an acceptable international standard.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
HENRY HYDE,
CHRISTOPHER H. SMITH,

For consideration of the House bill (except title XXI) and the Senate amendment, and modifications committed to conference:

WILLIAM GOODLING,
DAN BURTON,
DOUG BEREUTER,
Managers on the part of the House.
JESSE HELMS,
PAUL COVERDELL,
CHUCK HAGEL,
ROD GRAMS,
Managers on the part of the Senate.

RELIGIOUS FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISTOOK. Mr. Speaker, I wanted to take the time this evening to talk about one of the most significant problems that has plagued America because of a multitude of Supreme Court decisions, which the American people have never accepted. You see, there is a problem with lack of respect for our Constitution and for the history and the heritage which brought our Constitution to us.

In fact, what brought so many people to America originally was their desire for religious freedom. We look at the stories of the Pilgrims and Puritans, and we recognize that they were motivated by a desire to be in a land where they could be free to worship as they pleased to worship. And that has been so much of the bedrock of American values, but it has been under attack by the United States Supreme Court.

In 1962, the Supreme Court said it did not matter if it was voluntary; students could not come together and pray at school the way that they had since the founding of the republic. In 1998, the U.S. Supreme Court said the Ten Commandments could not be on the wall of the public school because, and this is what the U.S. Supreme Court said, the students might read and obey the Ten Commandments. So, thanks to the court, of course, our students do not read the Ten Commandments and certainly there is a problem in getting people to obey them.

In 1985, the U.S. Supreme Court said even a moment of silence was wrong. A law to permit a moment of silence, they declared, was unconstitutional because it said that this was okay for students to use that time to pray silently.

In 1992, the Supreme Court said that a rabbi broke the law by offering prayer at a public school graduation. And in 1995, the same Supreme Court, which has ruled that a Nazi swastika is protected on public policy, ruled that a cross could not be included in a group of symbols on a city seal to show the heritage of that community.

In fact, I know that case very well, Mr. Speaker, because it happened in my congressional district in Edmond, Oklahoma. The city seal had five emblems on it: A pair of hands clasped in friendship; an oil derrick, symbolizing the importance of oil to Oklahoma's economy; a covered wagon, indicating the heritage of the Oklahoma land run; a tower that is at the university, the University of Central Oklahoma, in Edmond; and a cross depicting a portion of the religious heritage of the community. And I will bring it on another case, Mr. Speaker, that city seal has a blank spot because the other courts ruled and the Supreme Court said, oh, yes, you cannot have a cross displayed on public property.

Now, that is the same Supreme Court that had said that you could not have a nativity scene in Pennsylvania in Allegheny County. They said a nativity scene, or for that matter a menorah, were unconstitutional because they were not sufficiently balanced by emblems like Santa Claus and Frosty the Snowman and the reindeer. Because of that, they said it was unconstitutional to have the Christmas displays that so many places have had.

I know there are many places in this country where people still do things like have a prayer at a high school football game or as part of the school assembly or maybe in a classroom. But often, Mr. Speaker, that is because the ACLU and their friends have not got around to suing that particular community yet. And, indeed, I see in this Chamber of the House of Representatives right above the Speaker's chair, it reads, ''In God we trust.'' And if the Speaker looks directly across the Chamber from his chair on the back wall here, he sees the visage of Moses, the great lawgiver. And yet, if we had those displayed in public schools, they would likely be held by the U.S. Supreme Court to be unconstitutional.

These decisions started in 1962. There is a whole series of them. I have not even mentioned all of them. But, Mr. Speaker, the time has come to end the judicial misinterpretations of the U.S. Constitution.

□ 2145

The first amendment says, ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.'' But the Supreme Court has misconstrued that to say, ''Oh, well, if you have a prayer at public school, that is the same thing as establishing an official church.'' Of course it is not.

Common sense tells us it is not, but it is used by people who are intolerant of religion. That is why over 150 Members of this body, of the House of Representatives, have so far joined together with me in sponsoring the religious freedom amendment. It is a proposed amendment to the U.S. Constitution to tell the Supreme Court it is time that we straighten out these things.

It has been approved by the House's Subcommittee on the Constitution. Just last week it was approved by the House Judiciary Committee. We will be voting in the House of Representatives on the religious freedom amendment in not too many weeks from now, a proposed amendment to the U.S. Constitution to correct the mistaken rulings of the Supreme Court against voluntary school prayer, and in so many other ways where they have misconstrued the first amendment.

Now, the text, Mr. Speaker, of the religious freedom amendment is pretty straightforward. I would like to share it with Members. It reads, ''To secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. The government shall not require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion or deny equal access to a benefit on account of religion.''

It is pretty simple. It is pretty straightforward. It expresses that we have a right to acknowledge God in America according to the dictates of our own conscience, and neither the

United States nor any State is to establish any official religion. Government is not going to tell us how to believe or what faith we must profess or indeed if we must profess any faith, but the people have a right to pray, even when they are on public property, and that is an individual right and a collective right. We can do it as individuals. We can do it as a group. Government can accommodate that and make it possible for it to occur. And also if it is a recognition of religious belief, heritage or tradition, that is okay.

I have kids in public school or that have graduated from public school, and I cannot tell you how I, as so many other parents have done, have gone to school at different times, you think you are going to a Christmas program, but you find that the songs that are sung are Frosty the Snowman, Here Comes Santa Claus, Walking in a Winter Wonderland, but what happened to O Come All Ye Faithful? What happened to Silent Night? People are afraid to sing them because they think they may get sued by the ACLU. And indeed the policies have gotten so restrictive, whether it is Christmas or a song about Hanukkah or a hymn of Thanksgiving, whatever it may be. It happens not just at school assemblies, it happens at school graduations.

After a case in Utah where a Federal court told them not to sing a simple song about friends because the court thought it had too many religious connotations, the Washington Post wrote in an editorial, it is now an open question, is it okay anymore in public school to sing America the Beautiful, because the chorus says, ''God shed His grace on thee.''

Is it not absurd in the United States of America, a land with such a beautiful, rich history and heritage of religious freedom, when we wonder if somebody is going to get sued for singing America the Beautiful?

The religious freedom amendment says religious heritage, traditions, belief, yes, the people can express those on public property, and that includes schools. It says also, because we want to make sure people know that they are protected, they are not compelled, government is not going to force anybody to join in prayer.

We start sessions of Congress with two things, the Pledge of Allegiance and a prayer. That used to be common in public schools as well. There are some people in this country who do not want to say the Pledge of Allegiance. The U.S. Supreme Court ruled on that 50 years ago. They said no child can be forced to say the Pledge of Allegiance. I agree with that. That is common sense. You do not force them to. But they did not give somebody the right to censor and halt the children who did want to say the Pledge of Allegiance.

That is the standard we should be applying to prayer in public schools. You are not forced to join in; if you do not want to, you do not have to, but that does not mean that if you are so intolerant of other people's beliefs, you can force them to stop, because there are millions of people in this country, Mr. Speaker, millions of Americans, who think they should be starting a day at school with a prayer, a simple expression of hope and faith and desire for guidance at the start of the day. But we do not want to force anybody.

And so it is explicit. Government shall not require any person to join in prayer or any other religious activity. And the government does not prescribe school prayers; it does not say, you must pray, and if you choose to pray, it does not say what your prayer shall be. Instead, follow the basic rule. Rotate, take turns, give different students their opportunities. Let them enjoy the understanding that comes from praying together and hearing and sharing in the prayers of others.

And we have a protection in the religious freedom amendment. You are not going to discriminate against religion and you are not going to deny equal access to a benefit on account of religion.

I recall in Oklahoma City, Mr. Speaker, after the bombing and when there was Federal assistance to rebuild the area of downtown Oklahoma City damaged by the blast of the Murrah Building, there were hundreds of other structures that also suffered damage in that. Several of them within a block or two of the blast were churches. The Department of Housing and Urban Development had to get their arms twisted frankly, Mr. Speaker, to accept the idea that a church, just like any other business or enterprise or building nearby, could receive the rebuilding assistance that came from the Federal Government to the properties damaged by the Murrah Building blast. I think that is proper.

We do not say that we are going to help this building over here because it is a copy business or a printing business or a restaurant but, oh, we will help everybody except those that are institutions of faith. We are not going to pay them for their religion or for their religious ceremonies, but we are going to treat them equally if there is some sort of Federal assistance program. Because churches are involved in so many things; they are involved in welfare assistance, they are involved in housing assistance, they are involved in programs against drinking and drugs and rehabilitation. Why should we say that when we have a Federal grant that is available to help somebody get on the right track again, if they have a spiritual component as part of their program, they are going to be disqualified?

The religious freedom amendment is not about supporting churches. It does not enable that to happen for religious activity. But when they have a program that meshes with what we are trying to accomplish to help people get on the right track and to get a hand up and a helping hand in their lives, you do not disqualify someone.

Just like, for example, take Federal education assistance, Pell grants, Federal college loans, GI bill benefits, we do not tell somebody, look, if you go to the University of Oklahoma or the University of Virginia or the University of Michigan, you can have the Federal assistance in education. Oh, but if you are going to go to Notre Dame or some other Catholic institution, or if you go to Baylor, which is where I went to college, since it is a Baptist institution, you cannot do that. Or Brigham Young or Southern Methodist, we do not say that we are going to disqualify you because you are going to a school that has a religious affiliation. No, we understand that the purpose is education.

So the religious freedom amendment also seeks to cut down on the attacks that people are making, trying to stop normal, everyday assistance programs just because they want to discriminate against people's religion. It is long overdue, Mr. Speaker, that we correct the decisions that the U.S. Supreme Court has heaped upon us.

I think it is important that we look at a particular term that is often used by people in this discussion. I hear people say, well, what does this mean about separation of church and State? I understand the questions. But I also worry when people pay more attention to a catch phrase than to what are the words of the U.S. Constitution. Because that phrase, ''separation of church and State,'' although it has some use, is not found in the Constitution of the United States of America. No matter how many people try to claim that it is, all you had to do is pick up a copy of the Constitution and read it.

What does it say about religion? ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.'' That phrase, ''separation of church and State,'' is not found in the Constitution.

So the religious freedom amendment does not violate the concept of separation of church and State in the proper sense of that term, but unfortunately, Mr. Speaker, people who are intolerant of other people's religions have distorted the proper meaning of that phrase. In the process, they have persuaded our courts to distort the first amendment.

Under their approach, because the government keeps expanding, everywhere, whether you are talking about schools or roads or if you are talking about drug counseling programs, if you are talking about trade, if you are talking about the price of apples and eggs and butter, the government is involved. When you have a constantly growing government, if you put in place a mistaken notion of separation of church and State and make an improper use of that term, then as government gets bigger, you are saying that religion has to leave the room.

When government comes in the door, religion must exit. So as government keeps growing, religion and its place in our lives has to shrink. That is not

what the Founding Fathers intended. That is not what that phrase was intended to mean.

I want to share with Members what the phrase properly means. This is not according to Ernest Istook; this is according to the Chief Justice of the United States Supreme Court, William Rehnquist. Justice Rehnquist is not one of those who has been trying to push religion and religious expression out of the public square. But Justice Rehnquist has dissented from what the court has done in so many ways.

Justice Rehnquist wrote an official dissent, and this was in the case of Wallace v. Jaffree in 1985. He wrote that the wrongful focus on the term separation of church and State has caused, and here are his words on what it has caused, ''a mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. The wall of separation between church and State is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned.'' Those are the words of the Chief Justice of the U.S. Supreme Court.

Because people, instead of talking about the Constitution and our rights under the Constitution, have sought to persuade people that instead you just talk about this phrase, ''separation of church and State.''

The religious freedom amendment does not abandon the notion of separation of church and State. It just corrects it to the proper meaning; the original and correct meaning of it is what we focus upon. Chief Justice Rehnquist wrote about the actual intent of the first amendment, ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.'' This is what Justice Rehnquist says was the actual intent of the Founding Fathers.

And I quote his words again, ''The evil to be aimed at, so far as its drafters were concerned, appears to have been the establishment of a national church and perhaps the preference of one religious sect over another, but it was definitely not concerned about whether the government might aid all religions evenhandedly.''

So the religious freedom amendment follows the correct interpretation and meaning. We do not establish any sort of official religion. We are not going to have a national church in the USA. But that does not mean that we cannot have evenhanded treatment of different religions, of all religions rather than suppressing them, rather than having this current, horrible standard that says you go into a classroom and if a child wants to pray, you silence them.

□ 2200

We silence them. We censor them, we shut them up. That is wrong. That is not tolerance, that is not diversity, that is censorship. But that is what the U.S. Supreme Court has been telling us for 36 years, and it is long overdue that we correct what they have done to twist and distort the First Amendment.

Now, it is really embarrassing, Mr. Speaker, that Congress has taken so long to act on this crucial issue which goes to the heart of the matter; it goes to the essence of our liberties as Americans. We have not had a vote on a school prayer constitutional amendment in this House of Representatives since 1971, and that is the only time we ever had it. The Supreme Court made its decision in that area in 1962. Now, after 36 years, we only had one vote on the floor of this House, and that was 27 years ago. They have not had a vote in the Senate since 1984.

And yet, year after year, month after month, we have public opinion polls, I have a collection of 36 years of public opinion polls in the U.S.A., and 75 percent plus, 75 percent and up of the American people say they want a constitutional amendment to address this, to make it possible to have voluntary prayer in public school again. And the House has been unresponsive. That is why I am so pleased that 150 and more Members of this House have come together in sponsoring the religious freedom amendment to correct this. It is so long overdue.

As we look at this, let us compare the difference between what we do on a Federal level and the States. If we look at the preamble of the religious freedom amendment, to secure the people's right to acknowledge God according to the dictates of conscience, is that not what we want? Is that not the freedom we want? We can acknowledge God according to what our conscience tells us ought to be the manner of doing so.

I hear some critics say, oh, my goodness, we cannot refer to God in the Constitution of the United States of America. What do we think the Founding Fathers did and the Declaration of Independence when they talked about a due regard for nature's God, when they said in the Declaration of Independence that we hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain inalienable rights, and that among these rights are life, liberty, and the pursuit of happiness, that to secure these rights, governments are instituted among men. Now, is that not something? The Founding Fathers said our rights do not come from government, they come from God, from our Creator, and the purpose of government, the whole reason for setting up government is to secure the rights given to us by God.

Now, to some people today perhaps that appears a strange notion, and so when we say let us put in the Constitution that people have a right to acknowledge God according to the dictates of conscience, they seem to think it is something strange. But yet, Mr. Speaker, I have looked through the constitutions of all 50 States. I ask my colleagues if they know that every one of our 50 States in their State constitutions refer to God. They do.

We can look at any State, pick a State. The gentleman from California (Mr. CUNNINGHAM), from that Golden State, California's constitution includes the words that they are grateful to Almighty God for our freedom. Pick another State. Let us take another western State. Arizona, in its Constitution it says, grateful to Almighty God for our liberties. Idaho, grateful to Almighty God for our freedom. Kansas, grateful to Almighty God for our civic and religious privileges.

Maine, oh, listen to this in Maine: Acknowledging with grateful hearts the goodness of the sovereign ruler of the universe in affording us an opportunity so favorable to the design, and imploring God's aid and direction in its accomplishments. That is in a State Constitution in Maine. Connecticut says that it acknowledges with gratitude the good providence of God. Indiana, grateful to Almighty God for the free exercise of the right to choose our own government. Nebraska, grateful to Almighty God for our freedom. Michigan, grateful to Almighty God for the blessings of freedom. New York, grateful to Almighty God for our freedom.

My home State of Oklahoma, invoking the guidance of Almighty God. Rhode Island in its State Constitution says, grateful to Almighty God for the civil and religious liberty which he hath so long permitted us to enjoy and looking to him for a blessing upon our endeavors. South Carolina in their State Constitution says that they are grateful to God for our liberties. Vermont says that part of the reason for their Constitution is to worship Almighty God.

We could go on and on, Mr. Speaker, through the different States, through what the people of the States have thought was so important that they needed to write it into their constitutions, and they did not mince words. They said, we as a people believe in Almighty God, and we want to protect people's rights to worship God Almighty.

In this age when so many people are trying to suppress religious expression in everyday life, is it not overdue that we make it clear in the national Constitution of the United States of America that people should be secure in their right to acknowledge God according to the dictates of conscience? And that is a phrase that appears also in a number of State constitutions: according to the dictates of conscience.

So the people that did so much to establish this Nation and the States and to establish and then to preserve our freedom and our liberty, they recognized that it is because of God Almighty that we have been able to do these things. Yet, Mr. Speaker, it is sad that so many people want to wipe it out. They say, well, look, if we want to express something about religion, do it in the privacy of your own home, do it only at church.

But, Mr. Speaker, if our constitutional rights only exist when we are in

private and we cannot proclaim them in public, are they really a right anymore? If we were told we have a right of free speech, but not in public, we would have the media so up in arms about it saying, wait a minute, free speech is something one takes with them wherever they go, and in fact it is supposed to be more protected on public property than on private property. Is that happening?

A sad case recently, this is a Federal court, a Federal court in New Jersey, there was a first grade student in Medford, New Jersey, and he wanted the right to read a story to his classmates and he brought a book to school the next day to read a story to his classmates. The book was The Beginner's Bible. The story was about Jacob and Esau, their reunion together, two brothers coming back together. In fact, I have read the text of that story. It does not even mention God, but because it is from a beginner's Bible, the teacher said, ''You cannot read it in school,'' and the U.S. District Court agreed and said that is right, you cannot read it. That is the first grader.

In Alabama right now, in a court ruling issued by a Federal judge in Alabama, over 70 students have been expelled because the judge has said it does not matter what sort of school activity it is, classroom, school assembly, football game, pep rally, you name it, school officials cannot permit a prayer to occur. And students that do not go along with that have been expelled. Now, what kind of religious tolerance is that?

I recall the words of another Supreme Court Justice, Potter Stewart. He dissented, Mr. Speaker. He dissented when the Supreme Court said that students should not be allowed to join together in prayer at school as part of a normal activity, and he wrote that he did not see that there was a danger in letting students that wanted to say a prayer to say one. In fact, he said if we really believe in diversity, students are only going to learn about diversity if they are exposed to it at school where they know it is normal, where they realize different people pray different ways, different people have some differences among their faiths, but yet they are more united than they are separate on those things.

In fact, Justice Stewart went farther, because I hear some people talk about what they call a captive audience at school, they say, oh, you cannot have prayers at school because the children are captive audiences there. The people that first came up with that concept did not think about all of the students, they only cared about maybe a child who did not want to hear someone else's prayer.

But how about the vast majority of students that say yes, that is something good, that is something positive, what about their rights? Because Justice Potter Stewart wrote, in a system of compulsory attendance at public school, to deny children the right to have a prayer, which is an everyday occurrence in so many other places in life—this Congress, legislatures, city council meetings, city club meetings, you name it—to deny them the right, Justice Stewart wrote, to have a prayer while they are required to be at school is to place religion at an artificial and State-created disadvantage. It is not being neutral, it is being negative toward religion, and that is not what the Founding Fathers intended.

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

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

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding to me. I would just like to thank my good friend from Oklahoma for organizing this special order and for all of his hard work in behalf of this very important and vital legislation. I respect very, very deeply our Constitution and our First Amendment, but I share the gentleman's concern with the interpretations that have been given of the First Amendment over the last 30 years by our Supreme Court.

Ironically, it seems that the Founding Fathers who certainly had the specter of a national religion fresh on their minds probably never, ever envisioned a time in history like we experience today when religious expression and exercise of any kind in a public place is shunned so adamantly by our government. They were running from a government that was too involved in religion, and we now have a government that discriminates against religion.

So I want to commend the gentleman from Oklahoma (Mr. ISTOOK) for his efforts and for lifting up this issue for the American people and for the Members of this body to carefully deliberate on so that we can really consider where we want to go in the future to right what has been 30 years of the wrong direction.

I can remember very vividly when I was a child growing up in Mobile, Alabama, and I started to school and every morning it was the Lord's Prayer, the 23rd Psalm, the Pledge of Allegiance to the flag, and My Country 'Tis of Thee. That was regular, it was consistent, and even though we recited it almost by rote, the words of all of those began to have meaning for us. And I believe that somehow those words, through the 12 years of grade school and high school that I attended, made a difference in shaping the values that I have. I am afraid that several generations of America's young people have grown up despiritualized because of this wall of separation that has been placed between our religious values and our life.

I learned somewhere that religion is what means the most to a person. I believe as Americans we are very, very reverent, and I think that everyone should have the right to express him or herself in any way that he or she should, within the appropriate and accepted means.

This religious freedom amendment that is being offered is very simple. It says simply that to secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion. Who would have any qualms about that? It goes on to say that the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Now, who should have problems with that?

□ 2215

It says, ''Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.''

All of this would appear to be perfectly legitimate and perfectly consistent with what the Founding Fathers had when they drafted the First Amendment to our Constitution. It is certainly consistent with our history, our traditions for most of the 200 plus years of our country's history, save the last 30 years where the Supreme Court has turned us in another direction.

I believe that it is appropriate. I believe that it is certainly incumbent upon us to lift this issue and to raise it so that, once again, Americans will have as much protection to express their religious beliefs and heritage, even in a public place as they do to express, to describe, or to observe nude or pornographic material.

I think that to offer more protection for pornography than for the sacred, religious beliefs and traditions of the various people in this country is really awful. It is something that is inconsistent with our history and our heritage.

I commend the gentleman from Oklahoma (Mr. ISTOOK) for his efforts. And I join the gentleman in his efforts to see if we can right that wrong.

Now, there are those who would suggest that, if we should do this, that we will somehow be infringing upon the rights of, perhaps, a minority; that there may be a Jewish student in school or a Muslim student in school who might feel ostracized because he or she may be the only child or one of just a few children in the class who may be belonging to a particular religious belief or faith.

Well, that may be true that they may be a minority, but we have learned in America that even minorities have rights. Under this religious freedom amendment, even that child who belongs to a minority would have just as much right to pray or to express his or her religious traditions as the majority, the majority faith that would be represented in that particular environment.

They say, well, how are we going to manage to make sure that no child gets ostracized or no one is treated unfairly? I suggest to the gentleman that

it should be handled in the very same way that teachers and principals and school administrators and school boards handle the order and discipline of our schools today.

What has to happen is that school boards must be accountable. They must make sure that whatever policies are applied are applied evenhandedly. And if those policies are applied evenhandedly, even the minority students would have the right to express their religious beliefs with the same dignity and the same respect as any other students in the class. I believe that it is fair. It is basic. I think it is an idea whose time has returned.

I commend the gentleman from Oklahoma. I certainly support his efforts. Maybe we may disagree on some of the nuances and some of the specific wording in the amendment, but I think the thought, the principles, and the ideas are the same.

I want to join the gentleman and support what he is doing. Maybe at some point we can get together and fine tune the language in a way that it would eliminate any criticism.

For example, I believe the gentleman mentioned the word, ''God''. There are some religions that God can be a generic term or God can be an anthropomorphic deity. I do not think it is appropriate for government to decide.

So for that reason, if it were my preference, I would remove the word, ''God,'' from the amendment itself, because it appears no where else in the Constitution anyway. But I do not think that that is a severe impediment.

I believe that the essence of the amendment is for every person to have the right to express his or her religious beliefs and opinions without being discriminated against and in an evenhanded way.

I do not think that government should shun religion just as I do not think government should foster religion. I believe that this amendment, if implemented and if it is applied fairly, and school boards are accountable and hold their employees accountable in the implementation of it, I think it can work well. I think that it will help us to get back to the day where we can restore spirituality and values and principles and character and dignity in our young people, and we can look forward to a brighter future.

I thank the gentleman from Oklahoma for yielding.

Mr. ISTOOK. I appreciate the gentleman from Georgia's comments. In fact, I would like to exchange a couple of thoughts with the gentleman.

I would like to engage in a colloquy, if I can, with the gentleman from Georgia, because I was struck by something he said about some people, the way they treat it, in essence, equate religion or religious expression with pornography.

Now, let me explain what I mean by that, because pornography is a special category where free speech does not apply. Free speech is not absolute. We cannot yell ''fire'' in a crowded theater. That is kind of the classic. We cannot advocate for people to rush out and take up arms and violently overthrow the government or otherwise incite people to riot or rebel. I do not know if that is truly what we are trying to do. Of course, then, there is limitations on things that are pornographic.

Now, the courts in doing this, I can think of an example that involves the Internal Revenue Service. One of their big district offices in California put out a memorandum to its employees. They said, you cannot have a religious item in your personal work space or on your desk. We are talking about things that could be a picture of Christ. It could be a Star of David. It could be a nativity scene. It could be lots of different things.

I wrote the IRS, and I said, why are you doing this? They wrote back, and they said in their letter, items which are considered intrusive such as, and they gave two examples, and these are the only examples they gave, items which are considered intrusive such as religious items or sexually suggestive cartoons or calendars are prohibited.

Look how they juxtaposed things. Look how they categorized a Bible or a menorah or a cross or whatever as though it were pornographic. I was struck by that when the gentleman from Georgia made the comment that he did. I wanted to share that with the gentleman and get your reaction to that.

Mr. BISHOP. I would be appalled to have that kind of comparison contrast made to mention religious items. Religion is what means most to people. It is revered. It is something that is sacred, whatever that expression may be. If it is religious, it is deeply held and deeply felt.

For those of us who feel that a person's right to express his or her religious traditions, whether it is the wearing of religious items, a crucifix, a menorah, or whatever the sacred item might be, and to have that item in his or her possession, and to have that equated with pornography, I think, is abominable.

I think it is certainly inconsistent with the noble high ideals of our Founding Fathers when they founded this country and when they wrote what I believe to be one of the greatest documents ever written in history, and that is our Constitution, next to the Bible, of course.

I feel very strongly that this is wrong, that the interpretation, the pendulum, has swung too far in that direction, and we need to right a wrong. I believe that the way to do that is through the enactment of a Constitutional amendment to set it straight once and for all.

Mr. ISTOOK. I agree with the gentleman. I think through the different symbols. Because it is not just the Internal Revenue Service. They are acting in response to these horrible court decisions.

In San Francisco, in a city park there, for 65 years, there was a large cross. It was on public property there. It had been there for 65 years. It had been praised by people.

President Franklin D. Roosevelt, when he was President, made a national address where he singled it out. A U.S. Supreme Court ruled last year it was unconstitutional. Now, I do not know if it was unconstitutional to them 65 years ago or if it first became unconstitutional to them in 1997 or when.

There have since become cases in San Diego, cases in Oregon, cases in Hawaii. I mentioned the one in Edmond, Oklahoma. For the U.S. Supreme Court to single out emblems of a particular faith and, yet, that same U.S. Supreme Court has ruled that an emblem like a Nazi swastika is protected.

I am thinking of a case in Skokie, Illinois, a Jewish community with a lot of members of the Jewish faith who were survivors of the Nazi Holocaust, and American Nazis went to parade in Skokie, Illinois, through the streets emblazoning their Nazi swastika all over the place. The court said, oh, that is protected. A symbol of hate is protected, but a symbol of love, of hope, of faith, it is not. What kind of standard is the Supreme Court using?

Mr. BISHOP. Will the gentleman yield?

Mr. ISTOOK. Yes.

Mr. BISHOP. I think that is a very, very profound question, because I think what the Supreme Court was trying to say was that we have to learn to be tolerant of the views of others, even though they may be different from ours. I think that is a very, very valid statement, a very, very valid principle.

However, do we want to draw the line and not be tolerant of the views of others if those views happen to be based in religious tradition, religious practices, religious beliefs? Certainly, that could not be the intent of our Founding Fathers.

Certainly, we must want to teach tolerance so that, if people are of different religions, different backgrounds, have different points of view, that they each have the right to express those points of view in an atmosphere of tolerance, particularly government tolerance.

I think that that is essentially what this amendment is trying to do. Let us be as tolerant of the expressions of religious belief, regardless of what the religion might be.

Let us be as tolerant of that as we would be of a swastika or of burning a flag in public, which is certainly abominable to those of us who are patriotic Americans who revere our flag, but to allow tolerance for those who, through their anger and misguided or misdirection, would destroy our flag or would want to wave a symbol of hate like a swastika, to give them the protection and the tolerance, but not to give that to a young girl who merely wants to take her Bible with her on her school bus on her way to school, to ban that

and not give her the protection and the tolerance by her government merely to carry a sacred book on the school bus with her, that could not be the intent of our Founding Fathers, and certainly was not the practice of the custom for most of our country's history.

Can you imagine justifying and protecting the use and the waving of a swastika, a symbol of hate, while at the same time, banning a young girl from playing a videotape of herself in a show-and-tell day at school simply because she is singing a religious song in church. It just does not seem to be fair. It is not right. And it is discriminatory.

□ 2230

I believe the time has come that we need to stop discriminating against the kind of tolerance that expresses religious traditions while we protect the kind of tolerance that allows hate and racism to be expressed as with the swastika and many other symbols that the Supreme Court has allowed to be protected.

Mr. ISTOOK. I certainly agree with the gentleman. Unfortunately, some people seem to have this notion that tolerance is a one-way street. They expect us to tolerate expressions by people who are way out of the ordinary, and certainly I believe in protecting the rights of minorities of whatever type they may be, but that does not mean that you disregard the rights of the majority because the first amendment was meant for all of us.

I hear some people say, the first amendment and the religious protections in it were intended to protect the minority from the majority, but I think that cuts both ways. Yes, it is intended to protect the minority from the majority, but it is also to protect the majority as well. And to say that it only protects some of us and not others is certainly not equal protection of the laws and it is not what the Founding Fathers intended.

Yet I think of instances, in Denver, Colorado, a year or two ago, this organization known as Americans United for Separation of Church and State got involved really in an incredible way, because they were going to have a prayer luncheon and the governor was going to be a part of it, and they put out this press release saying, oh, it is terrible for a public official to be involved in a prayer breakfast or a prayer luncheon because they are public officials and, therefore, I guess supposedly they are not supposed to have any religious expression of religious freedom. Yet they were condemning the idea of having a community prayer luncheon and letting public officials be a part of it. That was outrageous to me.

You look, right now the State of Ohio, Ohio has a State motto. Their State motto is, ''With God all things are possible.'' They are being sued by the ACLU saying. You cannot use the State motto; you cannot put it up.

Like I mentioned before, we have ''In God We Trust'' over the Speaker's chair here in the Chamber of the House of Representatives. But they are suing, saying the State of Ohio better not say, ''With God all things are possible.''

Look at the State seal of Florida; it says, ''In God we trust'' on the State seal of Florida. There are other expressions on other State seals and State flags.

I look at West Virginia, where the ACLU is suing there to say you cannot have prayers to start football games. What kind of intolerance is this? Yet in this topsy-turvy world, some people try to say, oh, we are practicing tolerance by telling people to be silent. That is not tolerance. That is intolerance of the worst order because it picks on people's religious faith.

I know when it comes to saying that it is once again possible for students at school and, if they wish, in the classroom to have a prayer at the start of the day and, as you mentioned, you protect everybody's rights, you have it rotated and you make sure that it is not just one faith that gets to say a prayer and others do not, the religious freedom amendment does not countenance that sort of thing, but it gives people the opportunity.

I think back on my experience, and I am 48 years old; maybe once or twice in 48 years of life thousands and thousands of prayers I have ever heard, only maybe once or twice in my life has there ever been a prayer that I heard that I thought was out of place.

I think when you talk about having prayers in public schools and thousands of public schools, what turns out to be millions of times a year probably, that it is going to be extremely rare if there is going to be any sort of prayer that is offensive. Do you say that if you are afraid that somebody is going to say something wrong, you force everyone to be silent? That is not the American way. If something happens that is wrong, that is how you learn. You learn from those experiences.

These scare tactics that some people are using, the ACLU-type groups, saying, people are going to be coming into our schools to do this and that; no, they are not. This amendment does not give anybody the right to walk into a public school. It talks about the rights of those who have a right to be there, just as everybody does not have the right to come in and disrupt the proceedings of this House or to go into some other government office and be disruptive, there is no right to be disruptive just because you have a right to free speech.

Mr. BISHOP. That is a very interesting concept that the gentleman just raised, because I hear a lot of the opponents or the critics of the amendment suggesting, how are we going to regulate this? How are we going to control who comes in and what they say?

We already have in place the mechanisms for controlling the orderly processes of our government operations, for example, the rules of this House, for the operation of our schools, the principals, the school board, the teachers, the faculty. They have a routine. They have procedures. Students know when they are allowed to speak and when they should remain silent. They know that they have to cease speaking while another child is giving his or her recitation or responding in class. There is a protocol.

I believe that the people in this country, our school boards in this country, are as creative and as ingenious and as bright as it takes to be able to establish the right kinds of protocol so that every child would be given the opportunity to express him or herself in a way that is evenhanded.

We live in a melting pot. America has been always a melting pot with many, many backgrounds and many generations of people coming from all over the world to make their home on these soils. I believe that they bring a very, very interesting set of backgrounds and histories and religious traditions which is a part of our national cultural heritage. We must be willing to expose ourselves and to listen to it, not necessarily agree with everything we hear, but to listen, to listen respectfully and to form our own opinions.

I believe that is what this religious freedom amendment is all about. It is not about cramming one particular point of view down anyone's throat. It is about allowing all of the ideas, allowing young people, allowing people who have religious beliefs to be able to express them as they can express any other form of free speech in any context that is not inhibiting and is not discriminatory.

I just believe that what the gentleman is trying to do through this amendment and what we all want to see for America will help us to have a much richer heritage and a much more tolerant environment. I do not believe that anybody will be put upon, and I do not believe that any school board would stand for anyone being put upon. Should that happen, those instances where someone abuses that authority, it will be appropriate for the ACLU or for parents or for the community to rise up in arms, to rise up in protest legally or otherwise to make sure that those wrongs are righted.

Mr. ISTOOK. I think the gentleman has stated things very well. I appreciate your recognition and expression of the fact that this amendment is about tolerance.

Some people have developed the mistaken notion that if they are present when somebody says something with which they disagree, that they have been put upon. Well, hearing something with which you disagree and being respectful of it does not mean you agree with it. It happens all the time on the floor of this House. It happens all the time in classrooms at school. And to single out religion and say, you cannot

say something that does not have unanimous approval because it infringes on someone else's rights, what you are really doing is stomping on the rights of almost everyone just because somebody there is intolerant.

I think of the case, this was the graduation prayer case, the prayer there was said by a Jewish rabbi. The Supreme Court said it was unconstitutional to expect people to be there because they would be expected to be respectful. That interfered with their constitutional rights.

I suggest to you and to everyone that if they said, well, we expect students to be respectful when somebody is speaking, we expect them to be respectful if the school choir is singing a song, we expect them to be respectful of all the occasions, but if it is a prayer, you cannot expect respect.

What a terrible doctrine the Supreme Court unleashed there. We have to correct it. You do not have free speech if you can only say things with which people agree.

If I could close and just share a thought expressed recently, just about 3 months ago by Pope John Paul II, concerned with religious freedom in the United States of America, when he received the new American ambassador to the Vatican just in December. He said this: ''It would truly be a sad thing if the religious and moral convictions upon which the American experiment was founded could now somehow be considered a danger to free society, such that those who would bring these convictions to bear upon your Nation's public life would be denied a voice in debating and resolving issues of public policy. The original separation of church and State in the United States was certainly not an effort to ban all religious convictions from the public sphere, a kind of banishment of God from civil society.''

Those were the words of Pope John Paul II just in December, expressing concern about religious freedom being stripped away in America.

The religious freedom amendment will correct that. I thank the gentleman from Georgia (Mr. BISHOP). I thank the Chair for having the time to present it. I look forward to the day in the next few weeks when we will have a chance to debate and to act upon this House floor on the religious freedom amendment.

1997 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. REDMOND) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I transmit herewith the 1996 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998.*

FEDERAL AGENCY CLIMATE CHANGE PROGRAMS AND ACTIVITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–226)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, the Committee on International Relations, and the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with section 580 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1998, I herewith provide an account of all Federal agency climate change programs and activities.

These activities include both domestic and international programs and activities directly related to climate change.

WILLAIM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998.*

MILITARY READINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, one of my favorite speakers is a guy named Will Rogers. First of all, he tells stories and he relates to people. And my subject tonight is the readiness, the national security of this great country.

We just finished a hearing in San Diego headed up by the gentleman from Virginia (Mr. BATEMAN). Our Republican and Democrat colleagues, I was very, very proud, they listened. They watched. And they unanimously contended that the readiness state of our armed forces in this country is at a critical state.

I think it best relates, as my friend Will Rogers used to relate the stories, and it tells about a case of a gentleman that was in an accident and he was banged up. His horse was killed. His dog was killed.

And the insurance agent came to the gentleman and said, Well, is it true the day of your accident you told the police officer that it was the best day of your life and that you had never felt better? And the gentleman looked at him and said, Yes, this is right. I did that. He said, But you had broken legs and broken arms. He said, Yes, but I still said that I never felt better. He said, Can you explain? He said, Well, my horse had broken legs and the policeman took out his revolver and he shot the horse. My dog was near death, and he reached over and shot the dog and the police officer looked at me and said, how do you feel? And of course, I replied I never felt better in my life, even though I had broken legs and arms.

Kind of the truth in the same story could be related to our service chiefs as they testified before the different committees.

□ 2245

A four-star General or Admiral will come before the committee and state, ''Our readiness state is high, we are well trained, we are well prepared.'' And these are the same words that they said in the '70s when we were at an all-time low. But we know and they know if they do not agree with the President's budget and they say otherwise, the President will find someone who will agree. And there is the paradigm.

If we take a look, the White House budget is a good one. But our service chiefs try and give us the information to read between the lines. For example, in the President's budget education impact aid has been cut. What is education impact aid?

If a military service person signs up for aid in one State and moves to another, and they reside in that State and keep their registration there, their State taxes go to that State. And say that they go to California, the State that I am from, and their children go to that school. Well, they impact that school, but yet there are no State funds. Ninety-seven percent of education is paid for, excuse me, 93 percent, out of State funds, so there is a direct impact on that school. Yet the budget is okay, but education impact aid is not in the budget.

The service chiefs testified that 80 percent of the equipment of all of our services, 80 percent, is of 1970 vintage. But the budget is okay. There is not enough money for modernization, because modernization over the past 7 years has been cut 70 percent. So our new tanks, our new aircraft, our new weapon systems, our ships cannot be built. But yet the system is okay.

The bottom-up review that was charged by then Secretary of Defense Les Aspin pointed out that the Navy was going from 546 ships, but yet we needed only 346 to complete two combat zones at one time. They refer to it as a two MRC. It would take 346 ships to do that. But yet in the budget that we see today, in the outgoing years and this year, we are only building three to five ships, which will put us well below 300 ships. But yet the budget was okay.

There are limited parts, so bad that many squadrons in the United States have but one or two aircraft that will fly because they have had to take the parts off of those aircraft and send

them to Iraq and Bosnia and our other contingencies on the front line, and that means that the aircraft that are left here are down so that the pilots here cannot train or cannot fly those aircraft.

They have to operate a maintenance practice called cannibalization, in which they have to take a part off of one aircraft, they have to put it on another aircraft, and then take a third part and put it on the original airplane, and in many cases that does not work. The load for that maintenance worker is three times the amount of work that a normal maintenance worker has to work. But the budget is okay.

Operation tempo. Listen to this, Mr. Speaker. The operation tempo since the Cold War has increased 300 percent. But yet the budget is okay.

Our men and women are getting out of the service. The retention rate is 24 percent. Pilots in the Air Force, they had to give bonuses. It was 29 percent, and they were able to boost it up to 33 percent. The Navy is similar. What does this mean?

We interviewed in San Diego our top enlisted, our staff sergeants, our gunnies, our master chiefs, our chiefs and enlisted. Most of their senior enlisted personnel, because of the time away from home, because of the increased tempo, because of three times the workload, because of having to deploy and be away from their families, are getting out of the service. So we do not have that experience level to man the readiness of our equipment, in which in the States we do not have because it is being forced on the front lines. But yet the budget is okay.

Older equipment from the 1970s is much more difficult to keep up, Mr. Speaker. Cannibalization that does not work, 300 percent increase in op tempo, and a budget that is lower than in the 1950s. But yet the budget is okay.

Now, with that 1950s budget, Mr. Speaker, with that 1950s budget for our national security, all of the contingencies, Somalia, Haiti, Bosnia, there was $16 billion spent for which Congress did not support. We did not support the increase and lengthening of Somalia, we did not support Haiti, and we did not support going into Bosnia, but the President ordered it. It cost $16 billion, which comes out of the operations and maintenance funds which our service chiefs, our enlisted and our commanders have told us there are no parts. We are not maintaining our equipment because it is already coming out of there.

One thing they said unanimously, the service chiefs. We have a supplemental called a defense supplemental coming up, and if they do not receive this supplemental, all services will not only go into a hollow force, they will be inept. That is the words of our service chiefs. And this is critical. Without the supplemental, we will not only be in a hollow force but we will be inept.

With the experience leaving the services, we have a real problem. With our groups training, the low level, we have less and less and less. Let me talk about the troops getting out with a Will Rogers type of story.

In Vietnam I was fortunate to shoot down a Mig 21 over Southeast Asia. When I came back aboard the U.S.S. Constellation, which was the same ship we held this hearing on, all 5,000 men on that ship were up on the flight deck because no Mig had been shot down in almost 2 years of fighting. As I taxied over to the elevator, I looked and there was Captain James D. Ward, skipper of the U.S.S. Constellation, Admiral Hutch Cooper, who was commander of Task Force 77, and all 5,000 guys were there cheering.

And I looked at my plane captain, his name was Willie Lincoln White. Willie Lincoln White, in his enthusiasm, Mr. Speaker, broke through the crowd. He knocked over Admiral Cooper, and you do not do that in the Navy, and he ran across the flight deck. In his enthusiasm, he ran by the tail feathers where the engines were still going and jumped up on the port wing. We are trying to get the ejection seat pins in and the safety arm for the weapon systems, and Willie White leaned over and grabbed my arm and said, ''Lieutenant Cunningham, Lieutenant Cunningham, we got our Mig today, didn't we?''

Well, what was Willie Lincoln White telling me, Mr. Speaker? He felt a very important member of a team, and rightfully so. We shot down a lot of Migs, but we only deserve about 1/5000th of the credit. And those men and women serving in our military feel like they are part of the team. But this Congress and the White House is letting down that team, Mr. Speaker, because when men and women who are dedicated, dedicated to serving this country, are forced out because of a 300 percent increase, because of cannibalization, because of no parts, because they cannot train and that they are kept away from their families, that is wrong.

Let us take a look at the U.S.S. Constellation in port in San Diego today. She returned from a 6-month cruise overseas. Now, during the months of April, May, June, July and August she has to go up to Bremerton. She is an old boat and she has to get repairs. Now, Bremerton is not where the families of those men and women serving on that ship live. They live back in San Diego. So after a 6-month cruise, they are going to have to go up, months away from their family. This is supposed to be a time called shore duty on the rotation, 6 months on, 6 months off, that they have to spend some time with their families, but they cannot do that.

After they get through with this time in Bremerton, they have two 40-day workup periods. Why? Because the aircraft they have does not have any parts. In some cases they do not even have the airplanes. They have to get them back from sailors that are coming back off another ship, beef up their airplanes, go out and train them, because they have not trained their new kids that have just joined the squadron.

So we have kids that are not trained as well as pilots and aviators. And even the weapons people to onload the weapons are new. So they have to gear up to that because they could potentially end up in combat. But yet the budget's okay.

Let us take a look at how foreign policy has damaged the readiness of our forces in this great country. We went into Somalia with a humanitarian message and mission. There was an extension after George Bush left and the President took over in the White House. They extended Somalia. Most of us voted against that because there was no mission, there was no clear time to get out, much like there is in Bosnia today.

The extension changed from humanitarian. And Mr. Speaker, I think you will remember that the mission went after General Aideed. Well, during that time there was a humvee, which is a vehicle that our Rangers were driving, and they were trapped by the forces there. They were cut in four pieces with chainsaws and their remains were drug through the streets of Somalia. Our military leaders asked for armor.

And at the same time the mission changed from humanitarian to going after General Aideed, the President drew down our forces, making us vulnerable to attack. And so our commanders again asked for armor and they were denied.

There was a helicopter that went down, Mr. Speaker. The same thing. Two of the members were killed outright, the one survivor was taken out and cut to pieces and his body parts were drug through the streets of Mogadishu. And again they asked for armor, because they could not get to them through the streets.

Then we put in a strike going after General Aideed, downtown Mogadishu. Our Rangers were trapped. It took 7 hours to get to them because they did not have armor, and we lost 22 of our soldiers unnecessarily. And another reason that I do not support the United Nations is because at that time Boutros Boutros-Ghali could have ordered in our tanks from other U.N. nations and did not. We lost 22 men, Mr. Speaker.

Let us look at Haiti. Oh, and guess what? In Somalia, General Aideed died last year but his son is still there. They still have the same corruption. They still have the same poverty. They have the same problems that they did for the humanitarian reasons we went there and it cost billions of dollars. Now, we take that out of Medicare, we take that out of Social Security, we take it out of education, but it is dollars that we do not have overseas.

Let us take a look at Haiti. In my opinion, Haiti could stay there for another 200 years and not be a threat militarily or economically to this

country. But yet, on the President's orders, against the will of Congress, we went into Haiti. Who did we send in there? A mad dog named Aristide, who used Haitian neckties, which is a tire around the neck of his opponents filled with gas, and lit them. But yet he was our ambassador. He was going to be the head of Haiti, supported by this administration.

Billions of dollars, Mr. Speaker. Aristide is still there, the government is still poor, the people are still poor. There are still boat people coming from Haiti, and all of the same problems we went there for. But yet it cost billions of dollars.

Let us take a look at Bosnia. In my opinion, if we pulled out of Bosnia today, would there be conflict? Yes. Look at Kosova. Look in the news today.

□ 2300

But if we pull out 5 years from now, the fighting is going to be even worse because of our failed foreign policy. And let me be explicit. The White House sent arms to Izetbegovic, the leader in Sarajevo, head of the Muslim forces, to balance out, quote, ''balance out the force.'' We are continuing to arm and send our troops to train the Muslims. There are between 10 and 12,000 Mujahedin surrounding Izetbegovic and essentially trained under Kadafi, and that government is going closer, and closer, and closer to Iran and Iraq. And if we pull out in later years, it is not going to be the Serbs, it is not going to be the Croatians, but it is going to be the fundamentalists, the Mujahadin and Hamas that are going to strike a blow, and Iran and Iraq is going to have a foothold in former Yugoslavia, and it is going to threaten Europe, and it is going to threaten Greece, and it is going to threaten the United States of America, Mr. Speaker. And that is wrong.

The President's budget represents the 14th consecutive year of defense spending decline. The President's request represents 3.1 percent of GDP, down by 50 percent in the mid 1980's. The fiscal year 1999 request represents the lowest defense budget since before, before the Korean War; Bosnia, $7.1 billion; southeast Asia ops, 4.7 billion; Haiti Cuban ops, $1.4 billion; Somalia, Rwanda, $1.9 billion; $16 billion that, again, comes out of an already low defense budget.

Since 1993, three times more spent on contingency operations than all of the United States Marine Corps procurement. Bosnia deployments are estimated to have cost an additional 10 to $15 billion when we do not pull out this June, as the President said he would a year ago. Air Force officials have established 120 days per year as the desired maximum number of days an individual should be away from his home station.

Many of our troops are away from their homes over 230 days, and then because those critical rate shortages of our senior enlisted getting out have got to either cross deck, or go to Air Force units, or turn around and go right back to fulfill those voids. And that is another reason why retention is so low. It is another reason why our readiness is low because experience is leaving. And it is a self-contained cesspool, Mr. Speaker.

Do more with less. Brigadier General William Wallace. Remember William Wallace in ''Brave Heart.'' This is Brigadier General William Wallace. And I quote, ''We tend to see leaders that are well-educated, but not well-practiced.'' Why? Because their quality of experience is lacking.

Before many of us went to Vietnam and even in Desert Storm, we had strong training; we had strong control with our leaders. Our leaders were wartested and trained. Now that is fading, Mr. Speaker. We had adversary squadrons. We were able to fight against A–4s that simulated the MiG–17 and MiG–21. We were able to fight F–5Es and other aircraft which simulated MiG–21 and MiG–29. But we do not have any more of those adversary squadrons.

The budget does not allow for those aircraft. I am alive today because of the training and the superior equipment I had in combat. And our troops are losing that edge.

Mr. Speaker, did you know that Captain O'Grady, when he was shot down in Bosnia that made the news, was not qualified at air combat maneuvering, because they are not training here in the States. And when you get overseas on the front lines, you are flying these missions, you cannot afford an airplane, you cannot afford to fly and train in many of the areas because they will not allow us the air space to fight with live ordnance on. So you end up drilling holes in the skies. And yes, Captain O'Grady was shot down with a sand missile.

You saw him being picked up by Navy and Marine forces. But he was not qualified for air combat when he was shot down. That is a crime that this country would send our men and women abroad with the lack of training, lack of parts, 70-year-old aircraft, and on and on and on.

According to Army briefing, 125 infantry squads are unmanned. That is equal to five infantry battalions, and they are not even manned because we do not have the personnel. And if we did, we do not have the senior noncommissioned officers to train them.

Additionally, there are 134 tank crews and units based in the United States which are undermanned and unqualified, more than 40 percent of a division of armored fighting power, and this is according to the Army itself.

This briefing also identified 199 crews, Mr. Speaker, of Bradley fighting vehicles in the United States that are undermanned or unqualified. That is 60 percent of a division's infantry fighting power. But yet the budget is okay.

The widespread belief of trainers interviewed in the NTC, which is Naval Training Center, 29 Palms, and U.S. Air Force Air Warfare Center at Nellis Air Force Base is that units are arriving less prepared than they used to be and not as proficient when they complete their training as in the past. Deployed units numbers of overdue training events which drives increased workloads in order to catch up is forcing our men and women out the service.

The report states that service secretaries have confirmed that while readiness has traditionally fluctuated, meaning it is a moving target, depending on where the unit was, either deployed or at home, from all the services was at troughs of lower readiness are deeper and longer in duration. Many pilots and maintenance personnel interviewed report that aircraft are increasingly being stripped of parts as soon as they return from deployment in order to support other aircraft that are deploying.

Personnel in an S–3ASW aircraft squadron noted that it had returned from recent deployment and had no aircraft to train because the aircraft were needed to support the ongoing deployment of aircraft on the U.S.S. Kittyhawk. An ES–6 squadron only had one aircraft left. They had to get rid of all their airplanes. Fighter squadrons are leaving with no parts. Back here in the United States, they cannot fly them so they cannot train so that we can support all of these contingencies. And I quote, Never before have squadrons come back with no planes to train with.

The Marine Corps: Marine aviation weapons and tactical squadrons noted that fixed-wing pilots coming to school used to have approximately 1500 hours of flying time in a particular type aircraft. Today the average is closer to 400 hours. And these are your pilots that are going to go back and train the remaining pilots, and they only have 400 hours. They are beginners, Mr. Speaker.

Helicopter pilot students used to average approximately 12 to 1500 hours flying time. Now the average is near the minimum, 700 hours. So quality, experience. And we can neither accept or tolerate anything less than superlative in our air crews and in our men and women who maintain those machines.

Officers expressed their belief that a gradual decline in marine tactical air combat readiness was underway due to a combination of factors: Reduced experience levels, reduced turnaround time between deployments, pilot resignations, degradation of aircraft readiness and training, ordnance shortages, and a lack of trained personnel to maintain those machines. Approximately 12,000 DOD service members are on food stamps and that many others qualify. Is it any wonder, Mr. Speaker, that our servicemen and women are leaving? But yet, the budget is okay.

A 1990 survey found that 61 percent of Active enlisted soldiers and 47 percent of officers were dissatisfied with the

amount of time that they had to be separated from their families. For the last 30 years, Mr. Speaker, the number one reason for a lack of retention in our armed services is family separation. And we cannot increase an operation tempo by over 300 percent and expect to have any kind of retention figures.

Increased drug and child abuse are attributed to high pace of operations within the armed services. In 14 separate studies, 25 percent of the senior NCOs and officers indicate that they are leaving service either earlier than planned or undecided due to downsizing. Increase of PERSTEMPO, increased stress, concern about job security, declining satisfaction with quality of life, and concern for their families. Job satisfaction is down two-thirds, and leaders say organizations are working longer hours.

The force is tired, Mr. Speaker, concerned about the uncertainty of their future. Morale is low. The service chiefs will tell you that is not true, but just go out and talk to the kids. Morale is low both at individual and unit levels. And that is from the commanders of those that risk their careers by letting us know these facts.

Fully one-third of both Active and Reserve Army leaders surveyed reported the problems with outdated or aging equipment; 80 percent of their equipment is beyond the year 1970. Air Combat Command was reporting that F–15Es, the Strike Eagle, had dropped below its mission capable standards. Cannibalization of parts and deploying aircraft are increasing, overextended maintenance crews.

Air Force NCOs recently testified before the House National Committee that ''higher demand for aging aircraft parts and fewer resources due to cutbacks in funding drives us to cannibalization which triples our workload. Readiness is reduced to lower numbers of aircraft. Our pilots can't train. Fewer available missions capable of aircraft results in fewer trained pilots and mission accomplishment.''

Mr. Speaker, there is another factor that has decreased our readiness. In our downsizing, which was important, we had too many overseas bases; it drew too much from taxpayers and it drew too much from our services. But it has been overdone. Raising both the workloads on forces and costs of operations, CONUS-based forces must travel farther now and longer to reached deployed areas.

Of the 674 Army facilities closed worldwide since 1989, 593 were overseas. We used to go to those overseas bases. We used to get our parts. We used to get maintenance supplements. We used to have our aircraft and ships worked on at those overseas bases. But now they are closed. So what do you have to do? You have to go to Guam and Japan and other places in the Atlantic.

U.S. Air Force Europe reduced 16 main and 37 minor operating bases to six bases. Nine U.S. Air Force fighter wings, totaling 636 aircraft, were reduced to three wings, 636 aircraft to 168 aircraft, to do the same job. But yet, the increase in tempo is 300 percent and they are expected to do the same thing.

Personnel reductions from 62,000 down to 27,000; post-Cold War operations, larger, more intensive, more complex, longer in duration, Air Force study describes the context of a new environment of degrading readiness. And I quote, ''The increase in demand for U.S. Air Force assets and personnel has come to a time when U.S. Air Force and inventory personnel, operating locations, and budgets have experienced dramatic downsizing. U.S. Air Force aircraft inventory has declined 31 percent during the last 5 years.''

□ 2315

Procurement, Mr. Speaker, has declined in the last 7 years by 70 percent. We need these new aircraft to survive. Since the fall of the Berlin Wall in 1989, America has committed forces to nearly 40 crises. Deployments have increased, as I said, 300 percent since the Cold War, but yet funding below World War II levels.

The combined result of a smaller size and increased activity is illustrated by the Air Force which deployed 28,900 of its 441,000 personnel in 1996. The figures rose to 63,000 deployed. The previous figure deployed was 29,000. This year 63,000 had to deploy.

Army, General Reimer, the Army reduced manpower by 36 percent while increasing deployment 300 percent, increased the workload by 625 percent, with a decrease in force. Is it any wonder that our kids are getting out?

The U.S. Air Force requires 13 of its 20 air wing equivalents to support current operations, or 65 percent of the combat fighter force.

An average 50 percent of the Navy ships are out of home port. Roughly 30 percent are deployed.

A good example. We are funded for 50.4 hours per quarter steaming in the Navy. But yet with increased contingencies, those hours have gone up to over 75 hours, the increases there.

But the budget is okay, Mr. Speaker.

Reserve forces are fairly cheap, until you actually use them. When you have to send them to Iraq, when you have to send them to Bosnia, when you have to send them to South Korea because North Korea rattles its sword, then you have to pay them and, Mr. Speaker, that is not in the President's budget. But it is okay. And there are no replacements.

And op tempo continues to grow. In FY 1997 only 32 percent of the eligible Air Force aviators accepted a pilot's bonus to continue service. Our experience is leaving, our war fighters are leaving, our trigger pullers are leaving. Yet your service chiefs will stand up and say we are well trained, we are well equipped and we can go. But what can we go with, Mr. Speaker? We cannot fight a 2 MRC.

The Army's MA2A tank, they are only upgrading one-third of them. It is one of the finest tanks in the world, but their only new tank does not come out until 2020, 25 years from now, Mr. Speaker. A lot can happen in that time frame.

Let us talk about the threat and why we need these new aircraft. General Shalikashvili, for whom I have a lot of respect, he was appointed by the President, but yet he pushed the envelope, Mr. Speaker. He knew his troops needed more. They needed more of the assets. And he said we need $60 billion for modernization or we are going to go into a hollow force. The President's budget does not come anywhere close to that. But yet we need the F–22, we need the F–18E/F, we need the B–2, we need the V–22 for special ops. Why? Why do we need these aircraft? Why is it so important? First our equipment is from 1970.

This chart that I have, Mr. Speaker, points out that the Russians today, the threat, they have aircraft, one called the MiG–29 which we have parity with it with our F–14s and our F–15s and our F–16s, but they have the SU–35 and the SU–37 which outmaneuver our aircraft. They have an AA–10 and an AA–12 missile. On the left side it shows the F–22, you can put an F–18E/F in the same position, but if you had an F–15 or an F–14 there and the SU–35, say, on this side shot or the SU–37 fired its missile, its AA–10 or AA–12 and we fired our AMRAM from an F–14 or an F–15, we die. It is a better missile. They have better radar and they can see farther, and our kids die. With the F–18E/F, the stealth characteristics built in those airplanes, instead of shooting each at the same time, we actually get closer before the Russian aircraft can see us. We are able to fire and leave and the enemy pilot dies. Yes, we need those aircraft, and they are expensive. But they give us increased range, they give us increased stealthiness, they give us increased capability. But yet that money is not in the budget to replace those aircraft in the numbers that we need them to continue with a 2 MRC. It is more intensive, it is more critical as we go.

George C. Wilson, contributing editor to the Washington Post, is a former national defense correspondent for the Washington Post. He says, '''We're having all we can do to fight no wars,' a flag officer told me ruefully, complaining that current commitments and force cuts have mooted 2 MRCs even though Clinton and Cohen won't admit it. The numbers bear him out.''

Mr. Speaker, I am not going to take up the whole hour, but I would also like to show this chart. It shows mandatory outlays in all other spending has increased by 35 percent. Domestic discretionary outlays have increased 15 percent. Defense discretionary outlays have decreased 33 percent. And procurement of new systems, like the F–22 that the Air Force needs as its number one priority, the Army's helicopter,

the Marine Corps V–22 and even the Joint Strike Fighter is not there.

Mr. Speaker, I was proud of the Republicans and Democrats on the National Security Committee and on the House Appropriations Committee, because they came to the defense hearing, our service chiefs gave as much between the lines as they could without losing their jobs, and I am very, very proud of them. Our commanders of the units in all forces got up and gave us these between-the-line instances that I have just given during these last few moments, Mr. Speaker. Our noncommissioned officers, our master sergeants, our chiefs, our gunnies said it the best. They said, ''Mr. Chairman,'' to the chairman of the committee, ''We cannot continue as men and women in the Armed Forces with the lack of readiness and the lack of support that this Nation is giving us.''

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHIFF (at the request of Mr. ARMEY) for through March 27 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. MCCARTHY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

(The following Members (at the request of Mrs. KELLY) to revise and extend their remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes each day, on March 11 and 12.

Mr. DIAZ-BALART, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. JONES, for 5 minutes, on March 11.

Mr. BARTLETT, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, today and on March 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. SHERMAN.

Mrs. MALONEY of New York.

Mr. SCHUMER.

Mr. PAYNE.

Mr. TOWNS.

Mr. BONIOR.

Mr. THOMPSON.

Mr. DOYLE.

Mr. WYNN.

Mr. ORTIZ.

Mr. FROST.

Ms. SLAUGHTER.

Mr. LANTOS.

Ms. SANCHEZ.

Mr. KIND.

Mr. POSHARD.

Mr. MENENDEZ.

Mr. SKELTON.

Mr. TORRES.

Ms. WOOLSEY.

Mr. MANTON.

Mr. HINOJOSA.

(The following Members (at the request of Mrs. KELLY) and to include extraneous matter:)

Mr. OXLEY.

Mr. HUNTER.

Mr. RILEY.

Mr. BASS.

Mr. HYDE.

(The following Members (at the request of Mr. CUNNINGHAM) and to include extraneous matter:)

Mr. STARK.

Mr. LIPINSKI.

Mr. BORSKI.

Mr. LAHOOD.

Mr. PACKARD.

Mrs. JOHNSON of Connecticut.

Mrs. MORELLA.

Mr. MANTON.

Mr. BROWN of Ohio.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

An act to encourage the disclosure to Congress of certain classified and related information; to the Permanent Select Committee on Intelligence.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse.''

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and to the National Credit Union Administration, and for other purposes.

ADJOURNMENT

Mr. CUNNINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 11, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

7864. A letter from the Administrator, Food Safety and Inspection Service, transmitting the Service's final rule—Food Labeling: Nutrient Content Claims, Definition of Term: Healthy [Docket No. 97–035F] (RIN: 0583–AC47) received March 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7865. A letter from the Secretary, Panama Canal Commission, transmitting the Commission's final rule—Vessel Transit Reservation System (RIN: 3207–AA40) received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

7866. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Department's final rule— Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation [WT Docket No. 95–157 RM–8643] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7867. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arcadia and Fort Meade, Florida) [Docket No. 97–159 RM–9122] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7868. A letter from the AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule—Geographic Partitioning and Spectrum Disaggregation by Commercial Mobile Radio Services Licensees [WT Docket No. 96–148] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7869. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule— Amendment of the Commission's Rules to Establish New Personal Communications Services, Narrowband PCS [GEN Docket No. 90–314 ET Docket No. 92–100] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7870. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled ''Audit of the Public Service Commission's Agency Fund for Fiscal Years 1995 and 1996,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

7871. A letter from the Chairman, Commission on Protecting and Reducing Government Secrecy, transmitting recommendations concerning the classification of national security information and granting of security clearances, pursuant to Public Law 103—236, section 910(a) (108 Stat. 529); to the Committee on Government Reform and Oversight.

7872. A letter from the Deputy Assistant Secretary for Budget and Finance, Department of Interior, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5

U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7873. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7874. A letter from the Assistant Secretary for FOIA Matters, U.S. Commodity Futures Trading Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7875. A letter from the Administrator, U.S. General Services Administration, transmitting a draft of proposed legislation to amend Section 616 of the Act of December 22, 1987 (40 U.S.C. 490b), relative to child care services for Federal employees in Federal buildings; to the Committee on Government Reform and Oversight.

7876. A letter from the Acting Special Counsel, U.S. Office of Special Counsel, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

7877. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels; Addition of Foreign Terrorist Organizations; Removal of One Individual [31 CFR Chapter V] received November 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7878. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Nondiscrimination on the Basis of Disability in Air Travel [Docket OST–96–1880] (RIN: 2105–AC28) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7879. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; American Champion Aircraft Corp. Model 8GCBC Airplanes [Docket No. 97–CE–37–AD; Amendment 39–10365; AD 98–05–04] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7880. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aeromot-Industria Mecanico Metalurgica Ltda. Models AMT–100 and AMT–200 Powered Gliders [Docket No. 97–CE–78–AD; Amendment 39–10366; AD 98–05–05] (RIN: 2120–AA64) received March 6,1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7881. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–12 Airplanes [Docket No. 97–CE–98–AD; Amendment 39–10367; AD 98–05–06] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7882. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SIAI Marchetti, S.r.1 Models SF600 and SF600A Airplanes [Docket No. 97–CE–64–AD; Amendment 39–10376; AD 98–05–15] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7883. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Models T210N, P210N, and P210R Airplanes [Docket No. 97–CE–62–AD; Amendment 39–10375; AD 98–05–14] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7884. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Processing Petitions for Final Compliance Waivers [Docket No. 29155] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7885. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 96–NM–178–AD; Amendment 39–10101; AD 97–16–09] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7886. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model ATP Airplanes [Docket No. 97–NM–191–AD; Amendment 39–10373; AD 98–05–12] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7887. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model 1900D Airplanes (Formerly Known as Beech Aircraft Corporation Model 1900D Airplanes) [Docket No. 97–CE–73–AD; Amendment 39–10111; AD 97–17–08] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7888. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Ayres Corporation S2R Series Airplanes [Docket No. 97–CE–65–AD; Amendment 39–10105; AD 97–17–03] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7889. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 97–SW–62–AD; Amendment 39–10371; AD 98–05–10] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–215–6B11 (CL–215T) Series Airplanes [Docket No. 97–NM–328–AD; Amendment 39–10372; AD 98–05–11] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7891. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 97–NM–103–AD; Amendment 39–10369; AD 98–05–08] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7892. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 97–NM–205–AD; Amendment 39–10374; AD 98–05–13] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7893. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, AS–365N2, and SA–366G1 Helicopters [Docket No. 97–SW–53–AD; Amendment 39–10378; AD 98–05–17] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7894. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model DH 125–1A and -3A Series Airplanes [Docket No. 96–NM–196–AD; Amendment 39–10377; AD 98–05–16] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7895. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29154; Amdt. No. 1854] (RIN: 2120–AA65) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7896. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29152; Amdt. No. 1852] (RIN: 2120–AA65) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7897. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Laconia, NH [Docket No. 98–ANE–92] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7898. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Laconia, NH [Airspace Docket No. 98–ANE–92] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MT-Propeller Entwicklung GMBH Model MTV–3–B-C Propellers (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CJ610 Series Turbojet and CF700 Series Turbofan Engines [Docket No. 97–ANE–21–AD; Amendments 39–10232; AD 97–25–08] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29153; Amdt. No. 1853] (RIN: 2120–AA65) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream)

Model 4101 Airplanes [Docket No. 97–NM–143–AD; Amendment 39–10368; AD 98–05–07] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira on Aeronatutica, S.A.(EMBRAER) Model EMB–120 Series Airplane [Docket No. 97–NM–46–AD; Amendment 38–10249; AD 97–26–08] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 96–NM–155–AD; Amendment 39–10177; AD 97–22–06] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Extra Flugzeugbau, GmbH. Model EA–300/200 Airplanes [Docket No. 97–CE–80–AD; Amendment 39–10174; AD 97–22–03] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Teledyne Continental Motors E–165, E–185, E–225, O–470 and IO–470 Series Reciprocating Engines [Docket No. 97–ANE–39–AD; Amendment 39–10155, AD 97–21–02] (RIN: 2120–AA64) received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7907. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation and Establishment of Class D; and Revocation, Establishment and Modification of Class E Airspace Areas; Olathe, Johnson County Industrial Airport, KS [Airspace Docket No. 98–ACE–5] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29080; Amdt. No. 406] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29079; Amdt. No. 405] received March 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7910. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 98–24] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7911. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Introduction To Employee Plans Compliance Resolution System [Rev. Proc. 98–22] received March 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7912. A letter from the Assistant Secretary For Import Administration, International Trade Administration, transmitting the Administration's final rule—Limit On Duty-Free Insular Watches In Calendar Year 1998 [Docket No. 971021249–8006–02] (RIN: 0625–AA50) received February 5, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 2883. A bill to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports; with an amendment (Rept. 105–429). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 382. Resolution providing for consideration of the bill (H.R. 992) to end the Tucker Act shuffle (Rept. 105–430). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 383. Resolution providing for consideration of the bill (H.R. 1432) to authorize a new trade and investment policy for sub-Saharan Africa (Rept. 105–431). Referred to the House Calendar.

Mr. GILMAN: Committee of Conference. Conference report on H.R. 1757. A bill to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes (Rept. 105–432). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WICKER:

H.R. 3409. A bill to suspend temporarily the duty on a chemical known as 5-tertiary butyl-isophthalic acid; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 3410. A bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the United States to provide temporary or seasonal agricultural services pursuant to a labor condition attestation and to offset those admissions with temporary reductions in diversity and unskilled workers' immigrant visas; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 3411. A bill to establish a commission to review, and make recommendations with respect to, leadership in mathematics education; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself and Ms. VELAZQUEZ):

H.R. 3412. A bill to amend and make technical corrections in title III of the Small Business Investment Act; to the Committee on Small Business.

By Mr. BAKER:

H.R. 3413. A bill to amend the Federal Credit Union Act to allow groups which comprise the membership of any Federal credit union to continue to comprise such membership; to the Committee on Banking and Financial Services.

By Mr. CALLAHAN:

H.R. 3414. A bill to suspend temporarily the duty on the chemical KL540; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 3415. A bill to suspend temporarily the duty on the chemical methyl thioglycolate; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 3416. A bill to suspend until January 1, 2001, the duty on tebufenozide; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3417. A bill to suspend temporarily the duty on organic luminescent pigments, dyes and fibers for security applications; and, 4–Hexylresorcinol; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3418. A bill to suspend temporarily the duty on polymethine sensitizing dyes for photo/imaging applications; and, certain fluorozirconium compounds; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 3419. A bill to provide for the liquidation or reliquidation of certain entries of mueslix cereals; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. SENSENBRENNER, Mr. GEKAS, Mr. COBLE, Mr. SMITH of Texas, Mr. CANADY of Florida, Mr. INGLIS of South Carolina, Mr. GOODLATTE, Mr. BRYANT, Mr. BARR of Georgia, Mr. HUTCHINSON, Mr. ROGAN, and Mr. GRAHAM):

H.R. 3420. A bill to amend title 28, United States Code, to clarify the method for filling vacancies in the Department of Justice; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON:

H.R. 3421. A bill to amend section 313(p)(3) of the Tariff Act of 1930 to allow duty drawback for Methyl Tertiary-butyl Ether (''MTBE''), a finished petroleum derivative; to the Committee on Ways and Means.

By Mr. SAM JOHNSON:

H.R. 3422. A bill to amend the Tariff Act of 1930 with respect to drawback for finished petroleum derivatives; to the Committee on Ways and Means.

By Mr. SAM JOHNSON:

H.R. 3423. A bill to amend the Tariff Act of 1930 with respect to drawback for finished petroleum derivatives; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3424. A bill to provide for reductions in duty for the chemical Rimsulfuron Technical; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3425. A bill to provide for reductions in duty for carbamic acid (U–9069); to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3426. A bill to provide for reductions in duty for the chemical DPX-E9260; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3427. A bill to suspend temporarily the duty on the chemical DPX-E6758; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3428. A bill to suspend temporarily the duty on a certain drug substance used as an

HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3429. A bill to suspend temporarily the duty on a certain drug substance used in the formulation of HIV Antiviral Drug; to the Committee on Ways and Means.

By Mr. MCDERMOTT:

H.R. 3430. A bill to suspend temporarily the duty on certain polyethylene base materials; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 3431. A bill to suspend until December 31, 2000, the duty on Benzenepropanal, 4-(1,1–Dimethylethyl)-Methyl-; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 3432. A bill to amend the Tariff Act of 1930 to provide that 5-year reviews of countervailing duty or antidumping duty orders would not be conducted in certain cases in which the merchandise subject to the orders was prohibited from being imported into the United States because of trade sanctions imposed against the country in which the merchandise originates; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H. Con. Res. 239. Concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. LAMPSON, Mr. ADERHOLT, and Mr. HAYWORTH.

H.R. 349: Mr. HOSTETTLER.

H.R. 532: Mr. RODRIGUEZ, Mr. BRADY, Mr. GREEN, Mr. CRAMER, and Mr. HALL of Texas.

H.R. 539: Mr. FROST and Mr. DAVIS of Illinois.

H.R. 620: Mr. HOUGHTON.

H.R. 815: Mrs. MINK of Hawaii.

H.R. 906: Mr. PETRI.

H.R. 922: Mr. BACHUS, Mr. BOB SCHAFFER, and Mr. FROST.

H.R. 923: Mr. BACHUS, Mr. CALVERT, Mr. BOB SCHAFFER, and Mr. FROST.

H.R. 981: Ms. PELOSI, Mr. MCHALE, Mr. MANTON, Mr. KENNEDY of Massachusetts, Mr. BROWN of California, Mr. BALDACCI, Mr. FRANK of Massachusetts, Mr. RAMSTAD, Mr. FARR of California, Mr. MARKEY, and Mr. DIXON.

H.R. 928: Mr. PALLONE.

H.R. 1023: Mrs. NORTHUP.

H.R. 1037: Mr. BUNNING of Kentucky and Mr. NEAL of Massachusetts.

H.R. 1061: Mr. CAMP and Mr. FOLEY.

H.R. 1114: Mr. FATTAH.

H.R. 1126: Ms. HARMAN.

H.R. 1134: Mr. BLAGOJEVICH, Mr. LEWIS of Kentucky, and Mr. SOLOMON.

H.R. 1151: Mr. SNYDER, Mr. METCALF, Mr. ROEMER, and Mr. FORD.

H.R. 1285: Mr. PETERSON of Minnesota.

H.R. 1302: Mr. CLYBURN.

H.R. 1334: Ms. ROS-LEHTINEN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. LOWEY.

H.R. 1375: Mr. LAMPSON and Mr. GREEN.

H.R. 1387: Mr. WAXMAN.

H.R. 1401: Mr. BLUMENAUER, Mr. ABERCROMBIE, and Mr. WATKINS.

H.R. 1500: Mr. WYNN, Mr. COSTELLO, and Ms. KILPATRICK.

H.R. 1689: Mr. GILLMOR.

H.R. 1715: Mr. BACHUS, Mr. MANZULLO, and Mr. RUSH.

H.R. 1788: Mr. DELAHUNT and Mr. SHAYS.

H.R. 1812: Mr. RADANOVICH.

H.R. 1858: Mr. HINOJOSA.

H.R. 1895: Mr. MCDERMOTT, Mr. MILLER of California, Mr. GONZALEZ, Mr. HOYER, Ms. DELAURO, Mr. STARK, Mr. FALEOMAVAEGA, Ms. KAPTUR, Mr. ENGEL, Mr. FROST, and Mr. KUCINICH.

H.R. 1951: Mr. BARCIA of Michigan, Mr. QUINN, and Ms. HARMAN.

H.R. 2019: Mr. PETRI, Mr. HILLEARY, Mr. WAMP, Mr. NEY, Ms. PRYCE of Ohio, Mrs. EMERSON, and Mr. OXLEY.

H.R. 2020: Mr. BORSKI and Mr. FATTAH.

H.R. 2052: Mr. OWENS and Mr. NADLER.

H.R. 2088: Mr. CALVERT.

H.R. 2094: Mr. ACKERMAN.

H.R. 2228: Ms. HARMAN.

H.R. 2365: Mr. GILMAN and Ms. SLAUGHTER.

H.R. 2409: Mr. MORAN of Kansas and Mr. NEAL of Massachusetts.

H.R. 2526: Mr. BENTSEN.

H.R. 2537: Mr. BILBRAY.

H.R. 2549: Mr. HINCHEY, Mr. DELAHUNT, Mr. HOLDEN, Mrs. MORELLA, and Mr. BRYANT.

H.R. 2593: Mr. MALONEY of Connecticut.

H.R. 2670: Mr. LOBIONDO, Mr. DELAHUNT, Mr. PASCRELL, and Mr. FALEOMAVAEGA.

H.R. 2689: Mr. GILCHREST and Mrs. CUBIN.

H.R. 2695: Ms. NORTON and Mr. CUMMINGS.

H.R. 2699: Mr. LAMPSON and Ms. PELOSI.

H.R. 2754: Mr. OBERSTAR, Mr. YATES, Mr. BERMAN, Mr. LAMPSON, and Mrs. MINK of Hawaii.

H.R. 2775: Mr. KLINK, Mr. WELDON of Pennsylvania, Mr. FOX of Pennsylvania, Mr. PITTS, and Mr. MCDADE.

H.R. 2828: Mr. DAVIS of Virginia and Mr. DIAZ-BALART.

H.R. 2829: Mr. KENNEDY of Massachusetts, Mr. MILLER of California, Mr. QUINN, Mr. TALENT, and Mr. WOLF.

H.R. 2837: Mr. BEREUTER.

H.R. 2888: Mrs. MYRICK.

H.R. 2908: Mrs. MINK of Hawaii, Mr. DEFAZIO, Mr. DREIER, Mr. HOSTETTLER, Mr. RAHALL, Mr. KING of New York, Mr. PETERSON of Pennsylvania, and Ms. WOOSLEY.

H.R. 2912: Mr. HILLEARY, Mr. BRYANT, and Ms. DANNER.

H.R. 2914: Mrs. ROUKEMA.

H.R. 2925: Mr. TORRES.

H.R. 2931: Mr. COYNE AND MR. HOLDEN.

H.R. 2938: Mr. FROST.

H.R. 2990: Mr. BENTSEN, Mr. MURTHA, Mr. SABO, Mr. HOLDEN, Ms. BROWN of Florida, Mr. KILDEE, Mr. BARCIA of Michigan, Mr. CLEMENT, Mr. BORSKI, Mr. WAXMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Ms. DEGETTE, Mr. BOB SCHAFFER, Mr. TIERNEY, Ms. CHRISTIAN-GREEN, Mr. DEUTSCH, Mr. OLVER, Mr. MCINNIS, Mr. MEEHAN, Mr. MOAKLEY, and Ms. ESHOO.

H.R. 3039: Mr. KENNEDY of Massachusetts.

H.R. 3048: Mr. EVANS, Ms. WOOLSEY, Mr. SANDLIN, and Mr. WALSH.

H.R. 3097: Mr. SPENCE, Mr. NEY, Mr. MCINTYRE, Mr. LEWIS of Kentucky, and Mr. NUSSLE.

H.R. 3107: Mr. UNDERWOOD.

H.R. 3110: Mr. DAVIS of Virginia, Mr. WOLF, and Mr. MCINTOSH.

H.R. 3131: Mr. PALLONE.

H.R. 3211: Mr. SESSIONS, Mr. STEARNS, Mr. JENKINS, Mr. WATTS of Oklahoma, Mr. FRANKS of New Jersey, Mr. HOLDEN, Mr. SKELTON, Mr. CUNNINGHAM, Mr. METCALF, Mr. FOSSELLA, Mr. SCARBOROUGH, Mr. BISHOP, Mr. PASTOR, Mrs. KELLY, Ms. HARMAN, Mr. GIBBONS, Mr. BARTLETT of Maryland, Mr. PORTMAN, and Mr. BUNNING of Kentucky.

H.R. 3217: Mr. SHAW, Mr. NUSSLE, Mr. CHRISTENSEN, and Mr. MORAN of Virginia.

H.R. 3234: Mr. BURTON of Indiana.

H.R. 3240: Ms. FURSE, Mr. LEWIS of Georgia, Mr. FROST, and Mr. FRANK of Massachusetts.

H.R. 3246: Mr. MCINTOSH, Mr. PAUL, and Mr. STUMP.

H.R. 3248: Mr. SCARBOROUGH, Mr. SHEEN, and Mr. RADANOVICH.

H.R. 3259: Mr. BOUCHER.

H.R. 3262: Mr. MCHALE and Mr. UNDERWOOD.

H.R. 3265: Mr. NORWOOD, Mr. MCINTYRE, Mr. VISCLOSKY, Mr. MORAN of Virginia, Mr. BUYER, Ms. DUNN of Washington, Mr. REDMOND, Mr. CLEMENT, Mr. METCALF, Mr. BURR of North Carolina, Mr. INGLIS of South Carolina, Ms. WOOLSEY, Mr. GIBBONS, Mr. CHABOT, Mr. BONILLA, Mrs. LINDA SMITH of Washington, Mr. GOODLING, Mr. MCINTOSH, and Mr. HANSEN.

H.R. 3269: Mr. DAVIS of Illinois, Mr. BONIOR, Mr. BROWN of California, Mr. FORD, Mr. STARK, and Mr. UNDERWOOD.

H.R. 3279: Mr. ROMERO-BARCELO, Mr. MCDERMOTT, Mr. KLECZKA, Ms. STABENOW, Mr. BOYD, Mr. FROST, Ms. FURSE, Ms. WOOLSEY, Mr. HOLDEN, Mr. BONIOR, Mr. KENNEDY of Rhode Island, Mr. RUSH, and Mr. WEXLER.

H.R. 3295: Mr. SABO, Mr. HALL of Ohio, Mr. KILDEE, Mr. TRAFICANT, Mr. SANDERS, Mr. WATTS of Oklahoma, Mr. STUMP, and Mr. ACKERMAN.

H.R. 3331: Mr. SOLOMON, Mr. ROHRABACHER, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mr. JONES, and Mr. CANNON.

H.R. 3336: Mr. HASTINGS of Florida and Mr. DIAZ-BALART.

H.R. 3399: Mr. ENGLISH of Pennsylvania.

H.R. 3400: Mr. ABERCROMBIE, Mr. BROWN of California, Mr. CLAY, Mr. ALLEN, Mr. MCGOVERN, and Mr. VENTO.

H.J. Res. 66: Mr. FALEOMAVAEGA.

H.J. Res. 100: Mr. BEREUTER, Mr. PICKETT, Mr. SPENCE, Mr. BILBRAY, and Mr. DEFAZIO.

H.J. Res. 114: Mr. MILLER of Florida, Mr. SOLOMON, Mr. METCALF, Mr. WATTS of Oklahoma, and Mr. LATHAM.

H. Con. Res. 12: Mr. DEFAZIO.

H. Con. Res. 83: Mr. VENTO.

H. Con. Res. 152: Mr. CRANE.

H. Con. Res. 203: Mr. WYNN.

H. Con. Res. 206: Mr. RILEY.

H. Con. Res. 211: Mr. HALL of Ohio, Mr. DUNCAN, Mr. GILMAN, Mr. RYUN, Mr. CLEMENT, and Mr. DOOLITTLE.

H. Con. Res. 212: Mr. ENSIGN, Mr. BOSWELL, Mr. LEACH, Mr. TRAFICANT, Mr. MATSUI, Mr. BOEHNER, Mr. SESSIONS, Mr. ISTOOK, and Mr. WATKINS.

H. Con. Res. 233: Ms. SLAUGHTER.

H. Res. 267: Mr. UPTON and Mr. MARTINEZ.

H. Res. 340: Mr. ALLEN.

H. Res. 361: Mr. GILMAN.

H. Res. 364: Mr. BERMAN, Mr. FOX of Pennsylvania, Mr. SALMON, and Mr. PAYNE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2495: Mr. GEJDENSON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 992

OFFERED BY: MR. SMITH OF TEXAS

AMENDMENT NO. 1: Page 3, after line 12, insert the following:

(4) PRECLUSIVE REVIEW.—The grant of jurisdiction made by this subsection does not extend to matters over which other Federal

law has granted exclusive jurisdiction to one or more United States courts of appeals.

H.R. 992

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 2: Beginning on page 2, strike line 8 and all that follows through page 3, line 20, and insert the following:

(1) GRANT OF JURISDICTION TO UNITED STATES DISTRICT COURTS.—The United States district courts shall have original jurisdiction to hear and determine all claims, notwithstanding the dollar amount, arising out of an agency action alleged to constitute a taking without just compensation under the fifth article of amendment to the Constitution of the United States.

(2) ELECTION BY PLAINTIFF.—The plaintiff may elect to file separate actions relating to such claims in the United States district court and the Court of Federal Claims, or may consolidate all such claims in the United States district court.

(3) PRECLUDIVE OR EXCLUSIVE REVIEW.—Nothing in this section shall be construed to affect any provision of a Federal statute which gives preclusive or exclusive jurisdiction of a specific cause of action to the United States court of appeals or to specific United States district courts.

Page 3, line 21, strike ''(d)'' and insert ''(b)''.

Page 4, strike lines 5 through 9.

Page 4, strike lines 10 through 17 and insert the following:

SEC. 3. CLARIFICATION OF LIMITATION ON FEDERAL CLAIMS COURT JURISDICTION BECAUSE OF PENDING CLAIMS IN OTHER COURTS.

Section 1500 of title 28, United States Code, is amended by inserting '', arising from the same operative facts and seeking the same relief,'' after ''claim''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, TUESDAY, MARCH 10, 1998 No. 24

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas.

PRAYER

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

Gracious Father, You have created us to love You. The words of the Bible admonish us to love You by giving thanks. Thanksgiving is the memory of our hearts. Today, our hearts overflow with memories of Your goodness to our Nation, Your grace to each of us, and Your guidance in the decision-making challenges of leadership. When we review our nation's brief history, we have been not only a Nation under God but a Nation under Your watchful, providential care. We renew our trust in You as the Sovereign of our Nation and the generous benefactor of the prosperity and blessings of our land.

As individuals, we think of all You have done for us. You are the source of our gifts, the One who has opened doors of opportunity for us and given us exactly what we have needed to live faithfully and obediently for Your glory.

Thanks be to You, Lord, for this Senate and for the powers You have entrusted to it for the progress of our Nation toward Your goals. Engender in the Senators a renewed sense of profound gratitude for Your call to serve, through the voice of the people. We join with the Senators in thanksgiving for the privilege of serving. May gratitude be our controlling attitude as we receive a new aptitude to work today with joy and delight. Through our Lord and Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 1998.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. HUTCHINSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. D'AMATO. Mr. President, this morning the Senate will resume consideration of the pending transit amendment to S. 1173, the highway bill. It is hoped that the Senate will be able to make considerable progress on the numerous amendments that have been offered and filed in regard to the highway legislation throughout today's session.

As earlier announced, the majority leader, after consultation with the Democratic leader, will announce when the previously filed cloture vote on a modified substitute amendment to S. 1173 will occur. By unanimous consent, the Senate will recess from 12:30 to 2:15 p.m. for the weekly policy luncheons to meet. Members should anticipate a busy voting day with votes continuing into the evening as the Senate attempts to make progress on this important legislation.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1173, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

The Senate resumed consideration of the bill, with a modified committee amendment in the nature of a substitute (Amendment No. 1676).

Pending:

D'Amato amendment No. 1931 (to amendment No. 1676) to reauthorize the mass transit programs of the Federal Government.

AMENDMENT NO. 1931

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of amendment No. 1931.

Mr. D'AMATO. Mr. President, the pending amendment, the mass transit portion of the highway bill, is one that has been carefully crafted, one that has increased transit in proportion to the needs of our country. I can say quite candidly that there are not sufficient funds to meet all of those needs. Indeed, that is one of the problems that we have attempted to deal with, recognizing the budget constraints that we have.

Now, let me say we have pending before the Senate from our colleagues on both sides of the aisle well over $15 billion in requests for new transit starts. They come from all over the country. They come from California, they come from Colorado, they come from Utah,

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

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they come from Texas, they come from the Carolinas, and they come from the traditional large transit States such as New Jersey, New York, Pennsylvania and Illinois. It will be impossible for us to do justice to all of these. We will have to be selective and mindful of getting the greatest dollar value invested in moving people. That is what we are attempting to do.

So it was that we have increased substantially the allocations in this area. We have provided some $2.5 billion more for new starts over the life of the bill.

Now, having said that, notwithstanding this increase, we are talking about providing, in terms of budget authority for these programs, approximately $4 billion to $5 billion, and we have well in excess of $15 billion worth of requests. That does not take into consideration requests that will be coming for desperately needed projects to help unclog the various urban-suburban areas, to move people in the best methodology, getting them off the road where it is possible into a light rail system or into a bus transit system. That does not take into consideration the requests that will be flowing from the House of Representatives. I imagine that they, too, will be numerous.

Now, in terms of where the greatest increases have been as they relate to resources, I want to point out we have increased, by way of percentage over and above the 1991 figures, 38 percent more for rural America, recognizing their needs. Is that enough? No, absolutely not. But can we accommodate all of the needs of mass transit, given the budget constraints? No, we can't. So we have to attempt to prioritize. That is what we have done. They have received the largest increase as it relates to any particular section of America—38 percent—recognizing that traditionally they have not used mass transit and that it is now becoming something that rural America, suburban America, is turning to more and more.

Now, whenever my colleagues have suggested there be some departures and radical formula changes that would provide $1.5 billion more for rural America, would this Senator like to do that? Certainly, but where do we get the money? Now, let's be honest with this; if we are going to get into a game of taking from those who have a demonstrated need to increase disproportionately the dollars allocated under this bill, we are going to have trouble having a bill. I suggest that is not why we are here. Ours should not be a game of saying how do I enrich or how do I get extra for my State.

I suggest, when it comes to the highway transportation bill, this Senator said, ''Look, we recognize that there have been a number of States that have had incrementally faster growth, have greater needs, have not gotten back a percentage which can be defended in terms of the revenues they send to Washington from the gasoline tax, and they should get a higher benefit from the additional funds that are provided for transportation.'' That is why the formula as it relates to distribution is one that I will support, notwithstanding the percentage that my State gets goes down, goes down because we are talking about fairness.

If we are going to operate in terms of meeting all of the needs, then we can't simply say, ''Oh, no, I can't have any less a percentage, I have to have more or the same,'' I think we have to look at basic fairness. So I am really putting forth an appeal here to suggest that we not attempt to come up with a formula that is going to give a few dollars more to a majority of the States, to build a coalition on that basis as opposed to what is fair.

Now, if this bill did not provide 38 percent more for rural America, then I could see the Senators from the rural districts coming in and saying, ''Where is our fair share?'' But 38 percent more has been provided. That is more than any other—if you want to say particularly large State, small State, rural State—has received. It is in total proportion because as it relates to the new starts, our smaller urban areas will be getting them. That is open to all of America based on a competitive form there, and it fits within the budget caps because those moneys spend out slower.

So I say to my friends here, in all due honesty, this Senator wants to be accommodating, and will be. We didn't get to this position now where we have, I believe, a well-crafted bill—I am willing to entertain any suggestion for improvement, but I have to start out saying, to come to this Senator with a $1.5 billion request, which has come from staff to staff, for more in one area, simply because you can line up the votes on the basis of pure numbers, is not what we should be about. It is wrong. It is counterproductive. While I respect meeting legitimate requests and needs of the Members and of communities and to demonstrate one's concern for his or her constituency, certainly that is to be applauded. But let's look at the constraints of the budget and what we are operating under. I would like to give to rural America $5 billion of the $5 billion that we have allocated, but then how do we meet the needs of the rest of the country?

I hope we will not get into pity for the so-called rural States because some ingenious staff members have developed a program whereby they can count and figure that we can put 30 some odd States together and we are going to get each State a few dollars more, and then don't they come down here and say ''We will vote for our State because, after all, I have to vote for my State.'' That is not what this bill should be about. That is not what this body should be about. I really dislike having to call that to the attention of our Members. And this is a Senator who has supported those programs and policies that are important to the regional interests of my colleagues and their States. I have never come down here and said, ''Well, what do we get?'' I am asking now for a little bit of equity here. If my colleagues are going to attempt to go forth on this—and I must say to you that I have held out until my staff could meet with some coalition. But when we met, we were told they want $300 million a year more. Where does it come from?

I say to my friends, my colleagues, you are not going to get it under the budget authority. Even if I went along with that, the Budget Committee is not going to be able to find that money because it spends out faster.

Secondly, there is the question of fairness. To say we are going to increase an allocation and say that we want an 85-plus percent increase—that is what people are saying. My gosh, if you want to say let's look and see if we can do somewhat better, that is one thing. But to come in and say you want an 85 percent increase, that is horrendous. It is not reasonable.

If we want a bill—and this Senator wants a bill—then I say to those colleagues who have every right to lobby for the interests and to work for the interests of the people of their State, let's do so with some reasonableness so we can have an accommodation. I don't want to be opposing friends and colleagues simply because I say that we have the best way. We have a limited amount of resources. I think we have been fortunate enough to get to the point that we have, where we have stretched the resources of both our committee and the Budget Committee.

This isn't a situation where we can just open it up. By the way, we can use money for buses as fast as anybody else. But that spends out quicker. The Budget Committee isn't going to be able to find the money if we do that. I say to my colleagues, if you are on the floor, let's have a little balance. When I have staffers sitting down with our staff, when we say let's look and see, and they say we need $1.5 billion more or $300 million more, that is not being reasonable. That is going beyond. To say we want $1.5 billion, and to jigger the formulas around so we are not doing it on a per capita basis—but we are changing that also—that is not going to work.

Mr. President, I say let's go forward in the spirit of attempting to ascertain whether there are methodologies available to provide additional resources. That is fine. But to come forward in this manner and say, well, we have a coalition of X number of States—I have done that before. We have had to defend against formula changes. I don't like it. It's not conducive to working together for the best interests of our States, our region and, more importantly, the people of our country as a whole.

I yield the floor.

Mr. SARBANES addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I am pleased to join with Chairman D'AMATO in introducing the Federal Transit Act of 1997 and the Transportation Equity Act as part of reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991, what is characterized as ISTEA II. I want to commend Senator D'AMATO for his leadership on this bill and urge my colleagues to support this important legislation.

The Federal Transit Act of 1997 continues for another 6 years the program structure established in ISTEA in 1991. It takes the total funding for Federal transit programs, all Federal transit programs, up from $31.5 billion for the 6 years under ISTEA I to $41.3 billion over the next 6 years.

Adoption of the budget agreement for transit continues the important 4-to-1 funding relationship between highways and transit that was incorporated in ISTEA. Actually, that ratio has existed now since the early 1980s, during the administration of President Ronald Reagan, when we raised the gas tax 5 cents. Four cents went to highways and 1 cent went to mass transit. We have managed, subsequently, to maintain that 80/20 ratio with respect to the allocation of the gasoline tax.

The additional funding provided for in this legislation is critical to address the demand for transit in all regions of the country. The Department of Transportation reports in the newly released 1997 Conditions and Performance Status Report on the Nation's surface transportation system that we need to spend almost $10 billion every year just to maintain existing transit conditions.

Enactment of this bill will at least take us a good part of the way toward meeting the goal of maintaining current conditions on transit systems nationwide. It doesn't really take us far enough out to address the question of improving the conditions and performance of the transit systems.

The bill and the budget agreement increase the authorization levels for discretionary capital grants of formula programs to new levels. Funding for urbanized areas, for rural areas, for the elderly and persons with disabilities, the bus capital program, the fixed guideway program, and new starts are all covered under this legislation.

The new levels should, hopefully, provide an important boost to much-needed transportation services in all parts of our country. Transit investment is critical to achieving the full implementation of the Americans With Disabilities Act. Enactment of this legislation strengthens the important Federal commitment to a national transit program.

Building on the flexibility in ISTEA, the bill ensures that local decisionmakers continue to have the necessary tools to make balanced transportation decisions based on local needs. There is a new emphasis in this bill on giving transit operators greater flexibility to use transit formula funds.

The definition of capital is expanded to include preventive maintenance activities. These changes help ensure that the Federal investment is properly maintained and encourages the development and deployment of new transit technologies. In this legislation, small urbanized areas, those between 50,000 and 200,000 population, will gain the flexibility that rural areas already have. This is a flexibility that is already provided to rural areas of the country; namely, to use their formula funds flexibly for either capital or operating assistance. In other words, they won't be divided into categories in this respect. This change should help to offset the reductions in the operating assistance that various areas of the country have faced over the past 3 years.

In combination with the expanded definition of capital, which I referred to above—expansion includes preventive maintenance activities—this new flexibility will benefit all transit operators in those communities.

The transit bill also includes an additional $600 million over 6 years for a new access-to-jobs program that is designed to improve transit services for welfare and low-income individuals to get to and from jobs. Actually, one of the greatest obstacles welfare recipients face in getting jobs is getting to the job. Making public transportation more accessible ensures that people can move from welfare to work.

This legislation follows the path broken by ISTEA in placing emphasis on regional planning and flexibility to allow each area of the country, whether rural or urban, east or west, north or south, to use Federal transportation dollars, along with matching State and local resources, to develop the best mix of highway and transit systems to meet local infrastructure needs. It seeks to level the playing field so that local decisionmakers can make those choices, in effect, on an equal basis.

ISTEA gave us a balanced, multimodal approach to designing and constructing transportation systems, quality systems that reduce congestion, reduce air pollution, conserve fuel, improve efficiency in the movement of people and goods, contribute to the economic well-being of our country nationally, and help us compete more effectively in the global economy.

The legislation that is now before us continues that balanced approach to the development of an integrated and intermodal transportation system. Now, I don't think there is much argument that transit is critical to our overall economy. It's especially essential to our ability to sustain and revitalize the great metropolitan areas of the country.

In many areas, transit systems provide basic mobility for people of all ages and abilities. As an increasingly larger proportion of our population ages, we need to ensure mobility for active seniors who can no longer drive. I really want to stress that point. This is a very important matter. Various senior groups have actually been to us underscoring how essential transit is in terms of meeting the needs of our senior citizens.

Clearly, transit systems link people to jobs, to medical care, to shopping and other essential services. They are particularly crucial to lower income Americans who have no other alternative to reach their jobs. Making public transportation more accessible ensures that people can move from welfare to work.

Now, let me turn for a moment to the interrelationship between effective transit systems and the environment and dealing with the challenges we confront with respect to our environment. Congestion and air pollution are two major headaches that we confront every single day, whether or not we drive. Increased use of public transit is critical if we are to reach Clean Air Act goals in areas with significant noncompliance. In fact, many of the gains that have been already achieved under the Clean Air Act are now in jeopardy unless there are viable transportation alternatives. Air pollution constitutes a major public health threat, and careful scientific study has shown that the danger posed by air pollution to health is more pervasive than scientists previously thought. In fact, the American Lung Association estimates that the national health care bill for air-pollution-related illness is $40 billion a year.

In many areas of the country, transportation actually is a major creator of air pollution for both ozone smog and particulate matter pollutions. Whether it be diesel trucks or gasoline-powered vehicles, they contribute to that problem. One way, of course, of reducing this problem is for people to make greater use of our mass transit systems.

Secondly, congestion is imposing significant costs to the economy and wasted time and fuel as drivers are simply stuck in traffic. If we did not have public transit, there would be a minimum estimate of 5 million more cars on the Nation's roads, requiring 27,000 more land miles of roads. Last year, the Texas Transportation Institute released its 10th annual report on congestion in 50 urban areas. Research showed that commuters in one-third of the Nation's largest cities spend more than 40 hours a year in traffic jams, and they estimate that the gridlock costs the Nation over $50 billion a year.

Use of mass transit systems is on the increase. In the third quarter of 1997, transit ridership increased by 2.6 percent over the same period in 1996. Actually, the total number of trips taken on all modes of public transportation from July through September of 1997 exceeded 2 billion. More than 50 million more trips were taken on transit during this period than during the same time the previous year.

Third, transit means mobility. According to the Federal Transit Administration, over 10 million Americans

use transit each working day, and another 25 million use it less frequently but on a regular basis. Public transit provides these commuters with an affordable and convenient transportation option. Mobility is important in all parts of the country in urban, rural and small town America. This legislation seeks to contribute to an improvement in transit in all parts of the country.

Finally, transit is an important contributor to economic development and job creation. Observers from across the political spectrum recognize that quality transit investment, whether bus or rail, makes good economic sense.

In ''Conservatives and Mass Transit: Is It Time For A New Look?'' Paul Weyrich and William Lind state that transit serves important conservative goals, ''including economic development, moving people off welfare and into productive employment, and strengthening feelings of community.''

Public transit is also about jobs—creating jobs and connecting people with jobs. Increasingly, employers see the benefits of locating their businesses near a transit line for employee access to work, for reduced need for parking facilities, and for the economic benefit from commercial development around transit stations.

Mr. President, a balanced, integrated national transportation network is essential to improve the economic productivity and quality of life of all Americans. Public transit is a vital part of our intermodal transportation system. We must continue to invest to both maintain existing transit and to build the necessary infrastructure to meet growing, unmet demands for quality transit systems.

ISTEA has worked well for transit, and that has brought many benefits to our States and to the country. Passage of the Federal Transit Act of 1997 will keep America moving forward well into the 21st century.

Therefore, I am very pleased to join with Chairman D'AMATO to continue a strong Federal transit program as we reauthorize ISTEA.

I urge my colleagues to support this very important legislation.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Loretta Garrison, of the Committee on Banking, Housing, and Urban Affairs, be permitted access to the floor during the consideration of S. 1173 and S. 1271.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I want to address very briefly the matter which my distinguished colleague from New York was addressing just before I took the floor, because apparently it now appears, unfortunately, that we are going to have a squabble over regional allocations of transit money. The transit program has always been based on need. We have tried to structure the program in such a way that it responds to need, whether it is in the urban areas, the small metropolitan areas, or in the rural areas of the country. If we get into a sort of, ''well, I need to get back what I put in'' mentality, this can be carried to an extreme.

My State, for example, is a high taxpayer to the Federal Government with a high per capita income. On any chart we put in, we are right up in the top handful in terms of what we put into the Federal Treasury. We don't get, to use an example, much from the agricultural subsidy program—from the various stabilization programs for agriculture. I, in fact, have supported those programs in this body, responding to the appeal of my colleagues from the farm States that it is essential to the economies of their States and, indeed, essential to the economy of the Nation.

I think a strong agricultural program is essential for America's strength, just as I think a strong transit system program is essential to America's strength. But I have not approached that issue on the basis that I should get out of the agriculture subsidy program a relationship to the money we are putting into the Federal Treasury. I am willing to take that issue on its own in terms of the need to have the program. I think if you are going to have a united nation, you have to have a certain amount of that attitude.

We have already been through a revision of the highway formula that has markedly shifted the percentage shares distributed under that formula to the Western and Southern States, and we recognize the arguments that are made for that. That change is taking place in other sections of this legislation.

I, for one, would be very much opposed to departing from the needs criteria in addressing the transit systems. We are trying to meet, in effect, national transportation needs. The extent of that, of course, varies in different parts of the country. We structured legislation to try to ensure that a reasonable amount of resources go into each part of the country. But we have not structured it on the basis of, in effect, you get back something that is related to what you put in. As I said, if we go down that path, there are any number of programs that we are supportive of that are not done on that basis. And I think Members, if they stopped and thought about it for a bit, would reach the conclusion that it would not be advisable to have that approach.

So I hope these matters can be dealt with in a spirit that recognizes the national interest that is involved in these transit system programs and that maintains some sense of equity as between highway and transit moneys, which I think is essential—that sense of equity is essential—if we are going to develop a balanced and integrated national transportation network.

Mr. President, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, first of all, I would like to commend the chairman of the Banking Committee, Chairman D'AMATO, for all of his hard work on the issue of mass transit and the authorization legislation.

I have listened with interest to some of the comments both of my colleagues have made here on the floor, and what they say is true in many regards—that we have some real needs in urban metropolitan areas; we have real needs in regard to congestion; we have real needs in trying to deal with the problems of air pollution; we have real needs in trying to deal with the elderly and how they are going to get back and forth to meet their needs of everyday living.

I have been working with Senator ROD GRAMS for an amendment on six guideways and the new-start amendment. All it is dealing with is new dollars that will be going to fix guideway systems. We are talking in this amendment about a third of the dollars that actually go into mass transit.

The State that I come from, Colorado, maybe falls into the classification of a rural State, but the fact remains that many States like Colorado are experiencing tremendous growth. We are not having a rural problem; we are having urban problems. We are having problems with air pollution. We are having problems with congestion and how people are going to get back and forth to work in a timely manner.

So those problems that many of the larger communities of our country have experienced for many years we are now beginning to experience while moving into a new century. People are looking to the West, and they are looking to the South to retire. They are becoming used to using a lot of these fixed guideway systems. So they are moving to States like Colorado. Maybe they are moving to Arizona, California, Florida, Southern States because it is warmer weather, it is a good place to retire. Consequently, many of the communities that were small are now experiencing growth problems and are experiencing traffic problems in trying to meet the needs of their citizens.

I have many communities on the front range area of Colorado. That is the area that is just east of the Rockies. The Denver metro area runs all the way from Pueblo, CO, and Colorado Springs, there is a Denver metro area, then north to Boulder and Longmont and Fort Collins. This is an area that extends for about 120 miles. There is a lot of growth occurring in these areas. These communities are looking at ways of how they begin to move traffic off of roads where there is a lot of congestion and where they are dealing with some serious air pollution problems. They want to clean up the air in Colorado. We are privileged that we live in a beautiful State. We want to see it remain that way.

If we can have a fair option, at least, of trying to tap in on some of the money for new fixed guideway systems

and new starts, then it gives these communities an opportunity to begin to plan and to begin to become a part of the formula so that mass transit dollars can become available for those communities.

As a member of the Banking Committee, I would like to recognize that the chairman has fought hard for more dollars for mass transit. Because of his effort, obviously, we are all going to benefit from it.

I would also like to thank ROD GRAMS, who is also a member of the committee, who has been working with me, who is from Minnesota and who is cosponsoring my amendment, for fighting hard to try to get the committee and get the Senate to recognize that as we move into the next century things are changing, that there are States that are beginning to experience urban problems, and they need to have some solutions that may be available through new mass transit projects and need to have an opportunity to access these dollars.

I have worked hard to see that Colorado and similar States get a fair return on their gas contributions to the highway trust fund. Now I am going to work hard to make sure that there is a fair return as far as mass transit dollars because we are moving into a new century. Many of these States that in the past have not had a need for these dollars now find the need to resolve some of their urban problems that are developing. These efforts, I think, become particularly important in the context of additional funding that appears to have been secured for mass transit.

The obvious question is which States are going to get this additional money? Is the money going to be distributed under the same formulas in place up to now, or will there be a fair allocation of new funds?

I would like to talk a little bit about the Allard-Grams amendment, which I think is a very straightforward amendment. It simply states that any new money in the Fixed Guideway Modernization Formula, and the New Starts Program, will go to new transit systems. We are only talking about a third of the mass transit dollars. This is not a minimum allocation amendment. It does not require any set allocation to any State. This amendment would specifically address two of the mass transit programs and requires that new funds go to new systems. All of these transit projects would have to meet the criteria that are currently in law for funding under these programs.

Mass transit is funded with both gas tax funds and general funds. Currently, 2 cents of the gas tax is allocated to mass transit, and under the recently approved budget agreement that is going to rise to nearly 3 cents. Obviously, there is a lot at stake here for the future.

Certain areas of the country have done very well under the current system, but some of the disparities, I think, are very striking. From 1992 through 1997, my State received only 50 percent of the return on its gas contributions to mass transit, and many States get far less. This current year, 1998, was actually the first year that my State did well in the program. While I am obviously hopeful that this will continue, it is very important to lay the groundwork to make this happen.

The funding disparities are striking in some of the mass transit programs. One of the two programs that this amendment addresses is the Fixed Guideway Modernization Formula. Up to this point, 90 percent of the funds, that is, under current law, 90 percent of the funds have gone to 11 cities that are specifically designated in the formula. While the committee bill alters this somewhat, it ensures that the lion's share of the Fixed Guideway Modernization Formula funds will continue to go to 11 statutory cities.

This is an authorization bill for the 21st century. It takes us through 2003. It is, therefore, very important to recognize that the urban growth in this country is occurring in the West and in the South. If Federal programs are going to be effective, they need to shift with the times, and the high-growth regions of the country are going to have the greatest justification for new mass transit dollars. The Allard-Grams amendment would afford the Senate the opportunity to look at how a portion of the mass transit money is being distributed.

As noted, the amendment addresses the Fixed Guideway Modernization Formula and the New Starts Program. We selected these two programs because they have, up to this point, been funded entirely by gas tax revenues. These two programs combined constitute about one-third of the mass transit dollars—only one-third of the mass transit dollars. I make this point for a simple reason: This amendment is not an attempt to reallocate the entire mass transit funding system; this amendment is only a modest first step towards equity for those areas of the Nation that are experiencing the greatest degree of population growth. Even with the changes proposed by this amendment, a small number of cities will continue to do very well when it comes to mass transit funding. Our amendment simply requires that new money, money above the 1997 funding levels, will go to new transit systems. Old transit systems will continue to receive what they received in 1997. The difference is they will not continue with such a large, disproportionate share of new funding.

The problem is most glaring in the Fixed Guideway Modernization Program. This formula program funds everything from underground rail to light rail to bus shuttles and even HOV lanes. While 45 cities currently receive some funding under the program, it has historically allocated 90 percent of funds to 11 cities. I would like to ask the Members of the Senate here to view a chart with me that demonstrates the unfairness of the formula up to now. This is under current law. In this formula, we have 11 statutory cities that are getting 90 percent of the dollars in the Fixed Guideway Modernization Formula. The other 34 cities are getting 10 percent. That is current law.

I would like to recognize the chairman's efforts. Realizing that there is a problem there, he has tried to do something in this bill. We should not forget that all transit systems have modernization needs. In fact, when we refer to the 34 new systems we are speaking only in relative terms. Before any system even qualifies for Fixed Guideway Modernization Formula funds, it first must be in operation for at least 7 years. In our part of the country, that is getting out of the realm of a new system, if they have been there for 7 years. Many parts of the so-called new transit systems are even much older than that.

Obviously, the 11 cities have the largest systems, and generally the oldest systems. One would expect them to get a large portion of the money. I concede that. However, I think most would agree with me that 90 percent is excessive. The committee bill does begin to address this past disparity. I bring up a chart to show where we are as far as the committee bill is concerned. Again, I compliment the committee and our chairman for his work in this regard.

This is, again, the Fixed Guideway Modernization Formula and what happens at $1 billion of total funding. Eleven of the statutory cities in this one program, under the Fixed Guideway Modernization Formula, will get 83 percent of the dollars; 17 percent is then divided among these 34 other cities. Even with the committee bill, we see there is a split of 83 percent for the old and 17 percent for the new at the $1 billion funding level. If it is less than that, obviously the 11-cities' statutory amount is going to be protected and there will be even fewer dollars available for these 34 cities as we move below the $1 billion level.

Let me explain how our amendment would change the way it is now, in the current bill. First, we leave the current Fixed Guideway Modernization Formula in place up to the 1997 funding level. So 90 percent of those funds would continue to go to the 11 statutory systems that receive these funds now. This would continue in each and every year; however, the amendment provides any amounts above the current funding levels would go to new systems.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. ALLARD. I yield to the Senator from New York.

Mr. D'AMATO. I want the Senator to know that I absolutely understand the equity and the justice which the Senator seeks. There is no denying it, under the old formula as it related to rail modernization, fixed rail modernization, that those communities

that heretofore did not have a system would not have moneys allocated to them. That is why we attempted to structure—and this gets a little complex, but I think the Senator knows this, and probably even to a far greater degree than the Senator from New York. I commend the Senator from Colorado for a thoughtful approach to dealing with this inequity. What the Senator is saying to these 11 cities is: Look, you have been drawing down, traditionally, X dollars. Let the program operate that way and let those additional funds over and above be allocated to the other areas of the country which have not been drawing those funds. That is the essence of the Senator's amendment. Is that a fair characterization?

Mr. ALLARD. With only one little modification I would make to that, as far as new starts are concerned. We are talking about new, the new part of the formula, where communities are trying to get started into mass transit. Because we see the solution for some of their community problems. Yes.

Mr. D'AMATO. Certainly. So now I have to say to my colleague that that would appear unfair, and I think there is something to be said for recognizing a basic situation that should not continue as we have new growth throughout the regions of our country. I think the Senator's State is one that goes right to that. There is tremendous growth in the Denver area and other areas where heretofore mass transit was never looked upon as a necessity, or something that was on the minds of people. Now, moving college students or senior citizens or others from the suburban region into the business districts, back and forth, becomes important, whether it be by way of bus, light rail, et cetera. That is why the committee attempted to deal with this, and I commend the Senator for a balanced presentation of his amendment, because he took time out to recognize that the committee attempted to deal with this by making available those funds over and above the previously allocated level, $760 million annually, available to the communities that heretofore have not shared in that.

It may be that in that distribution of funds the Senator from Colorado could differ with us, because what we have done is recognize that these systems that are in existence need continual refurbishment, and there are billions of dollars being poured in from the State and local governments. Indeed, my State allocates at least 50 cents for every 50 cents that comes from Washington. It matches it. Indeed, in many projects it overmatches, it puts much more than that in because they have allocated, by way of the transit box and local revenues, these funds. It becomes so critical.

I might say, and I am giving an approximation, 30 percent of all mass transit riders nationwide are in New York. We draw down considerably less in the way of all of the transit dollars. We do not overdraw in terms of the numbers of people moved, nor do we put in the application of local tax dollars that go into these systems. In a minute I am going to give you the exact number.

We have the lowest subsidy in the Nation per rider; that is 34 cents. If we are going to take a nationwide average, it is 64 cents per rider.

I just say this so we get a balance. Why do we need a balance? Because if we are going to get into the situation of saying 11 cities draw 80-plus percent, or 90 percent of the funds, we have to look at what are the numbers of people being moved and what is the percentage in terms of people being moved and their contribution and moneys coming back from the Federal Government. I do not have the number yet but I think it will be an interesting one, and I should have it. We are looking to get it—in terms of how many people are being moved.

And I would venture to say that we are probably moving more than two-thirds of the Nation's mass transit riders in those 11 communities. Now, having said that, those are more than communities, they are regions—regions—because when we talk about New York, it is servicing Connecticut, it is servicing New Jersey, as well as all New Yorkers.

When you talk about the transit system of Chicago, for example, it takes in a huge expanse. It is not just the 3-and-a half-plus million people in Chicago, but all of the outlying areas—that is, regions. So I think we have to think about this. And if you take the Philadelphia transit system, again, people from Delaware, people from New Jersey, as well as the Pennsylvania region come in.

In no way am I attempting to diminish the Senator's argument—or not even argument but presentation—to say, look, as it relates to the newer funds, we want those over and above what have been traditionally put forth, and an opportunity to have a more significant sharing of the revenues. The Senator did point out that in this bill, for the first time, we have provided that—maybe not to the Senator's standards or to that which you would think would be fair, but we have provided that new-starts funds over $1 billion, above what we have provided, will be shared on a 50–50 basis, recognizing that these 11 areas that now serve—I will get that number; but let us use a number—at least 70 percent of the Nation's transit riders. And I think that is a number that is fairly accurate. They will continue to have a need to modernize. They will continue to have a need to make the kinds of improvements that are so desperately necessary.

Some of these transit systems are 100 years old. So, consequently, if we do not provide additional revenues to these starts, we are going to have great difficulties in the maintaining of these older systems.

So while my colleague makes a good point—and I notice the Senator from Minnesota is here, Senator GRAMS; and I know he is working with you on this—while there is every reason to logically say, you have to provide for our needs, we started to do this. I take great pride in that. And our bill prior to your coming to the floor and prior to our markup last year, we did provide for a fairer, better allocation. It may be that it is not enough.

But let me simply say this to my colleague, that it would be, in this Senator's opinion, unacceptable—and this is important because it goes to the heart of where I am coming from—it would be absolutely unacceptable to say to 70 percent of the mass transit riders, to the communities that carry 70 percent of the mass transit riders, that as it relates to additional funds, you cannot have any more. Now, just as it would be unreasonable for us to cling to the old formula, it would be unreasonable to say, as it relates to additional funds, you cannot have any.

What I am saying to my friends and colleagues, to both of you, is, please, let us sit down, and make your presentations, because I do not argue against the thrust of what you are going to say, that you want some of these resources, and see if we cannot work on a system that will do fairness to your position and yet recognize the necessity of having an increasing dollar allocation to these old systems that are moving tens and tens of millions of people and do need these additional funds.

That is where this Senator is coming from, not coming from, ''It has got to be my way or this way.'' But let us look at it in that way. If we can, I believe we would have the ability to serve the needs of our own communities. I recognize that. There is no one who fights harder and sometimes has been accused of parochialism for the people of his State than I, so I recognize when my colleagues have that interest and good intent for their States. But let us see if we cannot do it in that manner, where we really do the best we can with the limited resources. And I am very willing to sit down and talk to them.

Mr. ALLARD. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. ALLARD. I appreciate your willingness to work with us on these issues. And like the Senator from New York, I am not inflexible; I want to recognize the problems we have in these areas and be sensitive to that. All I am asking is that the Senate and the chairman and everybody—and I believe you are doing this—think a little bit about what is happening demographically as we move into a new century, and what has happened to those populations in other parts of the country that are going to be facing some of these problems you have been dealing with for many years. In fact, people from my part of the country, I hope, would consult with people from your part of the country in dealing with

these problems, because these are new problems for us.

There is a tremendous amount of commitment from the local communities in Colorado. They are willing to make commitments to more than pay for their fair share of the mass transit programs. They are not looking for a lot of Federal dollars, but they would like to have a little bit of help. They are willing to commit a lot of local dollars to these programs, even despite the fact that, these are programs that are paid entirely by gas tax dollars. And so in a way, they feel that, well, we spent this money on these gas taxes with the use of our cars and trucks. They have been paying for these in some ways because they have been buying fuel for their vehicles. So they feel that they do not want to be left out of the system.

I would just like to show what our amendment does, the Allard-Grams amendment on the fixed guideway. It actually changed the formula for 68 percent for 11 statutory cities and then 32 percent for the other 34. And there is some difference of opinion as to where that fair level is. But, like I said, we are willing to be sensitive to your needs. I appreciate the chairman's willingness to be sensitive to our needs. But I would like to explain the second part of our amendment which addresses the New Starts Program.

Here our amendment, once again, addresses only new money, and we do not take any money from projects already receiving funds from fully funded grant agreements. And why is this amendment necessary?

Well, Mr. President, one might assume that the term ''new starts'' means that money allocated through this program must go to new transit program projects. Actually, new starts are currently defined very broadly, and much of the money goes to additions on the same old systems that receive most of the fixed guideway money. And the Senator from New York pointed out those needs.

Under the Allard-Grams amendment, all money above the 1997 funding level would be set aside for new projects. We define ''new projects'' as entirely new fixed guideway systems or additions to fixed guideway systems that have been in revenue operation for 15 years or less, which is different than current law which says that they have to be in operation at least 7 years.

Again, this change would not greatly alter the current system, but it would set some important benchmarks for where we would be heading in the 21st century. As I noted earlier, the amendment would not alter the process for selecting worthwhile projects. Both Congress and the Federal Transit Administration would continue to determine which projects have merit and fund them accordingly, and which projects the local communities would be most willing to contribute to to make sure it happens from locally raised funds.

Currently, there are dozens of potential new starts located in States throughout the Nation. Unless we more carefully earmark funds specifically for new systems, these projects will continue to wait for many years.

Now, this amendment is an important change, and its impact grows with each year. Those older systems will continue to get a very generous allocation, in my view. However, the new systems in the fastest growing regions of the Nation will be able to claim a growing portion of the funds.

Now, I have not moved my amendment at this time, and I am not going to at this time, because I want to continue to have this dialogue on the floor with the chairman of the Banking Committee. But there are some very important issues here that I think we need to begin to think about in getting this country ready to address problems that will be coming up in the next century.

So I now yield to the Senator from Minnesota, Senator GRAMS, who is a cosponsor on this amendment with me. And I would like to recognize the contributions he has made both to the Senate and to this issue of transportation, particularly mass transit.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much.

Mr. President, I am pleased to join my friend and colleague from Colorado in support of this amendment, the Mass Transit Capital Investment Grants and Loan Program of the ISTEA II bill. I am very pleased that dialogue has been going on recognizing the needs of the 11 core, or old, systems and also looking at the needs of the future of the 34 cities and others to come on line and how they are going to be able to receive the funding they are going to need to handle the mass transit needs they are facing today and in the very immediate future.

So I am very glad to see at least the dialogue is going on to begin the process of changing the current formula to take into consideration and into account both the needs of the existing systems but also the growing needs of growing systems as well. So I commend both Chairman D'AMATO and also Senator ALLARD for their work on this.

In recent years, Minnesota has received, Mr. President, less than a 20 percent return on its gas tax contributions to mass transit, and many States have received even less. Through the Allard-Grams amendment, I seek to ensure that Minnesota gets a fair and equitable return on its gas tax contribution.

Now, we do not have the ridership on mass transit because we do not have the mass transit. If we do not have the mass transit, we cannot move the number of people, we cannot get into the formula argument of how many—70 percent, et cetera—people move on these existing systems. So there has to be a formula to ensure an equitable return to make sure these cities, such as the Denver or the Minneapolis-St. Paul area, have the funds to be able to invest in their transit needs.

Now, section 5309 is entirely funded by the gas tax, and it provides nearly half of our Nation's mass transit dollars. We intend to amend this program to provide an equitable and fair distribution of transit dollars to new systems. These are systems in areas where the rising population dictates the need to resolve traffic congestion through mass transit options.

As the Senator from Colorado has indicated, the amendment consists of two program changes. First, we make a change in the Fixed Guideway Program, and second, an improvement in the New Starts Program. Now, unless the Senate bill is amended, the vast majority of section 5309 will go to existing transit systems only. If mass transit programs are to be effective, well, then, the funding needs to go to the cities in regions of our country that are the fastest growing and drastically need this transit funding.

In 1997, fixed guideway systems were funded at the level of $760 million in modernization funds. This was distributed on the formula of 90 percent to the 11 ''old'' or ''statutory'' systems, and only 10 percent went to the 34 ''new'' systems. The committee title alters this somewhat, but most of the funding for fixed guideway funds will continue to go to the 11 statutory cities.

Now, let me make one very important point. This amendment does not alter the current level of funding for the 11 old systems. It merely requires that of all the new funding above the current funding levels of $760 million for 1997 go to the new transit systems. These new systems include the 34 new systems that now receive funds and any additional systems that meet the threshold requirement of 7 years of revenue operation during the 1998 through the 2003 year period.

Just let me list the 34 new systems that would receive increased moneys from this amendment. They include Los Angeles, Washington, DC, Seattle, Atlanta, San Diego, San Jose, Providence, Dayton, Tacoma, Wilmington, Trenton, Lawrence-Haverhill, Chattanooga, Baltimore, Minneapolis-St. Paul, St. Louis, Denver, Norfolk, Honolulu, Hartford, Madison, San Juan, Detroit, Dallas, Sacramento, Houston, Buffalo, Portland, Miami, Phoenix, Jacksonville, West Palm Beach, Fort Lauderdale, and Tampa.

Of course, this list will continue to grow as other cities come on board in the future years once they meet the existing threshold requirement of 7 years of revenue operation. By the year 2000, the Allard-Grams amendment would direct 24 percent of fixed guideway modernization funds to go to these new cities. Even under our amendment, the vast majority of funds would continue to go, again, to the 11 ''old'' systems. And that is still a very generous allocation of these resources.

The New Starts set-aside for projects for new transit systems is defined as projects for completely new fixed guideway systems, or extensions to existing fixed guideway systems placed in revenue service for 15 years or less.

The amendment would ensure that growth in the New Starts program is directed at assisting new transit systems. Also, another important point to make is that this amendment would not alter the process for selecting worthwhile projects.

Both Congress and the Department of Transportation would continue to determine which projects have merit, and fund them accordingly. There are no earmarks or language that would direct the funds to our states. While there are additional monies that have been added to the new starts program, the Transportation Appropriations Committees would still need to decide which new start projects to fund and at what levels to fund these projects.

Keep in mind that both the Fixed Guideway Modernization and New Starts program combined constitute less than one-third of the mass transit dollars. Even with the changes proposed by the amendment this small number of cities will continue to do very well when it comes to mass transit funding. Our amendment is a small step toward ensuring a minimum degree of equity to regions in our nation that now have the greatest growth. I urge my colleagues to support our amendment.

Mr. President, I would like to take this opportunity to recognize the importance of the ISTEA II bill and thank the floor managers for their efforts to report out very comprehensive and difficult legislation that is vital to all our states. The Senate's ISTEA II bill represents the result of intense negotiations between Chairman CHAFEE, Senator WARNER, and Senator BAUCUS, each of whom have represented three different legislative approaches to the reauthorization of ISTEA.

I want to again thank them for the work they've done to bring this bill to the floor. The citizens of my home state of Minnesota strongly support a 6-year reauthorization bill funded at the highest levels we can. This must be one of our top priorities in this session, and I hope we can soon reach a time agreement to facilitate its passage. I know we have only considered a few of over 200 amendments, many of which are nongermane, to this bill.

As we are all painfully aware, the short-term ISTEA reauthorization bill expires March 31, 1998. After May 1, states will be prohibited from obligating any federal highway or transit funds at all. Although the money has been appropriated, it cannot be spent.

This makes it especially difficult for a cold-weather state such as Minnesota to fund construction projects for the summer and fall construction seasons. That is why we must pass a 6-year reauthorization bill, rather than merely extending it for another 6 months. Again, on behalf of Minnesota constituents, I ask my colleagues to allow this bill to proceed rapidly. I am pleased that an agreement was reached on transportation spending in order to move this bill forward.

I'm glad that we will now be able to spend the 4.3 cents per gallon federal gas tax that was moved from the general budget to the Highway Trust Fund in the Balanced Budget Act of 1997. I was pleased to be a supporter of the effort to use the 4.3 cents for its intended purpose of fulfilling our nation's transportation infrastructure needs and obligations. This will mean that federal highway spending will be increased by some $26 billion over the next few years.

With these extra funds, the bill's authorizations for roads and bridges jumps from $145 billion to about $173 billion. We will now be able to guarantee states at least a 91 percent return on their gas tax payments to Washington. For Minnesota, this additional spending will result in an average increase of $47 million per year. The bill would also increase Minnesota's average share by over $129 million per year above the 1991 authorization.

But most importantly, I want to commend Chairman DOMENICI for his commitment to find real offsets to this new spending so we do not break the spending caps in the 1998 balanced budget agreement. Mr. President, while I was pleased with the spending agreement, I am concerned about the additional spending for new programs that was negotiated as part of this agreement.

As one who has supported an amendment in the past to reduce the level of funding for the Appalachian Regional Commission, and require that the Commission provide a specific plan for future downsizing, I am particularly concerned about the extra $1.89 billion for the Appalachian highway system. I was disappointed that some Senators would seek to add earmarks for their own states, when all states would benefit from the additional funding. The earmarks have increased the total funding amount—and expected and necessary offsets will undoubtably hurt other states such as mine in unrelated areas, including possible tax increases.

Mr. President, the short-term extension of ISTEA is approaching its expiration. We need to go forward and approve a new highway reauthorization bill that is fair to states and consistent with our five-year balanced budget agreement as well.

I yield the floor.

Mr. ALLARD. I thank the Senator from Minnesota for his very fine statement. I have no further comments and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, let me address the question, because my colleague has been very persuasive. When you give a picture with 11 cities getting 90 percent of the transit moneys for mass transportation—about that, or 80 some-odd plus percent for the 11 regions; and I really think they are regions that receive most of the rail modernization, three quarters of the people—so where do you put the money? I don't say this to diminish my colleague's argument in terms of providing funds for those regions which are now developing needs because they have become high-growth, fast-growth and therefore they want to begin to have the people movers. They want to move people, get them off the roads. They want to partake of this program. That is not an issue.

We will come into conflict with people who say all additional moneys, all new moneys for rail modernization shall go to cities that heretofore have not participated. Then what you are saying is that those communities that are now moving hundreds of millions of people, 1 billion plus riders annually—that is a lot of people; a lot of people going to work—thereafter additional funds can't be used to modernize to keep these systems operational.

Now, are we saying they have a fixed cost and that their costs don't go up; that they don't have a need for additional funds over and above the levels they have been traditionally receiving? Of course not. That is like saying you can spend the same amount of money to maintain the Nation's highway systems and roads every year, and since you have been getting money, you don't need any additional money over and above. That is silly. The fact is that costs do go up and they are going up. The main thing, as these facilities become older, particularly where you have transit systems that go back 75, 80, 90, 100-plus years—that is why we call it rail modernization and fixed guideway systems—their needs will absolutely be greater than new systems coming in.

So to simply say that any moneys over and above what they have traditionally received should now go to those who heretofore have not participated is not something that this Senator could accept. I don't pretend to speak for my colleague, the ranking member, the senior Senator from Maryland, but I am quite sure that Senator SARBANES would have to take that same position, and all of my colleagues who represent these 11 regions would similarly find themselves in a position to say, ''Are you saying that notwithstanding you are provided more money, new money for rail modernization, because we are an older system, we are not going to get any of that money?'' It is on that basis that I have to oppose my colleague's amendment as put forth.

However, I want my colleague to know that I am not unwilling to look

at an alternative, to say, can we provide funding that will recognize the needs of these other communities that historically have not participated? That is the art, then, Mr. President, of attempting to deal with an issue that will provide equity and fairness for the present system and for those who wish to start systems.

I see my colleague and friend, the distinguished Senator from Maryland, rising, so I yield the floor.

Mr. SARBANES. Mr. President, I agree with the distinguished Senator from New York, the chairman of the committee.

There are just a few basic points I want to make. First of all, I think all of us owe a significant measure of appreciation to the chairman of the committee for his efforts interacting with the chairman of the Budget Committee to find additional money for transit programs.

In other words, a real effort was made here to get more money into the transit programs to help address the various needs of people.

Secondly, on the fixed guideways, the committee itself, in consultation with the public transit groups across the country, made an adjustment in the workings of that formula so it is not as though we are oblivious to some of the problems that have been raised here on the floor. We try to make adjustments to take care of them.

Thirdly, it is very important to understand that about three-quarters of the riders are in those cities. So there is a relationship between where you are putting the money and where the ridership is. This gets complicated because more and more cities now want to come on line with transit systems. The additional money that the chairman and those of us working with him have been able to gain for the transit programs will help to make that possible.

Now, the distinguished Senator from Colorado said that this last year, he thought his return had jumped significantly. As I understand it, there is a full-funding agreement for the transit system in the Denver area so that the payout is beginning on that system. One of the problems you have here—and people have to understand this—the transit systems have to be funded in discreet jumps. You can't do it just a little bit everywhere each year because that doesn't give you enough money to build your transit system. In order to build a transit system, the transit systems have to work with the Department of Transportation to get a full-funding agreement, and then there is a commitment. So you get a jump, a discreet jump, in the amount of money coming in to build your system. You have to do that with each system that is coming along. If you just give a few extra dollars in each place, you can't build a transit system with that little money.

Now, one of the problems, obviously, we will confront as we move along is more and more areas and regions recognize the desirability of a transit system, so they want to be part of the process. I am in favor of their being part of the process.

I fought very hard with the chairman to maintain the 80/20 allocation. If we had lost that allocation, I think our ability to have additional money for transit would have been very quickly on the downslide.

We know there are lots of needs. Members come to us. We understand that. We are trying to work with Members in order to achieve that. You can't look at one segment of the transportation funding without relating it to the other segments, not just within mass transit, but highways as well.

Now, the chairman's State and my State take a sharp hit on our percentage share of the highway money in this bill. We take a sharp hit on the percentage share of the highway money. Many of those who are now coming to us who were seeking to rework the transit formulas, in fact, were among the States that benefit very significantly by the reworking of the highway formula.

I am trying to look at it with a broad point of view. I recognize some of the arguments that have been made about the highway formula, although I had counterarguments I could make if you want to talk about miles traveled, congestion and all the rest of it. I can bring up a list of figures. The second most congested area in the country on highway traffic is right here in Washington, DC, as most of my colleagues probably realize as they seek to move around the area. But in any event, those adjustments are getting made, and we are recognizing that those adjustments are getting made. Now, even within the transit scene, it's clear that the new-start money is moving to new areas. Now, that simply is happening. I don't think the old areas ought to be ''frozen out'' of new starts because often they have to, as it were, extend their systems to accommodate the movement of populations further out into suburban areas.

We are trying to build systems here that work, and we recognize the needs of new areas. I think we have tried to be very responsive, as a matter of fact, in the committee to try to address the needs of new areas.

So I say to my colleagues that I think it's very important to try to take a balanced view. I think it's important for the Senate to try to come out with a balanced bill that represents a reasonable accommodation amongst all the interests that are reflected in the Senate, because the nature of the political dynamic is quite different in the House, if one stops and thinks about it for a moment. I think that if we have a balanced bill, it can become a kind of magnet point in dealing with the House. If our bill is seen as unbalanced, it won't be that magnet point, and the House people, I think, will obviously be seeking to move it to a new balance. So I think it is very important for us here to try to come with a new balance, and we are working hard to try to get that.

I made my point on the highway formula, and I don't intend to press it any further. But in terms of taking a broader view, I hope we can get a comparable response on the transit measures. But you have these older transit systems—actually, a system that is more than 15 years old may need modernization worse than any system in the country. You have to upgrade these systems. New York has upgraded its system, and it made an enormous difference in ridership and in the general acceptability of the transit system. So we understand the problem, and we are trying to work with our colleagues. We are trying to keep moving this process along. We really have worked overtime to try to get the additional resources to help ease the situation. And I think, having done that, although we have to carry it all the way through the appropriations process now, I think we are in a better position to respond to needs that Members have.

If we get into undoing all of these arrangements—it is a never-ending process—then I think we are going to confront a lot of difficulty. I appeal to all of my colleagues to recognize the complexity of it and recognize that the committee has been trying to deal with it. I think the chairman has bent over backwards to try to find ways to accommodate Members. But I certainly hope we don't make any sort of major, sweeping changes in the allocation because it's going to throw the balance completely off.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from New York.

Mr. D'AMATO. Mr. President, I thank my friend and colleague, the ranking member, Senator SARBANES, for recognizing what we as a committee and our staffs have attempted to do in coming up with a bill that does not nearly meet the needs of all of our constituents because there are spending limitations. We are going to have a tough time. I can tell the Chair that we have a minimum of $15 billion-plus worth of requests for new starts. And I think if you were to look at them, you could probably—and I am not attempting to rank them; that is not my job. There is a procedure which does that, and I think they should be ranked, but as it relates to cost-benefit, numbers of people moved—I know when you look at the city of Denver, where my colleague comes from, there is no doubt that the program being advanced by the city and metropolitan region will be probably one of the highest ranked. But they are going to have to earn that ranking. But you can't have that kind of development and not believe that it's not going to be there.

Demonstrated need is the key. In fairness to my colleague, I don't want to imply that he is arguing for any change on that. I am simply saying

that when we look at the numbers of applications that will be coming in, I have to tell you that there will not be nearly enough resources to do them all. I hope that, in the fullness of time, we will be able to get a better allocation for mass transit generally. I think we are being very, very myopic as it relates to the manner in which we are allocating resources nationwide. It is easy to put money in and justify for highways. It has a very strong base of support. That is undeniable. But something that is even more important, or equally as important, is when we look at our major urban centers throughout this country, we are going to begin to find in those fast-developing areas in the South and far West, as people migrate, you are going to have incredible problems, whether it be in Atlanta, Denver, Memphis, et cetera. As these areas build and develop, we are going to want to be able to move these people. Unless we provide the resources, it's not going to happen. So we have had a rather unbalanced—I think the last time we provided any moneys was in the legislation that I authored, and I had a tremendous battle, back in 1982. It authorized 1 penny out of the nickel to be set aside from gasoline for mass transit.

Let me say this to you. If it sounds like I am self-aggrandizing, I don't mean to. But, thank God, we were able to get those moneys set aside. I have heard more people complaining about that. What a myopic view. Where would some of the systems in their States be? They have come on rather recently, and they have applications for more, and I am talking about large States that have to move large numbers of people. Their representatives are complaining about that 1 penny set-aside. Well, what would you have then in terms of any type of new start or mass transportation? We would not be having this debate and we would not be having a mass transit bill.

Some people say, oh, we don't care, we don't need it, we don't want it. That is a rather narrow-minded point of view. So I have to say, thank God, we are at this point where at least we have limited resources that have been provided as a result of the 1 penny set-aside as opposed to no resources that we would have. We would not have any. So maybe we are lucky that the Senator, at this point in time, can come to the floor and say, ''Listen, we want a better allocation on that.'' I don't fault him for that. I think he has real merit in his position of saying, ''There is this need, so can't we do better?'' I say to the Senator that I want to try to do better under these. I hope we can come to the floor some day, sooner rather than later, because the expressed, absolute need—by the way, we save lives. When you get people out of the automobiles in congested areas where sometimes they are stuck 30 minutes when coming through a bridge or tunnel, whatever, and put them on a modern system that moves them back and forth, you take out tons and tons of pollution.

We have one project that we are looking at in terms of removing 1 million trucks a year off of the roads between New York and New Jersey. It is a tunnel project. It is not part of this bill. They estimate that we will be able, as a result of this one tunnel, to save in the New York City region 3,000 lives annually—3,000 people who otherwise would be dying. That is not to talk about the incredible hospital costs that go into it, the hundreds of millions of dollars in terms of asthmatics, et cetera. That is just one little project.

We are talking about another one for moving 100,000 people a day who now have to make a cross-town transfer. They come into New York City on one side of the city and then have to transfer and go all the way over to the other side to get to their job, and then come all the way over again. They are talking about eliminating 12,000 taxicab rides a day. They are talking about saving $900 a year for 100,000 people who have to pay then to go back and forth. In terms of hours, it's about an hour a day for each one of these 100,000 people. So the man-hours can be saved.

The pollution that would result will be cut down, and the quality of life will be enhanced. These are the kinds of things that can and should be available to us. There is an underlying problem in this bill—a big one: we don't provide sufficient resources. We can't, unfortunately. There are the budget constraints. So, I think we all have to recognize that there has to be a little give and take on this thing. This is not going to be good for us if we have to make changes in terms of a parochial sense to take less. I think the Senator from Maryland stated it well. We get back a smaller percentage as it relates to the highway that we received previously. But we had to recognize that there are expanding areas and they need some money. I am willing to recognize that here. But I need some help in arriving at that, because there is an underlying deficiency. I might say to those colleagues who are going to say we need more, then help us and support us when it comes to providing additional resources for all of mass transit, so that we can see that rural America and urban America are not in conflict and we can make those needs.

Right now, our job becomes impossible to meet all of the needs, due to the lack of resources. That is a fact. And were it not for the incredible work of the Budget Committee, and particularly Senator DOMENICI, in finding available resources, we would not even be at this point, and the inequity and problems would be even greater.

So I thank my colleague, Senator SARBANES. Again, I want to commend the Senator from Colorado for coming forth in a way, hopefully, that will provide additional resources to the people not only in this region but in like regions throughout the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I wonder if I may have 10 minutes to speak out of order.

Mr. D'AMATO. I have no objection.

(The remarks of Mr. WELLSTONE pertaining to the submission of S. Con. Res. 82 are located in today's RECORD under ''Submission of concurrent and Senate Resolutions.'')

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be able to move on and talk about one related matter for 5 additional minutes.

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

TIBETAN UPRISING DAY

Mr. WELLSTONE. Mr. President, today is the 39th anniversary of the Tibetan Uprising Day. On March 10, 1959, the Tibetans instigated a massive uprising against the Chinese in Lhasa, the Tibetan capital. It was ruthlessly suppressed by military force. An estimated 80,000 Tibetans were killed, and the Dalai Lama was forced to flee, seeking refuge in India. Every year, on March 10, the Tibetans in exile gather to commemorate the anniversary of this unfortunate day and to protest the continued occupation of Tibet.

Mr. President, there are demonstrations all across the country which commemorate this day, March 10, 1959. And I would like to bring to the attention of my colleagues the meaning of today to the people in Tibet and to make a linkage to what we are doing on the floor—again, with Senator MACK from Florida, with Senator HUTCHINSON from Arkansas, with Senator FEINGOLD from Wisconsin.

By the end of this week, because of the personal commitment of the majority leader, we will have an up-or-down vote on a resolution, or an amendment to a bill, which will call on the President to put the full force of the United States authority behind the resolution which will be critical of or condemn human rights violations in China before the International Commission on Human Rights, which is going to start meeting on March 16.

I have a letter which was translated into English—but I am going to keep this forever, because I think it is such a great thing—from Wei Jingsheng, which he wrote out in my office on Friday. This is an appeal by Wei, who spent 18 years in prison and had the courage to stand up for what he believes in. He will be nominated for the Nobel Peace Prize.

This is the request to the U.S. Senate to please go on record this week, before the International Commission on Human Rights meets, strongly behind a resolution calling on the President to do what the President has promised to do, calling on the administration to do what they promised to do, which is to move forward on a resolution at this Human Rights Commission in Geneva which will be critical of, or condemn,

the human rights in China, including the crushing of the culture and history and the people in Tibet.

Mr. President, silence on our part would be betrayal. It would be unconscionable. Our country is a great country because we support human rights. We support the freedoms of people. We support the idea that people should not be persecuted because of their religious practices. They should not be persecuted because they have the courage to challenge governments if one of those governments is left, or right, or center.

I said it yesterday, but I will say it one more time today. I hope we will work with the President. We are going to get a strong vote for this resolution. I hope the President and the administration will do the right thing. I have myself been calling the State Department. I think Secretary Albright wants to move forward on this. I have not had a chance to talk to her. She is, of course, abroad, working on another very important question about what is happening to people in Kosovo—and rightfully so—trying to lead an international effort and making it clear to Milosevic that Serbia cannot with impunity do this to the people in Kosovo. I believe she is a strong advocate on human rights.

I talked to Strobe Talbott and to Sandy Berger. I have been putting calls in to their offices, and I think it is important that this week the administration come out with a clear position which would be a reasonable position, doing just what the President has said we ought to do. We don't link it to trade agreements, though I think we should. But this is the right place—at this U.N. Human Rights Commission—to be talking about these human rights violations.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I believe that we have made substantial progress and, hopefully, we will be able to come to an accommodation that will meet the needs a number of my colleagues have expressed relating to the fixed rail modernization system. We are working on that at the present time. I hope we are going to be able to further deal with the question of New Starts in a way that will be satisfactory to my colleagues.

Last, but not least, it is my hope that we can resolve even the most contentious of points if those who are advocating changes will either meet with our staffs or come to the floor for the purposes of introducing their amendments so we can dispose of this significant portion of the bill, hopefully today. I believe we can, or certainly we can make very significant progress.

If we are not going to have agreement, then I can tell you it is my intent, after negotiations and after deliberations and debate, to move to table those amendments on which we cannot come to an agreement. But I hope we will work to the best of our ability. I think by putting this off we are not going to add to the likelihood of finishing this chapter of the bill today, and that is my hope.

This is an important piece of legislation which I believe the Senate, and I know Senator LOTT, our majority leader, is anxious to dispose of. That means the difference between States doing nothing and States beginning their highway projects in an orderly fashion, undertaking the necessary work to get their transit systems going and improving them. There are contracts that have to be let out. It takes time.

So, the sooner we get this done the more likely that some of the programs that otherwise will not continue, or start, this spring, will get started. We have to give the States assurance that there is going to be an orderly flow of funds. So I urge my colleagues if they have provisions or have statements they want to make, between now and 12:15 they can certainly come down. That would be a good time to make those statements. If there is legislation that they seek, now is the time to make it known to the committee, to the staff, and seek either an accommodation or action on their legislation. Certainly between now and 12:15, if anyone wants to come down to speak to these issues, or 12:30 when we go out—or thereafter, when we reconvene at 2:15—we are ready, willing and able to deal with whatever ramifications my colleagues might have or whatever legislative solution they might look for. We are willing to discuss and entertain their legislative proposals, again, by way of staff work directly, or the Senator meeting with his colleagues and/or Senators offering legislation. We can attempt to dispose of their legislative proposals one way or the other.

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. SARBANES. 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. SARBANES. Mr. President, I just want to make a few points about the importance of transit as we are considering this amendment.

First of all, when we had the energy crisis, there was a tremendous focus at the time on transit, which in a sense faded from the scene because we no longer confront an energy crisis. But it is very important to underscore how energy efficient mass transit is in terms of moving people and goods. We have developed and, of course, even improved technology with respect to low emissions on clean-fuel buses, clean technology for light rail systems and for heavy rail systems.

People have to understand that means it is just that much less oil we have to import. So we are able to decrease our dependence on foreign oil by developing transit systems. And, of course, we are able to, as a consequence, improve our balance of payments situation. We often lose sight of that. We do not talk about that very much nowadays because energy isn't seen as a critical issue. But I simply want to remind people that at the time when we had the oil embargoes and everything, there was a tremendous emphasis on transit and its importance.

Secondly, the importance of transit for improving the environment I think is indisputable. It is estimated that over 40 percent, between 40 and 50 percent, of all Americans live in areas with unhealthy air, according to the EPA. In many communities, transit investments are a cornerstone of the strategies to achieve air quality standards. A failure to develop transit capacity will undermine our efforts to give millions of Americans cleaner air to breathe. So we have to recognize that transit is important for environmental purposes as well.

Thirdly, traffic congestion in our Nation's largest 50 cities is estimated to cost travelers over $50 billion annually, just from the bottlenecks and the gridlocks. These delays translate directly into added cost to businesses and to individuals. Transit carries the equivalent of 5 million additional automobiles per year. People need to sort of envision what would happen if we did not have these transit systems. You would have utter chaos.

So we have to address this congestion and delay cost for millions of American motorists. And it is interesting to note, transit is used disproportionately during peak periods, peak-period commuting, which is exactly the same time when the roads are at their most congested. So, obviously, it serves a very important purpose in limiting or diminishing the amount of congestion that would otherwise occur on the highways.

Now, not only does it eliminate or decrease the amount of congestion, transit also provides essential access for people to jobs and shopping and medical services. It is estimated there are about 80 million or above Americans who do not drive, in other words, people who, to get around independently, are totally dependent on transit.

Transit is also essential now as we focus on moving people from welfare to

work, a major national priority, one as a consequence of the legislation passed by the Congress. Now the States are under very tight constraints in terms of addressing that population. It is estimated that only a very small percentage of welfare recipients, 6 percent, own cars. So most people on welfare would be dependent on transit in order to get them to and from their jobs.

So a strong and vibrant transit system, I think, is critical to the Nation's economy, to the well-being of our communities. I hope we can keep these additional considerations in mind as we address the transit title which is now pending before the Senate. There are these additional benefits that flow from it, and they really flow to the country as a whole.

If we can reduce our dependence on foreign oil and the import of oil, we become less in the hands, as it were, of others overseas, and we improve our balance of payments position. Transit makes an important contribution in that regard. It clearly makes a very strong contribution in the effort to improve our environment and to achieve clean air quality. It helps to reduce congestion.

Of course, people look around and say there is a tremendous amount of congestion now. I only say to them, think how much worse it would be if we did not have the transit systems. I mean, for those in the areas that are served by a transit system and are traveling by automobile or truck and encounter a lot of congestion, think what they would encounter if there was not a transit system moving millions and millions of people every day. You would have absolute gridlock in those areas of the country.

Now, as we deal, of course, with the welfare-to-work challenge, transit is a major component in helping us to succeed in addressing that challenge. It is also clear that transit is an important contributor to economic development and property values. Those areas that have the availability of convenient transit services have discovered that it makes an important contribution in spurring economic development and job creation. So, Mr. President, I hope our colleagues will keep this in mind.

An argument was strongly made in this body many years ago that we needed farm-to-market roads. We needed roads to make it possible for farmers to move their goods to market. As a nation, we responded to that and sought to support a farm-to-market network of highway transportation. I am supportive of that concept.

I think if we are going to build the Nation, we have to be sensitive to the needs of all parts of our country. I very much hope my colleagues will be sensitive to the needs of transit. Actually, everywhere in the country, we have provisions in this bill for rural transit, and transit in cities of over 50,000 and up to 200,000, special provisions. But, of course, we have the situation in which we have the greater urban centers where literally millions of people move every day on mass transit. If it were not there, if we did not have a first-rate system, we would have a total, total breakdown in the functioning of the economy.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. 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. SARBANES. Mr. President, I think we are now scheduled to go out, as I understand it, for the party conferences.

RECESS

The PRESIDING OFFICER. The Senate is recessed, under the previous order, until 2:15 p.m.

Thereupon, the Senate, at 12:25 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask permission to address the Senate as if in morning business.

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

LOSING OUR WAY II

Mr. GRASSLEY. Mr. President, in earlier remarks, I indicated a number of problems in our domestic drug control efforts. I intend now to highlight some of the problems in our international control efforts. Many past problems in this area have been documented in testimony before the House and Senate and in reports issued by the Congress. Let me give just a few highlights of recent issues that speak of deep problems.

I am concerned that the Administration seems only too willing to give drug producing pariah states a pass. Recently Senator HELMS and I wrote the Secretary of State on North Korea. We wanted to know why, with indications that the Government of North Korea is implicated in drug production, that there was not more effort to confront this pariah state. The response was that we don't know enough. Well, why don't we know enough? Basically because we are not asking the questions. We are not putting our collection assets on the problem.

This is one way of avoiding confronting North Korea on drug trafficking. This is a country apparently whose only two cash crops are nuclear weapons and illegal drugs. Yet, we ignore their drug activities and provide them help with nuclear materials. This is not the only dictatorship and enemy of the United States that this Administration is declining to confront for drug production and trafficking.

During the recent recess, the Administration pulled another rabbit out of its hat. In the process, it once again showed its disregard for both requirements in law and for consulting with Congress. Mr. President, most members are probably not aware that the Administration has dropped Syria from the countries that we certify on drugs. The rationale the Administration offers for this move, done without consulting with Congress or Israel, is that what drug production there is in Syria does not affect the United States. That is not, of course, what last year's International Narcotics Control Strategy report, the Administration's own report, said. It is not what presidential certification notices have said. It is not what the Israelis report. It does not accord with the realities of international drug trafficking and the nature of the activities of organized criminal gangs. But there's more to the story. The Administration says it made this decision strictly on interpreting the law. In its reading of the law, the Administration argues that Congress did not mean to include countries like Syria where production is not coming to the United States. That is a singular interpretation, however.

I have here a copy of an interpretation by the Senate Legislative Council's office pointing out where the Administration's reading of the law is in error. I also note that the Administration undertook this significant change in policy based on the legal opinion of a single State Department lawyer. They did this without consulting with anyone in Congress. And, in my view, they did it by not complying with the law.

What all this means is empty gestures that send useless signals to pariah states. The fact that it does this by using U.S. drug policy as the throw away issue tells us a lot about how seriously this Administration takes our international counter-drug efforts.

The law requires the Administration to submit to Congress each November 1 the list of countries to be considered for certification. My staff reminded the State Department of this requirement in late October. It became clear, however, that Administration officials had no intention of meeting that requirement. Only under pressure did they finally get the paperwork up here, 10 days late. This tardiness was in spite of the fact that they promised not to be late, after having been weeks late in 1996. And they were weeks late then even after Congress gave them an extra month to get the list up here. This list, as I say, was late. I note also, that in being late, the Administration submitted it just days before the Congress recessed. That is, it submitted a document that contained a controversial decision without consultation or the opportunity for serious discussion.

Not only did the Administration not seek to consult on this important issue before the decision, it delayed action to avoid accountability after the decision. What next? Having ignored North Korea and having given Syria a wink, can we expect the Administration to certify Iran? Don't laugh. That was under consideration. The Administration cannot confirm significant changes in Iran's drug control efforts, but it was prepared to take Iran's word on the matter. It was only when J.C. WATTS and I and several other Members of Congress blew the whistle on this that the idea was dropped. What was going on here? Why all the sneaking around? Iran suggests more cultural exchanges and the Administration plans to certify them as doing the right stuff on drugs. Once again, we are going to use our drug control policy to make gestures to our sworn enemies. What is wrong with this picture? Do these steps, this lack of consultation, suggest a deficit of seriousness on drugs?

There's more. The Administration has also been mounting an effort to deconstruct the annual certification process. With all the misinformation being floated around about that process, it may be hard for the public and members of Congress to get at the facts. Let me just make a couple of points. Certification is about accountability. It is about expecting the Administration and governments in the major drug producing and transiting countries to take drug control seriously. It is about establishing standards to measure that seriousness. It is about expecting the Administration to then report on compliance with those standards to the Congress and the public. Let me note also, that recent and past polls indicate that the public supports tough standards. The Administration, however, it trying to undo this. For an Administration that has a record of avoiding accountability standards, this should come as no surprise. This is yet another area where the Administration is mounting an effort to weaken or disregard performance measures.

But let me continue. On the issues I deal with on the International Drug Caucus, I see an Administration that doesn't follow through. Let me give just one case in point. This concerns nominations. The important post of the Assistant Secretary of State for International Narcotics Control remains vacant. We have yet to see a nomination. It has been vacant for many months. The post of Commissioner of Customs remains vacant. On this latter point, however, I am happy to see some movement, at last. Still, that critical post has been vacant for over six months.

I also note that the Office of National Drug Control Policy has recently asked Congress to give them new presidential appointment positions. But the important post of Demand Reduction Deputy has not seen a qualified nominee in several years. It is vacant. The critical post of Supply Reduction Deputy has been empty since the Administration took office in 1993. These are the two most important posts in that office. Vacant. Unqualified candidates. Inaction. This is the legacy.

The Administration also continues to send mixed signals to our partners in Latin America on drug control. Leaving aside the retreat on certification, the Administration cannot seem to get clear on its priorities. There are a number of examples, but I'll stick to one. In 1994, the Administration almost destroyed one of our most important information-sharing programs with Peru. This program enabled the closing of the drug smuggling air bridge. Congress stepped in to prevent the cutoff of information to this highly effective program.

Today, the major declines in coca cultivation in Peru—almost 45 percent in two years—are directly attributable to that information-sharing program that the Congress rescued. Now, the traffickers are seeking to circumvent that program by flying through Brazil. Brazil is prepared to cooperate, but the Administration cannot get its act together to make this program happen. What's more, I have learned that some in the Administration are once again in the process of considering pulling the plug on this not only in Brazil but in Peru and Colombia. If this happens, we will throw away all our recent gains. If this is not enough, the whole counter-drug program in the region is in disarray. It lacks a coherence or consistent oversight and strategic vision. But this is not the only place we see a lack of comprehensive thinking.

There is a similar problem on our own borders. Over the past few years, I have supported efforts to increase our ability to police our borders. This has meant more funding on the Southwest Border and in Puerto Rico. The problem, however, is that there is no coherent vision coming from the Administration. What I have repeatedly asked for is a more comprehensive concept for the whole southern tier. We keep seeing plans for this place or that place. Now we hear plans about sealing the Southwest Border with technological wonders. We know, however, that the traffickers adjust to our control efforts. Thus, if we focus here, they shift over there. And they can shift faster.

As a recent Christian Science Monitor piece notes, we're seeing Miami Vice two. The traffickers are moving back into the Caribbean and south Florida. We need, therefore, a plan that does not create trafficking opportunities in one area while trying to foreclose them some place else.

But we don't see this. Instead, we see plans that rob Peter to pay Paul. Or we see another version of data slicing that I noted in my earlier remarks. The Administration is now double counting increases in the Border Patrol as contributions to the drug war. While INS and the Border Patrol have some responsibilities in the drug area, this is not their primary duty. Yet they are counted in drug spending. The primary responsibility at the border falls to U.S. Customs. And what is happening here? The Administration continues to under fund agents, inspectors, and intelligence support on our southern tier. Further, to strengthen the presence on the Southwest Border, the Administration robbed positions in U.S. Customs from Miami and New York and elsewhere. The result? We now see more trafficking in south Florida. It's time to stop this piecemeal approach and develop a comprehensive southern tier strategy. This will require not only more serious thinking but a look at the resources necessary to make our borders more secure. I, for one, will be looking for such an effort.

Problems at our borders and incoherence in thinking in dealing with our international partners are not the limits to the inconsistency we see.

I have been calling on the Administration to offer proposals for how to deal with the problem of international organized crime. A plan for bringing together comprehensive international efforts to disrupt the organizations most responsible for drug trafficking. To date we have seen nothing. The proposals are late. Sound familiar?

From these various accounts, it should be clear that we have a drug policy in name only. What we have is a collection of things with a price tag attached. We do not see accountability. What we do see is increasing drug use among our kids. What we do not have is the coherence Congress has asked for and the public has right to expect. We need better not just more.

With this in mind, I have proposed, separately, several initiatives to improve our drug efforts. I will be following up on those proposals.

I have gone on at this length to make it clear to my colleagues and the public that we need a lot of work on our national drug control strategy. Above all, we need seriousness of purpose and consistent follow through. We need to know where we're going. Otherwise, we will continue to wander around, lost, on roads that take us nowhere.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931

Mr. REED. Mr. President, I would like to take a moment this afternoon to talk about the pending highway bill and particularly the transit provisions in that bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend Senator D'AMATO and Senator SARBANES for their work on this initiative. The bill they brought to the Banking

Committee adds immensely to the act we are debating. It provides a critical component to the overall transportation in America, and that component is mass transit. This bill that Senator SARBANES and Senator D'AMATO have worked so hard on would provide $5 billion, which, over the next 6 years, would accumulate and provide sufficient funding for mass transit throughout the United States.

The legislation recognizes that in many regions of the country, particularly the Northeast where I come from, mass transit is one of the critical elements of our transportation policy. We do not have the space to build more roads. We also are in a congested area of the country in which environmental factors are so critical. Without mass transit we cannot deal with transportation problems, environmental problems, and also the basic needs of the people of my State and my region to be productive citizens.

This is particularly the case when we are talking about reforms we have just undertaken with respect to the welfare system, moving Americans from welfare to work. For many of these Americans, literally, their path to the work site is through mass transit, through buses, through subways. Without these vehicles, without these mechanisms, they cannot become effective participants in our work force. Transit is particularly important to my State of Rhode Island.

Just this morning I had an opportunity to meet with our director of the Rhode Island Transit Authority, Dr. Beverly Scott. She is doing a remarkable job. She impressed upon me again the important role that transit plays in my State. Ridership is up in Rhode Island. We are one of the few States in the country with a statewide system, one system serving the entire State. Last year 19.5 million bus passengers used our rider services. In addition, we had over 450,000 paratransit riders. These are small jitneys that move around the State, many times serving disabled Americans who cannot use the traditional buses that we still have in our fleet. Indeed, 18 percent of the riders of mass transit in Rhode Island are seniors or disabled Americans. These are individuals who cannot avail themselves of the highways through their own vehicles in many cases. They depend upon transit. They depend upon our role here in Washington to adequately fund mass transit throughout America.

We also have, because of our mass transit investments in Rhode Island, done some remarkable things with respect to the environment. It is estimated that the buses of the Rhode Island Public Transit Authority over the past several years have kept about 1.2 million pounds of pollution from entering our system. In doing so, they have allowed us to keep pace, at least, with the demands for a cleaner environment up in Rhode Island. We have to do more, but without mass transit we would be in a much more perilous situation.

There are those who are arguing with respect to transit that we should move away from traditional formulations of transit policy and start talking about minimum allocations, State by State, which, in effect, would reward certain parts of the country that do not have the history and, indeed I would argue, the strong need for transit services, as we do in the Northeast or in other parts, the older urban parts of America. I think this approach would be wrong. This bill we are considering in effect shapes national transportation policy. As Senators in the National Assembly, we have to recognize our national responsibilities. One responsibility is to continue to support those systems that are so essential to my region of the country, so essential historically.

I was thinking, as I spoke to Dr. Scott, my director of public transportation, that his family goes way back in transit. My grandfather, James J. Monahan, worked for the United Electric Railway System, which was the local transit system. In fact, he started around the turn of the century. Before there were electric railroads, there were horse-drawn rail cars, and he was working on those. We have seen, in my section of the country, this reliance upon transportation for years. We must maintain appropriate funding.

I hope we can do that because I think, if we would try to arbitrarily distort the funding for transit, if we would suddenly yield, not to sensible national transportation policy but simply regional interests, we could undercut something which is very essential, not only to my region but also to the Nation. If we do not have good transit in the Northeast and other parts of the country, we will not make our environmental targets, we will not be able to continue to develop a strong economy, we will not be able to ensure that all of our citizens have access to the job sites, we will not be able, in short, to do what we all want to do—provide for a transportation system that serves all of America.

I should point out, too, that in this debate we have seen changes impacting, through the highway formulas, adversely on many parts of the country. Those parts of the country are most dependent on transit. The idea of reformulating highway policy, which many of us have approached with some sense of cooperation because of our view of the national economy and the national needs, to turn around now and inject strident regionalism into the transit formula would, I think, be a mistake. We cannot, I think, in our position, bear to see some of these changes in the highway position without the confidence that transit funding will be maintained on a reasonable basis and that we will continue to develop and support good transit throughout this country but particularly in those areas that historically have relied upon it.

Mr. President, I hope we could summon not only the wisdom and courage to support this bill coming from the Banking Committee but also to oppose those proposals which would impose a minimum allocation on the States. We have to recognize and support transit as it exists today and develop new starts, for which there is plenty of funding in the proposal that Senator D'AMATO is bringing to the floor to do that. But we cannot, I think, impose some arbitrary constraints on the transit formulation which so far has served us very well.

I hope we can support this amendment from the Banking Committee, oppose the amendment that would distort it dramatically, and in doing so contribute, along with our highway provisions, to sound and very important national transportation policy.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me first say I tremendously appreciate the work and the contribution and the support the Senator from Rhode Island, Mr. REED, has given to the committee in bringing this amendment to this point. He has been constructive. He has been helpful. I particularly appreciate his efforts as they relate to that part of the program that concentrates primarily on attempting to meet the needs of those people who are trying to get off welfare. We are talking about the people who want to help themselves. He has been a leader in this area. Indeed, we have provided more funds and specifically targeted them to getting transportation for people who otherwise cannot get to work.

Later, I believe a number of our colleagues will be coming to the floor. I am going to ask those who might be listening and/or their staffs, to please, if they have amendments, come on down. Let's deal with them. I believe the Senators from Pennsylvania have an amendment that maybe a great number of colleagues would be willing to support. I know Senator REED would probably be one of the prime sponsors, in terms of enhancing that program, and that is programs to help people to get to work to get off the welfare rolls. So that is a plea I make to them.

At this point, I would like to recognize the outstanding work of Senators ALLARD and GRAMS in relationship to making, I think, an important contribution to this bill in seeking great balance. I believe the distinguished Senator from Colorado has an amendment he would like to offer.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1940 TO AMENDMENT NO. 1931

(Purpose: To make an amendment with respect to fixed guideway modernization)

Mr. ALLARD. Mr. President, I would like to call up amendment 1940, the Gramm-Allard amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado, [Mr. ALLARD], for himself and Mr. GRAMS, proposes an amendment numbered 1940 to amendment No. 1931.

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

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

The amendment is as follows:

On page 68, line 21, strike ''The next'' and all that follows through ''(7)'' on page 70, line 1.

Mr. ALLARD. Mr. President, I again thank the chairman of the Banking Committee for his willingness to work with both Senator GRAMS and myself. I think we had a very productive floor debate this morning about the transit needs of the different sectors of this Nation. I think Senator D'AMATO has certainly showed his statesmanship this morning in recognition of the transit needs of the more rapidly growing regions of this Nation, much of which is occurring in the Western United States as well as in the Southern States. States like Colorado are experiencing extraordinary growth, and our citizens are certainly anxious to have a fair return on transit dollars. As the chairman knows, Senator GRAMS and I have filed and discussed an amendment that addresses new dollars that will flow into the New Starts and Fixed Guideway Modernization Programs.

The chairman has agreed to accept some of the fixed guideway language that was included in our amendment. He has offered to work with us further in the conference committee. I now submit the revised language and urge its acceptance. I thank again Chairman D'AMATO for his willingness to ensure high-growth areas that are experiencing problems of congestion and air quality nonattainment shall be recipients of Federal dollars for New Start projects. In addition, we will continue to work with him on the Fixed Guideway Modernization Program to see whether some of the high-growth cities can be eligible for funding on an accelerated basis. I thank the chairman.

Mr D'AMATO. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I also thank Chairman D'AMATO for working with Senator ALLARD and myself in recognizing that growing mass transit moneys should be more fairly and equitably distributed to the new systems in our country, including Minneapolis and St. Paul.

I represent Minnesota, a State that is growing, and growing in areas where rising populations are basically dictating the needs to resolve traffic congestion through new-start mass transit options. I thank the chairman for his commitment to work with Senator ALLARD and me in the conference and again to make the Fixed Guideway Program more equitable to the new system. I thank the chairman for his acceptance of our fixed guideway language in this amendment and for his commitment to work with us to maintain this language in conference, because it is important that a greater portion of the new funding above the current levels, currently $760 million in 1997, go to these new systems. These are the systems, as we have noted, that are growing the most and growing fast.

I also thank him for this agreement to work with us in conference to help us establish some very significant funding for new starts. I also thank Senator ALLARD for all his work with us on this as well. I thank the Chairman very much for his help and cooperation.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, let me say I am deeply appreciative of the work of my colleagues, Senator ALLARD and Senator GRAMS, and for their patience, for their diligence in working on behalf of their constituents and, more importantly, recognizing the need for balance, the need to meet the needs of the high-growth cities in the United States, which they represent, but also recognizing the needs of the older cities, the older transportation hubs, that also need to continue to get adequate funding.

In addition, I am looking forward to working with my colleagues towards addressing the growing needs for mass transit in growing cities such as Minneapolis/St. Paul and Denver. They have unique problems. The problems of attaining the clean air standards certainly are not those just found in the cities of Boston or New York or Philadelphia. Indeed, in areas that we may not have ever considered, these are problems. They are. Cities like these must receive an equitable portion of the New Start funds so they may begin to implement mass transit as a solution of their problems of traffic congestion and air quality. Again, I commend them, and I am committed to working with my colleagues on this issue and on the issues of eligibility for funds under the fixed guideway formula.

Might I also say, I thank again, in all of this, my colleague and friend, the ranking member of the Banking Committee, Senator SARBANES, for working to achieve this balance.

Mr. President, I ask acceptance of the amendment.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I just say, I think this is an instance of trying to work through, in a practical and pragmatic way, points that are being made, which the chairman has indicated he is quite prepared to do. So I am prepared to go along and accept the amendment in an effort in part to move this legislation forward and also to indicate that we are trying to be reasonable here. We want to get accomplished a result without departing from the basic structure of ISTEA in some significant way. I think what has been talked about here sort of puts us on that path. So I support accepting the amendment.

The PRESIDING OFFICER. Without objection, the amendment No. 1940 is agreed to.

The amendment (No. 1940) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I urge those Members who have amendments to come to the floor so that we can work on their amendments. This could have been one of the most contentious amendments and, indeed, started out on the very basis that almost no one saw a resolve of it. We can work through these amendments because we are willing to meet and speak to those who want to be heard. But they cannot be heard if they do not come to the floor.

I have asked that my colleagues from Pennsylvania, who have a unique amendment, one that attempts to help accelerate people from welfare into productive jobs, and helps them get to work, come on down and offer their amendment, because at some point in time we are going to move to close this. If they want to object, I am going to ask that they be here to object personally.

So I do not think that this bill is completed, by any stretch of the imagination, but I think we would like to move on it rather than put us in a quorum call and wait. So again, I can only suggest, come on down, offer your amendments, or at least have your staffs meet with our staffs so we can discuss a resolve of this so we can get this important legislation passed.

Mr. President, having nothing further in the way of any kind of productive suggestions at this point in time, 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. SANTORUM. 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. SANTORUM. Mr. President, I rise to talk about an amendment being offered by Senator SPECTER, myself, and Senator MOSELEY-BRAUN to the transportation bill before us, the mass transit section.

Over the past several years, when I was in the House and then here in the Senate, on the issue of welfare reform, one of the great concerns I had with putting time limits on welfare and requiring work was the ability of people, particularly in the inner city, urban areas, to be able to find job opportunities. We know that the urban core is not a job center and a lot of urban poor neighborhoods are not economically

well off in the form of job creation. So people who live in these poor urban areas have to have some sort of transportation access to get to the jobs. It has worked in the past fairly well when from the urban neighborhoods outside the center of town—in many cases where the job centers were—people could hop on transportation, a bus, rail, whatever, and go into the downtown area for jobs. That had worked well in the tourism industry, hotel/motel, et cetera. A lot of those jobs are not particularly high skilled because a lot of the urban poor don't have a lot of job skills starting out.

The problem with the current economy is that, in many cities, Philadelphia being one of them, the job creation boom is not taking place in the inner city; it's taking place in suburban corridors. In the case of Philadelphia, it is taking place in what's called the Route 202 corridor. In fact, we are not an anomaly. Two-thirds of all new jobs are being created in the suburbs. So you have a very odd situation happening. You have the dramatic increase in jobs; in fact, there is very low unemployment in most areas of the country. But there is still chronically high unemployment in the inner cities and, as a result of the new job creation happening in the suburbs, no transportation link for people in the urban neighborhoods out to the suburbs. Now, they can get to maybe a train station in the suburbs, or a bus station, as the bus that went into town for the commute comes back out of town. But they can't get from that station to their job, which may be in an industrial park somewhere. So that creates a real problem for the suburban business because the suburban business—and I have talked to a lot of suburban manufacturers who tell me they cannot find workers to get to their job sites.

Yet, we have a great pool of workers in the inner city. So what Senator SPECTER and Senator MOSELEY-BRAUN and I have sponsored is an authorization of $100 million to be used to encourage and develop reverse commutes. It's a very flexible program. It's a program that says the money is designated by the Secretary, and the Secretary can accept bids from a variety of different regional organizations. The transit organizations, different communities, a whole variety of entities can apply, which will create a tremendous amount of, I believe, and a very positive competition for these dollars and will require innovative plans to get people to the workplace. I believe if we are going to follow through with our commitment of requiring work—and we are reaching that time now with the bill—and stating that there is a 5-year time limit on benefits where people are going to exhaust that 5-year period of time and they are going to lose their cash benefit—and if there is no opportunity for a job in their own neighborhood or there is no opportunity for a job within transit distance, then we are, in a sense, locking these people into a desperate situation.

I don't think that was the intention of the U.S. Senate. It certainly wasn't my intention. So I believe that at least one of the keys to unlocking that situation is to create the opportunity to get out to the suburbs, to get out to where the job growth is occurring, and to provide a transportation network in the area of a reverse commute to do that.

I hope that we will get strong bipartisan support for this initiative. This is something that is essential if we are going to follow through. I speak specifically to the Members on this side of the aisle, many of whom are not big fans of mass transit. But mass transit is the lifeblood for millions of people who live in urban America. Millions of people could not go to work; they can't own cars; they don't have the money; they can't afford it in many of the neighborhoods because of insurance rates and everything else, not just the cost of the car. Mass transit is the only way for these people to get to work, and it is essential for us to provide the link. Particularly in the time that we are going to be forcing people off the welfare rolls, it is essential for us to provide the link for those people to get to the job site. We are doing the right thing with welfare reform. We have done the right thing. But now we need to follow up and make sure that those people who want to work, who have in many cases worked hard to get the skills to get into the job market, now have the access to take those jobs.

So I thank my colleagues, Senator SPECTER, Senator MOSELEY-BRAUN, and others who are supportive of this amendment. As I said, I hope that we can get very strong bipartisan support for this amendment to be added to the mass transit title. If we do not, then I think we are going to see a lot of big city mayors and a lot of activists descend upon Washington in a couple of years when that 5-year time limit is up, and they are going to say, ''You are telling us to cut these people off and there are no jobs where they live, no jobs within commuting distance of where they live, and we can't do it.'' Welfare reform will have failed. We can't let the transportation issue be the reason for that failure. This money will create incentives for businesses and other people in the suburbs and the city to create a network that doesn't exist now. Once that network is created, then I think we can begin to see, and, in many cases, employers will begin to see, the profitability of having this network in place. I think this money will go a long, long way in inspiring and instituting these kinds of plans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

THE NOMINATION OF JAMES C. HORMEL

Mrs. FEINSTEIN. Mr. President, I rise today to bring to my colleagues' attention the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. As was the case with Dr. Satcher's nomination to be Surgeon General, his nomination has been on the shelf, held by a ''hold'' at the request of only a few Senators. I will deal shortly with the reasons Jim Hormel's nomination has been stalled. But let me take just a few moments to review the history of the nomination and some of the facts about the nominee and his background.

Last fall, following a hearing on his nomination, the Senate Foreign Relations Committee voted to approve Jim Hormel's nomination by a vote of 16 to 2 at a business meeting on November 4, 1997. In point of fact, for those who were not present at the business meeting, the nomination was deemed a routine matter, and was approved by a voice vote, along with the rest of the committee's agenda of nominations and legislation for that day. No Senator spoke in opposition to the nomination. It was only after the meeting that two Senators asked to be recorded against the nomination, as was their right, which resulted in the final tally. Still, 16 to 2 is a strong endorsement by the Committee on Foreign Relations.

The nomination was placed on the Executive Calendar, and, despite the fact that the Senate confirmed every other Foreign Relations Committee nominee before the close of the first session—some 50 nominees in total—Jim Hormel's nomination was left languishing because of ''holds'' placed on it by a few Senators.

That such a distinguished and qualified nominee would face opposition is, on its face, hard to understand. Let me tell you a little about the Jim Hormel I have known for some 20 years now. He is, first and foremost, a loving and devoted father of 5, and a grandfather of 13. His entire family has been unfailingly supportive of his nomination. Anyone who has met him or knows him knows that he is decent, patient, and a very gentle person.

His professional credentials are equally impressive. He is an accomplished businessman. He serves as chairman of the California investment firm, Equidex, and he serves as a member of the board of directors of the San Francisco Chamber of Commerce.

He has also spent time as a successful lawyer and educator. He received his J.D. from the University of Chicago, one of our Nation's finest law schools, and he later returned there to serve as dean and assistant dean of students from 1961 to 1967. In addition, he currently serves as a member of the board

of managers of his alma mater, Swarthmore College, another of our Nation's finest institutions of higher learning.

Jim Hormel has also been a remarkably generous philanthropist and dedicated community activist. He has supported a wide variety of causes and organizations, but there has always been a common theme: bringing people together, resolving conflict, helping those who are in need, and making the surrounding community a more pleasant place in which to live.

Even a sampling of the organizations he has supported is impressive in its breadth as well as its diversity. In addition to his support for Swarthmore and the University of Chicago, he has provided resources and assistance to the Virginia Institute of Autism, Breast Cancer Action, the American Foundation for AIDS Research, the American Indian College Fund, the United Negro College Fund, the NAACP, the Institute for International Education, the Human Rights Campaign Foundation, the Catholic Youth Organization, Jewish Family and Children's Services, the San Francisco Museum of Modern Art, the San Francisco Public Library, the San Francisco ballet, and the San Francisco symphony. Many of these organizations have honored him with awards.

Not surprisingly from such a community-minded individual, Jim Hormel has throughout his life also harbored a firm commitment to public service. The first example of this was his service in the U.S. Coast Guard, Active Reserve, from 1951 to 1957. Later, he established the James C. Hormel Public Service Program at the University of Chicago Law School to encourage law students to go into public service. As a consequence of his leadership in this area, he was recognized by his peers when he received the Public Service Citation from the University of Chicago Alumni Association.

His commitment to public service and his dedication to the cause of human rights ultimately came together when he was named as a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva in 1995. There, he helped the United States team press its case for improved human rights in nations as diverse as Cuba, China, and Iraq.

Finally, he was nominated in 1997 to serve as an alternate representative of the U.S. delegation to the 51st U.N. General Assembly. Now, this part of his biography is particularly ironic, in light of the situation we find ourselves in today, because this position is subject to Senate confirmation, and, indeed, on May 23, 1997, this same U.S. Senate unanimously confirmed Jim Hormel to represent this country at the United Nations.

So we have a well-qualified nominee for Ambassador. He has had a remarkable and distinguished career in several fields. He has demonstrated a lifelong commitment to public service. In recent years he has gained firsthand experience in diplomacy as a representative of the United States. He was overwhelmingly approved by the Foreign Relations Committee, and most notably, he was confirmed by this very same U.S. Senate only 10 months ago.

I suspect most listeners—and most of my colleagues—would expect such a nomination to be quickly brought to a vote and confirmed. Yet, the majority leader has refused to call this nomination for an up-or-down vote, and a number of Senators on the other side of the aisle have placed ''holds'' on the nomination.

It seems clear to many of us why these Senators do not want to allow a vote on Jim Hormel's nomination: because Jim Hormel is gay. In a clear, unquestionable case of discrimination, these Senators refuse to let the full Senate vote for a qualified nominee because of his sexual orientation. This Senator does not believe that the Senate wants to be party to this kind of discrimination.

Jim Hormel is exactly the kind of person who should be encouraged to engage in public service. He is intelligent, civic minded, generous, and he is a person of proven accomplishment who wants to serve our country. So we need people like this in public service, and we cannot afford to drive them away because of their sexual orientation.

I think that is the point that was made well in a letter from the former Secretary of State, George Shultz, and Mrs. Shultz, when they wrote to the majority leader urging Jim Hormel's speedy approval, stating that they know him very well, and concluding with this:

> We recommend him to you because we believe he would be a wonderful representative for our country. We hope that his nomination can be brought to the floor of the Senate for a vote as soon as possible.

I submit to you, Mr. President, that George Shultz, former Secretary of State, should know who would be a wonderful representative and who would not be a wonderful representative of our country.

So, as a matter of simple fairness, a qualified nominee with broad support, approved by the committee of jurisdiction, should at least be allowed a vote. If people have concerns, express them. Let's address them. But let's give the nominee a vote.

In this regard, I want to compliment the distinguished chairman, my chairman, of the Senate Judiciary Committee, Senator HATCH, for his thoughtful remarks on this subject when he appeared on NBC's Meet the Press on November 30, 1997. He said:

> I get tired of that stuff. We ought to vote on him. And I personally believe he would pass, and he'd become the next ambassador to Luxembourg. I just don't believe in prejudice against any individual, regardless. And frankly, we have far too much of that.

I believe Senator HATCH is right on every point.

So I call on the majority leader, Mr. President, to schedule a vote on Jim Hormel's nomination. I call upon those who have holds to allow the nomination to reach the floor. If they wish, let's debate the qualifications. Let's debate any allegation about him, or against him. But it is wrong to simply prevent the Senate from speaking on this nomination.

I have seen news reports where some of the Senators who have ''holds'' on this nomination claim it is not because he is gay. They claim it is because of his views on certain issues involving gay rights, or something to that effect. The truth is I am not sure exactly what their objections are because they have been very reluctant to describe them publicly. I would certainly welcome the opportunity to meet privately with those Senators who are holding up the nomination to talk through their concerns.

Perhaps my colleagues who have holds are embarrassed in some way, or perhaps they feel their arguments are not strong enough to stand the light of day. I am hard pressed to come to any other conclusion because, apart from fleeting quotes in news articles and vague statements by spokespersons, the Senators opposed to Jim Hormel have done little to lay out their case against him. They are content to just quietly allow the Senate rules to prevent a vote.

That is not right, Mr. President. Around here, if a Senator takes a strong position on an issue, or a nomination, they have an obligation to their constituents, their colleagues, and the Senate itself, to explain themselves publicly. This is what the tradition of deliberative debate is all about.

So I challenge my colleagues who have ''holds'' on this nomination to come to this very floor, explain why they believe Jim Hormel is unfit to become an American Ambassador because he happens to be gay. Let other Senators and the American people judge on the merits of the argument.

From what I have read in news reports, I can anticipate that some of these Senators, if they choose to speak at all, will try to argue that this is not about Jim Hormel being gay—rather it is about his views on gay rights.

We may hear a lot of stories about books that appear in the San Francisco Public Library to which Jim Hormel generously donated half a million dollars. Are we to understand that donating funds to a library means you are responsible for every book in this library? Many of these same books are in the Library of Congress. Is the Senate responsible, because we fund that library, for the content of every book in that library? Of course not, Mr. President. You know that. I know that. This is a specious argument. This is designed to kill a nomination.

We may also hear stories about Jim Hormel's charitable giving, some of which has gone to organizations which support equal rights for gays and lesbians. Is equal rights a cause we in the

Senate do not support? And even if this issue is subject to some controversy in the Senate, do the Senators blocking this nomination know or care that Jim Hormel has, in writing, committed to limiting his charitable contributions to noncontroversial areas such as the performing arts, museums, educational institutions, humanitarian assistance and health care? He will not use his office to advocate or promote any personal view on any issue and will not engage or associate himself with any outside activities that conflict with his official duties and responsibilities. We have that in writing. This is the only time I know of any ambassadorial nominee who has actually put that in writing. I find it, in a way, very difficult to recognize that he has to do it. Nonetheless he has done it.

So the issue is a very simple one. We have a qualified nominee who was resoundingly approved by the Foreign Relations Committee. He is entitled to a vote, and I, as a U.S. Senator, am entitled to cast my vote for him.

Mr. President, I yield the floor.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1931

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

The PRESIDING OFFICER. The pending business is the D'Amato amendment No. 1931.

Mr. SPECTER. Mr. President, I ask unanimous consent the pending amendment be set aside for consideration of an amendment I am about to submit.

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, may I suggest to the Senator, if he could offer it, it would be appropriate to offer the amendment that I believe the Senator intends to offer as it relates to providing for transportation needs of those who are seeking jobs outside of the inner cities. I think it is a well-crafted amendment and one that the Senator has worked on and has spoken to, and one that Senator SANTORUM has worked on and spoken to, and one that Senator CAROL MOSELEY-BRAUN has worked on and spoken to. We are willing to entertain that and support it. It would be added as an amendment to the existing amendment.

AMENDMENT NO. 1941 TO AMENDMENT NO. 1931

(Purpose: To make reverse commute project grants eligible for assistance under the job access grants program)

Mr. SPECTER. In that event, I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. SANTORUM, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1941 to amendment No. 1931.

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

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

The amendment is as follows:

On page 55, strike line 12, and insert the following:

"SEC. 14. JOB ACCESS AND REVERSE COMMUTE GRANTS."

On page 56, line 13, strike "and".

On page 56, line 18, strike the period and insert "; and".

On page 56, between lines 18 and 19, insert the following:

"(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities."

Beginning on page 57, strike line 9 and all that follows through page 58, line 4, and insert the following:

"(2) ELIGIBLE PROJECT AND RELATED TERMS.—

"(A) IN GENERAL.—The term 'eligible project' means and access to jobs project or a reverse commute project.

"(B) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

"(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

"(ii) promoting the use of transit by workers with nontraditional work schedules;

"(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

"(iv) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

"(C) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

"(i) subsidize the costs associated with adding reverse commute bus, train, or van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

"(ii) subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;

"(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban areas, urbanized areas, and areas other than urbanized areas."

On page 59, line 20, insert "access to jobs grants and reverse commute" before "grants".

On page 60, line 15, insert "in the case of an applicant seeking assistance to finance an access to jobs project," after "(2)".

On page 61, line 7, insert "in the case of an applicant seeking assistance to finance an access to jobs project," before "presents".

On page 61, line 13, strike "and".

On page 61, line 16, strike the period and insert "; and".

On page 61, between lines 16 and 17, insert the following:

"(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs."

On page 62, strike lines 13 through 18, and insert the following:

"(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process."

On page 64, strike lines 1 through 4 and insert the following:

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, to remain available until expended, $250,000,000 for each of fiscal years 1998 through 2003, of which—

"(A) $150,000,000 in each fiscal year shall be used for grants for access to jobs projects; and

"(B) $100,000,000 in each fiscal year shall be used for grants for reverse commute projects."

On page 8, line 16, strike "$100,000,000" and insert "$250,000,000".

On page 11, line 16, strike ", except" and all that follows through line 20 and insert a period.

Mr. SPECTER. Mr. President, this amendment works on reverse commute projects, which are designed to enable people to come from the inner city where there are no jobs available and to go to the suburbs where jobs are available. This is, in part, the reverse commute pilot project introduced by my distinguished colleague, Senator SANTORUM, and myself along with Senator LAUTENBERG in the "Mass Transit Amendments Act," S. 764. We think it is appropriate to include it on the ISTEA legislation at this time.

This program essentially responds to the growing need to provide access to suburban employment opportunities for residents of cities and rural areas who wish to continue living in their city or rural town and need mass transit to get to the jobs. This amendment will also increase from $100 million to $150 million the access-to-jobs, welfare-to-work provision already in ISTEA under the Banking Committee bill as introduced by the distinguished Senator from Illinois, Senator MOSELEY-BRAUN. My amendment establishes a new $100 million annual authorization for reverse commute grants, bringing the total access-to-jobs/reverse commute program to $250 million annually.

A week ago yesterday I visited a reverse commute project, the Schuylkill Valley Metro project, envisioned by SEPTA and BARTA. This rail line would run from the inner city of Philadelphia to Reading, through Montgomery County, through Philadelphia County, and into Berks County. It is an excellent illustration of what is necessary in order to take people from the

inner city where people need jobs out to the suburbs where the jobs are available.

This is a very abbreviated statement of a complex bill, but one which I think is designed to meet a very, very pressing need, especially in an era where we are moving away from welfare, to take people who have been on the welfare rolls in the inner cities and provide them with job opportunities in the suburbs.

If I might yield to the distinguished chairman, there is an addendum to the bill which I have added at the chairman's request which he said he would comment on briefly.

Mr. D'AMATO addressed the chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, we have maintained in this, as it relates to the construction of a ferry, the same worker protection language that heretofore has existed in mass transportation. I would like to call that to the attention of the Chair.

I thank the Senator for his initiative in this most important opportunity to get people off of the welfare rolls and see to it that they do have access to the jobs that are increasingly growing in number in the suburbs.

I ask I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I rise in support of the amendment. I commend Senator SANTORUM and Senator SPECTER for their work on this and, of course, the chairman of the Banking Committee, Senator D'AMATO, and the ranking member, Senator SARBANES, for their work on this issue in that committee.

This amendment will improve the job access grants that are contained in the bill, in the underlying legislation.

Last September, when the Banking Committee—of which I am a member—considered the mass transit component of ISTEA reauthorization, I was successful in adding to the bill a $600 million grant program to help welfare recipients and low-income individuals to get to work. I thank again the Chairman, Senator D'AMATO, as well as Senator SARBANES and the others who helped make that possible.

The amendment that my colleagues from Pennsylvania and I are offering today expands and improves the job access provisions in the Banking Committee's bill. The amendment more than doubles the amount of funding available for the program—from $100 million per year to $250 million per year.

The amendment increases from $100 million to $150 million the amount available every year for access to jobs grants—monies designed to address the fact that, in too many cases, in both urban and rural areas, welfare recipients and low-income individuals are isolated from the jobs they want and need.

The amendment adds an additional $100 million per year for a new reverse commute program, designed to provide seed money to local communities to shuttle employees who live in central cities, or in outlying rural areas, into jobs located in the suburbs.

Two-thirds of all new jobs are being created in the suburbs. Many suburban communities report severe labor shortages because they cannot find enough workers looking for entry-level jobs. Public transportation systems, however, are often not designed to move people from either inner cities or rural areas to job opportunities in the suburbs. This amendment will help communities implement new transit systems designed to transport people of all income levels from their homes in cities and rural areas to jobs in rapidly-growing suburban communities.

Mr. President, I would like to talk for a moment about the access to jobs portion of this amendment. I am very pleased that I have been able to work with my colleagues from Pennsylvania, as well as with the leadership of the committee, to increase the amount of funding available for that program.

Last year, Congress enacted legislation to move people from welfare to work, the welfare-to-work legislation that was so much a point of discussion a year ago. The bill imposed time limits and other restrictions that will result in the termination of benefits for an estimated two million people by the year 2002. One of the greatest obstacles many of these current welfare recipients face in getting jobs is literally getting to the jobs. Welfare recipients and low-income individuals often live, almost by definition, in impoverished communities devoid of job opportunities. I pointed out that in a single census tract near the public housing developments in Chicago, there is less than 1 percent, according to the census, less than 1 percent employment in that entire census tract. Clearly, people have to get to where the jobs are. Mr. President, 94 percent of welfare recipients do not have cars. Low-wage earners often do not have cars. They are dependent on public transportation to get to areas with jobs. If the public transit is inadequate, the jobs become inaccessible. People cannot move from welfare to work if the people on welfare can't get to the work.

In many communities with high concentrations of welfare recipients and low-wage earners, new jobs are practically non-existent. Three-quarters of welfare recipients live in central cities or rural areas, and as I already noted, two-thirds of all new jobs are created in suburbs. So clearly we have to resolve this disconnect to allow people to get from welfare to work, and this program goes a long way in that direction.

In Cleveland, a study found that inner city residents can only reach between eight and 15 percent of job openings in a reasonable time using public transportation. Even if central city residents were willing to commute for two hours and 40 minutes every day, they would still have access to less than half of the entry-level jobs in the Cleveland area. A separate study of 43 large metropolitan areas revealed that communities with the longest job commute times had the highest rates of unemployment. So the ability to have access to employment is directly correlated with the ability of people to hold employment.

In Boston, there are public transit stations within one-half mile of 99 percent of the city's welfare recipients. Only 43 percent of employers, however, are within one-half mile of transit lines.

Studies of Baltimore and Atlanta have demonstrated the same trend. While the jobs are in the suburbs, the people looking for the jobs are not.

In rural areas, the same problems exist. The Community Transportation Association of America has found that 40 percent of all rural counties have no public transportation whatsoever. When transit is present, it often does not operate at night or on weekends—times when many low-wage or entry-level jobs are performed.

By filling the gaps in transit services, we can give people the chance to get to the jobs they seek. In Chicago, an innovative Suburban Job Links program is doing just that. Buses carry workers from the Pilsen neighborhood on the near southwest side of the City to their jobs at Avon Products in north-suburban Morton Grove. Hundreds of city residents are carried on buses and vans to places like a UPS facility in southwest-suburban Hodgkins.

The amendment we are offering today will help to broaden this program and help other communities replicate its success and test new approaches to solving this problem. The amendment also preserves the important funding ratio between urban, small urban, and rural areas. Sixty percent of funds will be awarded to projects in large cities, 20 percent to projects in small cities, and 20 percent to projects in rural areas.

Again, I thank my colleagues from Pennsylvania and the leadership of the Banking Committee for their work on this important initiative.

Mr. President, I would like at this point to take advantage of the time to speak to the minimum allocation amendment. I do not know whether or not there is action to be taken on this amendment?

Mr. D'AMATO. If I might suggest to the Senator, I believe that we are very close to resolving the minimum allocation amendment as initially proposed and that we are very close to coming to a settlement in which additional resources will be provided to the rural States and rural communities without a disfigurement, so to speak, of the basis of mass transit funding, the formulas which provide for most, or the highest number of people being moved on the basis of need. So I recommend at this time, knowing the Senator is a

great, great supporter of mass transit but has sought balance, that we proceed to dispose of this legislation. And I think within a matter of minutes we will be able to go forward with a compromise.

Mr. SPECTER. Mr. President, if the Senator will yield, if we might have final action on the amendment? Senator SANTORUM and I have commitments on a major shipbuilding project on the House side. So if we could conclude the debate on the amendment without the distinguished Senator from Illinois losing her right to the floor, it would be appreciated.

Ms. MOSELEY-BRAUN. I thank my colleague. I am happy to defer going further with any comments on the minimum allocation until we can take action on this amendment.

I commend the Senator from New York for his work on the minimum allocation issue because, of course, maintaining the balance of which he speaks is a very, very important thing to this entire bill. So I will defer, without losing my right to the floor, until the Senate has acted on this amendment. I defer and yield for that purpose.

Mr. SPECTER. Mr. President, I urge adoption of the pending amendment.

The PRESIDING OFFICER. If there is no further debate, the question occurs on agreeing to amendment No. 1941.

The amendment (No. 1941) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1931

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

I would like at the outset to congratulate the Senator from New York for his work on this minimum allocation issue because it really goes to the heart of this legislation and it is a very, very important issue.

But I will take the time at this point to speak to the proposal that we have seen in the hopes that the Senator from New York is as successful as he has been on these issues overall and can get this matter resolved through the legislative compromise.

Mr. D'AMATO. Let me, if I might, say I think we are very close to arriving at a compromise. I want to pay particular tribute to a new colleague of ours, although he is not new to the legislative process. I think he has demonstrated the kind of leadership that makes it a great pleasure for me to chair the Banking Committee. I am talking about Senator JOHNSON, who initially came forward and said our rural States are not getting sufficient funding to meet our needs. And, indeed, the compromise we are forging is one in which there can and still will be room for them, in the future, to come forward and ask for more.

We are addressing an imbalance that has existed over a number of years. He has been joined in that effort by Senator THOMAS of Wyoming. And, again, the two have carried this in a manner that makes doing the business of the people something that we can be proud of. We did not, nor did it ever reach the business of trying to see who had more votes, who had more muscle; but, rather, how, with limited resources, could we do the business of the people to the best of our ability.

We need more money for this bill to be able to meet all the transit needs of this country. We do not have it. So I applaud both of my colleagues for bringing us to a point where I believe we can enact legislation that begins to address their concerns. It does not fully address them, but it begins to move the process in the right direction, and yet recognizes the tremendous needs that those in the urban States still have.

Mr. JOHNSON. Will the Senator yield?

Ms. MOSELEY-BRAUN. Yes.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. JOHNSON. Mr. President, I simply want to concur with Chairman D'AMATO and to express my gratitude to him for his willingness to work with Senator THOMAS and with me and with others who are very concerned about transit needs in rural areas, to recognize that there are very great and very real needs there. Yet there is a finite amount of money, and there are great needs as well in our urban areas. I thank him for having been willing to work with us to recognize that Chicago and New York are major urban areas that will indeed benefit by a significant new infusion of transit money but that, by massaging the budget carefully and coming up with a compromise that does not change the underlying formula system, it still provides a significant infusion of resources for our rural areas.

I am very encouraged that we can arrive at a win-win situation. So I commend Chairman D'AMATO. I also thank my colleague from my neighboring State of Wyoming, Senator THOMAS, for his leadership and his very hard work on trying to devise an approach to this that will work.

So I say to my colleague and my very good friend from Illinois that I think we are at a point now where we will be able to move on with a transit amendment that will be of enormous benefit to the State of Illinois, that will not change the formula, but will be able to do some more positive things for those of us in rural areas, including the rural areas in Illinois. I know that my colleague has great concern for those areas, as well, in her own State. So we will all, I think, benefit by this compromise.

Ms. MOSELEY-BRAUN. I thank my colleague for his gracious remarks. He is exactly right.

We have an expression at home that says, ''Just outside of Chicago there's a place called 'Illinois.' '' Much of my State is rural. And, of course, I share the concern that we provide for transit and transportation in rural areas as well as the urban ones.

I am delighted that an agreement has been reached in this regard that will maintain the balance for transit and highway funding in this legislation. That balance, I think, represents the best national interests, the interests in getting people moved from place to place, getting people to where the jobs are and making certain that we do not unduly jeopardize commerce, jeopardize the environment, jeopardize our ability to provide for the movement of large numbers of people by our disrupting of the formula between mass transit and highway funding in this ISTEA legislation.

So, again, I commend my colleague and commend the members of the committee who have worked on this issue. I am very, very pleased that we have worked this out, because in its previous incarnation, the minimum allocation proposal would have been disastrous for mass transportation and I think would have mitigated against the national interest in moving people from place to place and protecting the environment and in aiding commercial activity in the country. If it has been resolved in ways as has been suggested here this afternoon, then I think that is the best of all possible worlds.

Mr. President, Rudolf Julius Emmanuel Clausius was a 19th century German physicist famous for saying, ''The entropy of the universe tends to a maximum.'' What he meant was, that if left to its own designs, the universe will continue to expand and progress away from its origin of a singular, focused point, toward a state of increasing disorder.

If Mr. Clausius were alive and here today, he might well say, ''The entropy of the Senate tends to a maximum.'' We sometimes have an uncanny ability to take a perfectly good Federal program that targets a national need and dilute it to the point where it is barely recognizable as a program designed to address a specific purpose. The amendment before us today—the amendment to establish a so-called ''minimum allocation'' for mass transit funds—would do exactly that. It would increase the entropy of the transit program to the point where the program would no longer serve its intended purpose.

This amendment represents a digression from the path we were on last week. Last week was a good week for those of us who support investing in our Nation's infrastructure. First, an agreement was reached providing an additional $25.8 billion for highway improvements and construction. Second, an agreement was reached to distribute those funds in a more equitable manner than the rest of the highway funds being allocated under the ISTEA reauthorization bill. Third, an agreement was reached providing an additional $5

billion in mass transit funding, increasing from $36 billion to $41 billion the amount of funding transit will receive over the next 6 years.

I am a builder by inclination. I believe one of the most economically productive activities in which the Federal Government can and should engage is infrastructure investment. Those of us who share that view welcomed last week's developments.

This week, the Senate appears to have digressed. The amendment we are considering today would take the heart out of the Federal transit program—a program upon which millions of commuters rely every single day to get to work, a program that relieves congestion in cities and suburbs, a program that provides mobility for millions of elderly Americans who can no longer safely drive, a program that allows millions of disabled Americans, to get to work, to access medical care, grocery stores, and other essential services, a program that improves the quality of the air we breathe, a program that boosts economic activity in our urban centers, a program that is vital to our cities, critical to our suburban and rural communities, and that ought to be a priority as we formulate our national, intermodal surface transportation policy.

We are now considering an amendment which forgets all that, which forgets about the importance of transit to commuters, to the elderly and disabled, to our environment, and to our economy. It is an amendment that forgoes national policy in favor of parochial pork. It is an amendment that turns a program targeted toward specific needs into a diluted formula allocation of funds to states without regard to needs of communities. It is a cynical ploy by States without mass transit to grab money from States that do. The so-called ''minimum allocation'' for transit amendment will indeed marginalize our national interest in providing efficient transportation for millions of Americans.

Mr. President, mass transit is a critical part of our national intermodal transportation system. People depend on transit to get to work. More than half of all transit trips are for work purposes. Transit helps the environment. Without public transit there would be 5 million more cars on the roads and 27,000 more lane miles of roads. The degradation of the air from such a massive infusion of pollution is incalculable. Transit is a great economic investment. The net economic return on public expenditures for public transportation is four or five to one. When mass transit improvements are made, land values go up, commercial development increases, and jobs are created. Without transit, congestion alone would cost the private sector economy $15 billion annually.

Mass transit is particularly important to States like Illinois. Chicago is the fifth-most congested area in the country. Congestion and bottlenecks sap the region's economic productivity by $2.8 billion every year. Without transit, congestion in Chicago would likely be unbearable, and without continued investments in the area's aging transit systems, the cost to the local and regional economy will grow.

Three-fourths of the Chicago Transit Authority's elevated structures—used by 400,000 passengers every single day—are more than 80 years old. METRA, which carries 270,000 riders a day into and out of the city, uses 300 bridges that are at least 80 years old, and 52 of those are listed in ''critical'' condition. The Regional Transportation Authority of Northeastern Illinois—which carries 1.8 million riders every single workday—estimates it needs $3 billion over the next 5 years just to bring Chicago-area transit systems up to ''a state of good repair'' and to control operating costs.

The Chicago Transit Authority, which operates the Nation's second largest public transportation system, needs $336 million in Federal funds to rehabilitate the Douglas branch of the Blue Line, which serves Chicago's near west side. The line was originally opened for service more than 100 years ago. Every weekday, more than 13,000 riders use the line, which feeds right into the heart of downtown Chicago and into west-side manufacturing districts. Shutting down this line because funds are not available to repair it would be a disaster for the area.

The CTA also seeks funds to expand the capacity of the Ravenswood line. In order to run longer trains on the tracks, the station platforms will have to be lengthened and improvements made to various parts of the track system. This project will cost several hundred million dollars.

METRA—which is the country's second largest commuter rail system and which serves an area as large as the State of Connecticut, with a population base of over 7.5 million people—seeks more than $300 million to expand capacity. Recent studies indicate that the Chicago area will experience a 25 percent population growth by 2020, and employment will grow by 37 percent over the same period. Expanded and improved transit service will be essential if the region's transportation system is to absorb that level of growth.

In southern Illinois, outside of St. Louis, Federal funds are needed to continue extending the new MetroLink system all the way to the new Mid-America Airport.

The current program structure is designed to help meet these needs. It targets resources based on need. Through the transit formula programs, Federal funding ensures the continued maintenance, operation, and improvement of our Nation's existing transit systems. Through the discretionary capital programs, Federal funding assists in the development and expansion of new transit systems, whether bus or rail, whether urban or rural.

The current program is a strong Federal-local partnership. Funds are allocated directly to local authorities, or to state authorities based on local needs, using factors such as population, transit ridership, and the size of existing transit systems.

The so-called ''minimum allocation'' amendment would destroy that program structure. It would result in resources not being targeted toward needs, decrease the cost-efficiency of building and operating mass transit systems, and cripple the ability of Federal funds to leverage State and local resources.

The amendment distorts the intent and direction of the Federal transit program by basing transit funding on gasoline consumption. By so doing, the amendment creates an illogical and perverse dynamic: a state that invested in transit and used Federal transit funds to improve service would, in future years, see its share of transit funds decline, because transit riders do not consume gasoline. There is no precedent for such an impossible incentive system—a system that withholds Federal funds from States that spend them most effectively.

I want to make sure that every member of the Senate understands the irrational nature of this amendment. Consider what would happen in the State of North Carolina. I know that the Raleigh-Durham area seeks funding to build a new commuter rail system. The minimum allocation amendment would make their task harder for two reasons. First, it would reduce the amount of Federal funding available to build new transit systems, making it less likely that the Raleigh-Durham area would receive enough federal assistance to build the system on a cost-effective schedule. Second, if the system were to be built, the amount of Federal funding the Raleigh-Durham transit agency would receive to support the system would slowly decline over time. That is because the commuter rail system would take cars off the road. If it worked, as most transit systems do, it would reduce gasoline consumption in the area. Since transit funding would be based on gasoline consumption, North Carolina would receive less and less transit funding, even as the Raleigh-Durham system grew older and required more capital investments to keep it running. Eventually, the system would deteriorate, people would stop riding the trains, and the considerable capital investments made by the taxpayers to set up the system would go to waste.

That is the incentive system this amendment establishes. It makes absolutely no sense. The fact is, States like Illinois receive a proportionally large share of mass transit funding today because we have a proportionally large share of mass transit riders. People take almost 540 million trips every year on Chicago-area transit systems alone.

Mr. President, supporters of the minimum allocation amendment seem to

have lost sight of the national objective and purpose of the transit program. It is not a program designed to spread money around to every State in equal proportion. It is designed to address real needs that affect our entire nation.

I do not doubt claims that rural areas have tremendous transit needs. In fact, it is a disturbing fact that 40 percent of all rural counties in America have absolutely no public transit whatsoever. Where transit does exist in rural areas, it often does not operate on weekends or late into the night—times when many low-income individuals count on transit to get to jobs. Rural areas do have transit needs, and I support increases in the transit program in order to help expand access to public transportation in rural areas. Destroying the transit program in order to funnel more money to rural areas, however, is not the way to achieve those objectives.

Supporters of the minimum allocation amendment complain that drivers in their States pay taxes on the gasoline they consume, that those revenues are deposited into the Mass Transit Account of the Highway Trust Fund, and that their State does not receive its fair share of those revenues.

The reason we have a national government, Mr. President, is ''to form a more perfect Union.'' To that end, we have established a variety of programs designed to address national needs. The transit program is one of those programs. Our Nation's metropolitan areas rely on transit systems. They could not exist without them.

Our cities are among the Nation's most important assets. Visitors to and residents of our urban centers enjoy access to unlimited entertainment, myriad cultural activities, and unrivaled educational and economic opportunities. And 26 million leisure travelers visit Chicago each year in order to sample the city's 7,000 restaurants, 100 theaters, and 250 museums and art galleries; to stroll in its 552 parks; and to view some of the world's most unusual and interesting architecture. Cities like Chicago play a crucial role in the life of the Nation, adding immensely to its wealth and its quality of life.

Our major cities would not be as enjoyable, livable, and attractive as they are in the absence of their mass transit systems. Without transit, congestion in Chicago, Philadelphia, Boston, San Francisco, Baltimore, and Cleveland would bring those cities to a halt. The air quality in Manhattan would deteriorate rapidly. Our cities need viable transit systems, and this is precisely why we have a national transit program. It fulfills a critical need and repays the investment many times over.

There are a lot of Federal programs that are designed to meet national needs and which do not benefit my state of Illinois at all, if you only look at them through the limited prism of only where the dollars are actually spent. Illinois receives almost no funding under the Federal lands highway program, for example, even though Illinois residents pay their fair share of gas taxes into the Highway Trust Fund, from which monies are drawn to pay for the Federal lands highway program. That is because Illinois has almost no Federal lands. Illinois receives almost no funding from the Bureau of Land Management, because Illinois has no lands under its control. Illinois receives almost no funding from the Bureau of Indian Affairs or the Bureau of Reclamation, either—because the needs those programs are designed to address are not found in Illinois.

Mr. President, those are the consequences of having a national government. That is the price we pay for having ''a more perfect Union.'' We all contribute to national goals and objectives, even if those priorities are not found in our own backyards. If the objective of a national government were to return Federal tax revenues to their States of origin, Illinois would probably not do too badly. But that is not the purpose of our national government.

Mr. President, I hope my colleagues will vote against this destructive amendment. The transit program is not a highway program. Highway programs have long been battlegrounds for convoluted formulas that allocate funds to political power-centers. Witness this year's shift of Federal highway funds from the northeast to the south—a reflection of the shift in power in the Senate.

The transit program is different. It is not a Federal-State program. It is a Federal-local partnership. It has never been a mere political battleground for more funds. The program has been carefully designed to target needs, and it works. Nothing would destroy the transit program more quickly than the enactment of this amendment.

I urge every one of my colleagues to consider the national policy implications of their vote, prove the German physicist Mr. Clausius wrong, and vote against this bad idea.

I thank the Chair and yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

I rise to thank the chairman for his cooperation in moving towards a solution to a problem that I think has real meaning. I have been involved in this highway transportation bill for some time, being a member of the subcommittee. So we are down now, I think, to coming to closure. I am so pleased with that.

So I thank the chairman for his cooperation and his willingness to work on it. Certainly, I thank my friend from South Dakota for working on this as well. I think it points out the diversity of this country. We do have different needs in different places, and it is very difficult sometimes to find the formula, the Federal formula, that treats fairly all of the States that are involved.

AMENDMENT NO. 1942 TO AMENDMENT NO. 1931

Mr. THOMAS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for himself and Mr. JOHNSON, proposes an amendment numbered 1942 to amendment No. 1931.

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

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

The amendment is as follows:

On page 10, line 24, and page 11, lines 1 through 7, strike ''$500,000,000'' each time it appears and insert in lieu thereof ''$470,000,000.''

On page 12, lines 3 though 7 strike ''$100,000,000'' each time it appears and insert in lieu thereof ''$80,000,000.''

On page 13, lines 19 though 23 strike ''$50,000,000'' each time it appears and insert in lieu thereof ''$100,000,000.''

Mr. THOMAS. Mr. President, I urge adopting the amendment and ask for the yeas and nays.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. We are prepared to accept this amendment. It strikes a balance. It provides $250 million more for those rural communities that are at populations of under 50,000. It can be accomplished within the framework of the budget. We believe, as a result of the reconfiguration of the distribution of the $5 billion, that it will be done in such a way as to maximize the dollars that have been provided by the Budget Committee, the budget authority and the outlays, and that it will not do violence to the agreement.

It reduces the new starts by $150 million from $2.5 billion to $2.35 billion. It reduces those dollars that would go to the discretionary bus program from $500 million to $400 million and then adds $250 million to the rural formula program, so that my colleagues who represent rural America will be producing, under this bill, $500 million—a half a billion dollars—over and above what the committee had initially reported out.

Mr. President, I believe it is a good compromise, and I can be totally supportive of it. I urge my colleagues to support it.

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

The amendment (No. 1942) was agreed to.

Mr. D'AMATO. I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I congratulate again both Senators who

worked and built a broad-based coalition and yet recognized that this really is an equity that we seek throughout this country. It is not always easy and not always easy to obtain. But I thank them for their cooperation.

Mr. President, I know of no other Senator who seeks the floor, but let me say this before I suggest the absence a quorum. We have now, as far as I can see, disposed of all of the outstanding amendments that I have been made aware of up until this point.

If Senators do have amendments that they wish to offer, I hope they will do so. I believe the leader is going to seek a unanimous consent to put out over the hotline to get a time certain to vote. We have made great progress. Again, I urge my colleagues to have their staffs meet with our staffs or come to the floor to take up any question they might have so that we can resolve these issues and continue the progress that we have made on this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

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

Mr. DORGAN. It is not my intent in any way to interrupt the consideration of this bill. I say to the managers if someone comes to the floor with an amendment, if they will give me a signal, I will promptly relinquish the floor.

AGENDA FOR CONGRESS

Mr. DORGAN. Mr. President, I wanted to take just a minute to discuss an item that has shown up in a number of newspapers and columns in the last week or two. I will read a couple of headlines. ''Congress and the Clock.'' ''They Seem at Times to be Running on an Empty Tank.'' ''A Do-Nothing Congress Could Turn Into a Do-Little Congress.'' ''AWOL Congress.''

The point that is made by some editorial writers and some others is that there is not much of an agenda. Well, we have the highway bill on the floor of the Senate now. This is very important. I want very much to get this done and get it done promptly. This is last year's business being done this year. Let's get it done and provide some certainty with respect to our plans and our desires to invest in our country's infrastructure, highways and roads.

When we complete this piece of legislation, it is not the case that there is not an agenda here for the Congress to consider. Many of us have developed an agenda that is very aggressive. We have an agenda to save Social Security first. We would like very much for the Senate to vote on that proposition, a sense-of-the-Senate resolution that says it is our intention to save Social Security first. The question here is, if there is, in fact, a brighter picture ahead with respect to Federal deficits, what is to be done. Some want to spend it, some want to provide tax breaks. The President says let us save Social Security first. I hope very much we can have a vote here in the Senate that says we agree, let us save Social Security first. That is the first and the best priority for this Congress.

Second, we want to consider legislation to protect health care consumers. There are 160 million people now enrolled in managed health care plans in this country. Yes, some managed care plans can and do save money. They can, in fact, improve care. But medical decisions ought to be made by health care practitioners, not insurance company accountants. Many in this country are very concerned about their treatment by their managed care plan.

The President has proposed a patient's bill of rights to provide some basic protections for patients. You have the right to know all of your medical options, not just the cheapest. You have the right to choose the doctor you want for the care you need. And you have the right to emergency room care you need whenever and wherever you need it. You also have the right to keep your medical records confidential.

We believe very strongly that one of the first items of business in this session of Congress should be to address the question of managed care.

Here is an essay written by Dr. Ronald Glasser titled, ''The Doctor Is Not In,'' and subtitled ''On the managed failure of managed health care.''

Let me read a couple of paragraphs of this article by Dr. Glasser, a Minneapolis pediatrician and the author of several books. He writes in this essay:

> We are born, we live, and then we die, but these days we do so with less and less help from a medical profession paid to discount our suffering and ignore our pain. Proofs of the bitter joke implicit in the phrase ''managed care'' show up in every morning's newspaper, in casual conversations with relatives or friends recently returned from a hospital or from what was once thought of as a doctor's office instead of an insurance company's waiting room, and in a country generously supplied with competent and compassionate doctors, 160.3 million of us now find ourselves held captive to corporate health-care systems that earn $952 billion a year but can't afford the luxury of a conscience or a heart.

Dr. Glasser, in his essay, talks about the denial of certain health care. He says,

> Such forced denial of care occurs at a time when new medical and surgical technologies allow physicians to treat and often cure any number of conditions that only a few years ago could barely be diagnosed; organs now can be digitally reconstructed in three dimensions to locate previously inoperable tumors; heart attacks can be stopped with injections of a compound known as tPA; blind people may wake up and see with implanted plastic lenses, one-and-a-half-pound premature babies, once given up for lost, routinely are nursed to health; a new generation of medical research brings us genetically engineered tests and one nearly miraculous drug after the next. At the same moment, presumably well-insured women diagnosed with disseminated breast cancer must hire lawyers to have their health plans pay for life-saving bone-marrow transplants and managed-care companies can deny powered wheelchairs to handicapped children who pass a ''utilization review'' showing them able to stagger twenty-five feet with the help of a walker.

This is a long and fascinating essay about managed care. My colleagues have heard the stories that have persuaded many of us that this Congress at least ought to address the question of what patients' rights are in managed care.

A 27-year-old man from central California received a heart transplant and was discharged from the hospital after 4 days because his HMO would not pay for additional hospitalization. Nor would the HMO pay for the bandages needed to cover the man's infected surgical wounds. The patient died.

An otherwise healthy 2-year-old boy who had suffered a fall was taken to a local hospital with a stick lodged between his upper lip and his gums. Once there, health care providers repeatedly misdiagnosed the boy's condition and refused to authorize an $800 CT scan that would have confirmed the boy was developing a brain abscess. The result? The boy was left blind and brain damaged.

A 54-year-old man who just had prostate surgery was told by his HMO he must leave the hospital within 24 hours of his surgery because the HMO wouldn't pay. He had to go home where there was no one to care for him even though he was still bleeding, had to wear a catheter to drain his bladder, and couldn't walk.

The stories go on and on. Most of us have heard the stories in our hometowns, our States. One managed care organization recently stated it would not pay for more than 5 hours of epidural pain relief for labor pains. Doctors objected, saying that some labor pains go on for more than 20 hours. One wonders whether the insurance company employee who said we will limit the coverage for epidural relief to 5 hours has ever been in a hospital experiencing the pain of childbirth. My guess is no.

We now have a circumstance where, all too often, the operation of the emergency room is a matter of profit or loss. There was an article about a woman in the New York Times recently. She was in an ambulance with her brain swelling from an injury just received, and she told the ambulance driver, ''Do not take me to the closest hospital.'' And she named the hospital farther away where she wanted to be taken that did not have a reputation for making cost its bottom line. She said later that she didn't want to be

taken to the other emergency room and have somebody make a decision about her life that related to their bottom line, to their profit and loss. A lot of Americans share her concern.

So we have an agenda. We have an agenda on managed care that says there ought to be a patient's bill of rights. People ought to know what their medical options are. No accountant 500 miles away from a hospital room or a doctor's office ought to be giving guidance on whether a doctor's judgment is appropriate with respect to treatment. And yet that is what is happening in this country.

We have an agenda on managed care. We think it ought to be one of the first items of business here on the Senate floor when we finish the highway bill. Let's talk about managed care. Let's talk about the health care. Let's talk about the 160 million people who are in managed care plans and ask the question, what does this plan mean to my health care? to my family's health care? to my children's and my parents' health care? What does it mean to our pocketbook? What kind of coverage exists for us today, tomorrow and next month? This Congress needs to be debating and answering some of those questions. These are life-or-death issues, not matters of inconvenience.

So when someone says the Senate doesn't have an agenda, they aren't talking about us. We have an agenda, but regrettably, we didn't win the Senate. The majority party that controls the Senate won the election. We understand that when votes are counted, whatever party wins wins, and they control the House and the Senate. But I want everybody to understand, when they see an editorial titled ''Congress Gone AWOL,'' ''Congress and the Clock,'' ''70 days left,'' or ''A do little Congress,'' that for some of us there is an agenda.

Many of us have very strong feelings about what issues the Senate should be considering—managed care, education, tobacco legislation, a whole series of issues that we want brought to the floor of this Congress and debated. The fact is we have some who, without question, want to have the engine running but have the transmission in idle. They don't want to go anywhere. They just want to claim the car started. We would like to put this car in drive and drive towards an objective that we think represents the best interests of this country.

On education, we understand that State and local governments should make the main decisions in elementary and secondary education. But many of us also believe that we have a national interest in trying to reach goals and achievements as a country in elementary and secondary education. The President and those of us on this side of the aisle are very concerned about trying to find some way to address the issue of class size. Are there things we can do with respect to class size and modernizing schools? For example, we understand that reducing class sizes can have a substantial impact on the teaching of children. Smaller class size means more attention is paid to each of the children, and we understand that is important.

The issue of modernizing schools—many of our schools all across this country are 30, 40, and 50 years old and in disrepair. I have been in schools, unfortunately, like the Ojibwa School on the Turtle Mountain Indian Reservation. These are schools children shouldn't be in. Reports from the General Accounting Office about the schools say they are unsafe. I have seen light fixtures dangling from the ceilings and frigid winter air coming through the trailers that masquerade as schoolrooms. We can do something as a Congress to modernize schools and remedy their state of disrepair. We want to talk additionally about the issue of minimum wage, about those at the bottom of the economic ladder. We made a couple of adjustments in the minimum wage on a bipartisan basis, but we need to further consider how to restore its purchasing power, not to a level above where it used to be, but to a level comparable to where it historically has been.

It is interesting in this country that we have a market system that is very generous to some and not to others. That is the way the market system works, and I accept that. In the market system we have in this country we have a right to make choices. I certainly don't want to discontinue those choices. But by our choices we've created a system where a man who is 7 feet 2 inches tall and can dunk a basketball gets $120 million. Where does that come from? It comes from folks who watch television or go to a basketball game, if they can afford to do so. But that's $120 million for somebody who can dunk a basketball and $30,000 for an elementary schoolteacher.

Which one would you pick? We make choices in the public and private sectors. Actually, when I refer to the private sector, there are not exactly unimpeded economic circumstances in professional basketball, where somebody makes $120 million, because it is not exactly an open and free market system. There are different circumstances in professional basketball because they limit the number of teams and so on.

My point is that the question of what we invest in both publicly and privately in this country determines a lot about what kind of a country we are going to have in the future. Our agenda, which we think would improve this country, deals with health care and education and jobs and income opportunity—a whole range of issues that we think represent good and strong positions for this Congress to consider. So the reason I came to the floor this afternoon is to say that the next time I see one of these editorials that says ''do nothing, do little, march in place, you know, the car is in idle,'' we have plenty to do. If we finish the highway bill this week—and I hope we will and I will support all the efforts to get this done quickly—then I hope next week we can grab a hold of a significant part of this agenda that we feel is important. If we do this, I think the next editorial will say, gee, they tackled education and health care and a lot of things that are very important to the people in this country.

I yield back the balance of the time I haven't used.

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

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

INTRAMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I have an amendment I will offer on behalf of Senator NICKLES, which would permit basically his mass transit funds to be used as it related to the funding of Amtrak activities in his State. I know of no opposition.

AMENDMENT NO. 1943 TO AMENDMENT NO. 1931

(Purpose: To permit States to use assistance provided under the mass transit account of the Highway Trust Fund for capital improvements to, and operating support for, intercity passenger rail service)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. NICKLES, proposes an amendment numbered 1943 to Amendment No. 1931.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(o) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

Mr. D'AMATO. Mr. President, this makes no changes in the allocations of the appropriations, but it empowers the State transportation people to

make decisions as to how they will allocate the mass transit dollars that come to them. If they wish to use them with respect to their Amtrak facilities, that is their right. I support the amendment.

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

The amendment (No. 1943) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I believe the Senator from Rhode Island has an amendment he would like to offer.

AMENDMENT NO. 1944 TO AMENDMENT NO. 1931

(Purpose: To make an amendment relating to capital projects and small area flexibility)

Mr. REED. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for Mrs. BOXER, proposes an amendment numbered 1944 to Amendment No. 1931.

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

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

The amendment is as follows:

On page ____, line ____, insert "and provides non-fixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143)" after "for mass transportation".

Mr. REED. Mr. President, this amendment would broaden the definition of capital expenditures for paratransit facilities. These are vehicles used for disabled American citizens. There are many communities in the United States that have these facilities. This definition would not adversely affect the allocation and would provide, we hope, for more use of the paratransit services. I encourage adoption of the amendment.

Mr. D'AMATO. Mr. President, we have no objection and support the amendment.

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

The amendment (No. 1944) was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Mr. President, I believe we have reached a point where I am not aware of any other outstanding amendments. I think there may be two Senators who, for whatever reason, would object, apparently, to us calling for a vote. But it would be the intention, otherwise, of the leadership to dispose of this amendment by at least 5:45, is what I've been given to understand.

I don't know what my colleagues might object to or what part of the bill they might want to debate. It would seem reasonable to me that if they do have objection, they should come to the floor and state it. Let's have a vote on it or an attempt to deal with whatever they feel is an inequity. We might lose, we might win, or they may get their way, or they may not. But the business of the people, I believe, would best be served by resolving this.

I just have no idea at this time as to what their objections might be. So even if I were in a position to remedy the deficiencies—and I am not saying this is a perfect bill; it is far from perfect, and it could be second-guessed by many. But I am not in a position, nor is the ranking member or Senator REED, who is standing in for Senator SARBANES, at this point to even offer any type of solution or compromise if we are kept in the dark.

Now, I don't see any useful purpose in that. So I ask that our respective sides reach out to our colleagues through their staffs to ascertain from them whether they can inform us as to what procedure they would recommend we undertake. If it is to stop the entire bill, then it would seem to me that the leadership should be advised so that they can proceed accordingly. Any Member has the right to lodge his or her objection and to take to the floor and, indeed, make their views known, offer their amendments, or prolong debate. I guess that is a nice way for saying "enter into a filibuster." I respect that. I have, on occasion, resorted to that myself.

Now, having said that, I came down to the floor and took the floor and raised my objection. So when we have reduced a bill to a point where all of the Senators, except one or two, have agreed that we should go forward, it seems to me that in fairness to the body we should have some kind of an explanation and set about a course of action to determine how we can deal with it. That would not be my prerogative; that would be the prerogative of the majority and minority leaders. They might decide to file for cloture, or they might decide to undertake another activity, or they might even be able, as I would think, to mediate successfully a cessation of the objections from our colleagues. But I want the RECORD to note that we have done as much as we can. We are here. We are ready. This bill is ready, and, as far as I am concerned and to the best I can determine, this amendment is ready to be acted on. Forty-one plus billion dollars would be spent over the next 5 years on a combination of activities—rural, urban, suburban, new starts, new buses, improvement of existing facilities, extension of some —a whole combination.

Even at this eleventh-and-a-half hour, there are some very worthy amendments that we have taken dealing with the disabled and giving communities the ability to buy vehicles and put them in a capital program that they might not qualify for, giving additional flexibility to States to use some of these funds.

So I think it is a well-balanced approach to transportation. I hope my colleagues will give us an opportunity to conduct the business of the people as it should.

With that, Mr. President, I suggest the absence of a quorum, and maybe we can get our two colleagues to come down and resolve their differences.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1945 TO AMENDMENT NO. 1931

(Purpose: To make an amendment relating to new start rating and evaluation)

Mr. GRAHAM. Mr. President, I will soon send to the desk an amendment which will provide for three additional criteria to be added to the current five criteria that are utilized for purposes of the Federal Transit Authority's determination of the validity of a New Start application.

These three additional criteria are population density and current transit ridership, the technical capability of the applicant to construct the project, and the degree of local financial commitment to the project, including the degree to which the local community has overmatched the project.

The purpose of these three are to add three relatively quantifiable factors to the five existing factors that will be used by the Congress and by the Federal Transit Administration in determining which of the New Start applications are appropriate for Federal participation.

I urge adoption of the amendment on behalf of Senator MURRAY and myself.

Mr. D'AMATO. Mr. President, one of the great problems that we have today is that as more communities grasp the realities of the access to move people, particularly in our urban centers with great densities of traffic, and come to the Federal Transit Administration with their proposals to construct people movers to areas that are alternatively utilizing mass transit, there are some programs that are started that shouldn't be started, for a variety of reasons.

In some cases, the technical know-how and capabilities that should be there, in terms of studying and getting them ready, just are not. So the Senator says one of the criteria is the technical capabilities to construct the project. You can come in with a wonderful project, but it is "pie in the sky;" it is not possible. And what is taking place is that new starts are being considered, undertaken, lots of

money is being laid out by the Federal Government, and engineering studies and what-not are taking place, engineering costs are being racked up, and there is very little likelihood of people ever being able to move. In other words, no transportation project is really going to get underway.

So I commend the Senator for saying let us take a look and see if this really is real; is it going to work? Obviously, the needs should be tied to the numbers of people that can and should be moved in these new start projects. Again, it is nice to have one in every community. But what is the logic and sense of spending x hundreds of millions of dollars if the numbers of people who would be moved on a daily basis are negligible—if there is no demand? So the Senator sets this as a criterion.

And the third and probably most important is the degree of local financial commitment to the project; i.e, overmatch. There are those who are attempting to build these projects and think they can do it simply with Federal funds. That is not the case. We look for matching funds. And those communities that recognize the need as such, so they are willing to not only contribute what the minimum contribution from the local community is but overmatch it, put in more, certainly they should have, where funding is available, the ability to draw down those funds faster so those projects can be built.

Right now I think it would be fair to say that we probably have too many projects that have been given a green light but there is no hope of them moving forward because some of these criteria the Senator has put forth are not met. So this is prudence, in saying, let's do that which can be done.

I commend the Senator, and I support his amendment.

Mr. REED. Will the Senator yield?

Mr. D'AMATO. Certainly.

Mr. REED. I concur with the analysis of Chairman D'AMATO with respect to this legislation and also commend the Senator from Florida. This is a legislative initiative that puts further precision into the granting of startup contracts. It puts in factors that are critical to the whole consideration of when we should support at the Federal level a local initiative.

As the chairman said, one of the major criteria is local support, which is measured most effectively in terms of dollars, but also in terms of the population density and leadership they anticipate in this new startup. All of these are important additions to existing criteria, which the Senator retains.

So I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mrs. MURRAY, proposes an amendment numbered 1945 to amendment No. 1931.

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

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

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

Mr. GRAHAM. If there are no other persons wishing to speak on this amendment, I urge a voice vote.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1945) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Alon Street of my office be granted the privilege of the floor throughout debate of ISTEA II.

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

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask unanimous consent that at 5:40 p.m., the Senate proceed to a vote on the pending transit amendment No. 1931, as amended, to S. 1173, the highway bill. I further ask unanimous consent that no amendments be in order to the amendment.

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

Mr. D'AMATO. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, there is an outstanding issue between the Environment and Public Works Committee and the Banking Committee involving university transportation centers. Apparently, there are conflicting provisions in our bills.

I thank my friend and colleague, who has done such an outstanding job, the senior Senator from Rhode Island, Mr. CHAFEE, the chairman of the Environment and Public Works Committee, for his patience. I am committed to working with the chairman to resolve this situation together. I thank him for allowing us to proceed. I believe we will be able to work this out, and I pledge to work with him. He has always demonstrated a willingness to accommodate the needs of his colleagues, and I am looking forward to being able to do it in this case as well.

Mr. President, let me say that I am deeply grateful for the tremendous leadership and contribution that the senior Senator from Maryland, Senator SARBANES, has contributed, both himself personally and with a great and talented staff, to bring us to this point. I do not know how many people really thought that within this day we would be able to come to a point where we are in a position of passing this part of the Surface Transportation Act overwhelmingly. Without his patience, without his leadership, without his constant support, both during the negotiations for attempting to achieve the additional funding, $9.8 billion over and above the previous ISTEA allocations, we could never have been in a position to accommodate the legitimate interest and needs of so many of our colleagues.

Again, while we might have differences because we do represent different regions, different configurations of the population where different needs may exist, while not everyone is happy, I am certain that there are those in the mass transit industry who think we need more. Understand, this is not a pie that continues to expand. There are constraints and we have to draw from that which we are allocated.

On the basis of both working to achieve a greater allocation and working to achieve a fair distribution, no one has done more than my good friend, the Senator from Maryland. For that I am deeply, deeply appreciative. Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank my able colleague, Chairman D'AMATO, for his very kind words. I simply underscore that it has been a pleasure to work with him on this issue and also to thank him very much for his leadership throughout. He has been, of course, a leader on the transit issue in the Senate. It was reflected once again in the consideration of this measure.

I also thank by name the staff people involved: Steve Harris and Loretta Garrison on this side of the aisle, and Howard Menell, Joe Mondello and Peggy Kuhn on the other side of the aisle, who really have made extraordinary contributions. They have worked late at night, early in the morning, on the weekends. They have really committed themselves totally to helping to bring us to this state of affairs. The fact that we have put together a good transit title is very much due to the tremendous contributions which the staff people have made. I express my appreciation to all of them.

MODIFICATION TO AMENDMENT NO. 1931

Mr. D'AMATO. Mr. President, I have one unanimous consent request, and it is technical in nature. I ask unanimous consent to modify amendment No. 1931 to change all references to the ''Intermodal Surface Transportation Efficiency Act of 1997'' in the amendment

to the ''Intermodal Surface Transportation Efficiency Act of 1998''—that is very technical in nature, again because we waited 6 months—and change all references to the ''Federal Transit Act of 1997'' in the amendment to the ''Federal Transit Act of 1998.''

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

The modification follows:

Modify amendment (No. 1931) to change all references to the ''Intermodal Surface Transportation Efficiency Act of 1997'' in the amendment to the ''Intermodal Surface Transportation Efficiency Act of 1998'', and to change all references to the ''Federal Transit Act of 1997'' in the amendment to the ''Federal Transit Act of 1998''.

Mr. SARBANES. This is an apt demonstration, Mr. President, of the fact that we are really up with the times.

Mr. D'AMATO. Mr. President, I thank the Committee on Banking—all of the members. They have been particularly helpful and have made, I think, tremendous contributions to allow us to arrive at this point.

The Budget Committee, especially Senator DOMENICI and Senator LAUTENBERG—without their help we could not have come to this point. And I thank the leadership of the Senate that has given us the opportunity to work in a collaborative manner and has been supportive.

I also note, for the RECORD, and to the chagrin of some, there were some who said, ''Oh, the Senate and its leadership don't care about mass transportation, that if you look at the numbers of States that use it or are dependent on those as opposed to those who are not, then those needs will be neglected.'' I think that maybe even some colleagues, for whatever reason—some colleagues in the Congress—may have hoped that to be the case. But, once again, I think the common good, and recognizing how we have to deal and must deal with each other, overrode the parochialism that sometimes rears its head.

I could not be more grateful and thankful for the leadership that has been provided on both sides of the aisle by Senator DASCHLE, and the minority side, and by Senator LOTT on the majority side.

I say that my staff, particularly Peggy Kuhn, Joe Mondello, Jr., Loretta Garrison, under the able leadership of Howard Menell, staff director, have been Herculean and have been totally dedicated to bringing us to this point. Again, I am deeply appreciative of them.

I am also appreciative of the professionalism of the minority staff. They have been absolutely outstanding. No one could have asked for better cooperation from the minority staff. Sometimes I think they felt that they worked for me or sometimes I felt that I worked for them. More often Senators, I think, are accountable—people do not realize—to our staff to a great degree. But I thank them. I thank them for their patience and for their persistence and for their working long and enduring hours. They have made, hopefully, the amendment that will be considered a reality.

Mr. President, I yield the floor.

Mr. SARBANES. I see the Senator from Texas is on the floor. I say to the Senator, we are scheduled for a vote at 5:45. So the time between now and 5:45 is available.

Mrs. HUTCHISON. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise in support of the amendment. I think Senator D'AMATO, Senator SARBANES, and all of those who worked so hard, including especially Senator DOMENICI, for helping us find this money in the budget, should be commended, because there is no question that highways are the lifeline of our country. But there is a point at which in you cannot build enough freeways in our biggest cities to get rid of the congestion. This is especially happening in some of the States that have new emerging big cities that have not kept up with their infrastructure demands.

Some of those cities are in my State of Texas. We now have some of our biggest cities starting to try rail. And some are being successful. For instance, in Dallas, when people said, no one could get Dallasites out of their cars, nevertheless, people are leaving their cars to ride the new DART trains. It has been so successful—over an extended period of time—that they are going to try to get the extended DART lines out in a quicker timetable.

So it is very important that we look at cities, not only like Dallas, but San Antonio, El Paso, Austin, and Fort Worth in my State. There are other States now that are looking at new transit systems—Colorado, Utah—Western States that have not had traffic problems before.

The issue really is that in order to have a good infrastructure in our country, we must have more than one mode of transportation. Highways are the lifeline. But we also have airports and airplanes. We have buses. We have trains. Particularly in our urban areas, this is the only way we can address congestion. We cannot have a clean environment in a major city if we have cars stuck on freeways for hours at a time. We cannot have environmental purity throughout our States if we do not have some way to stop this congestion.

The aesthetics. You cannot continue to build big spaghetti-bowl freeways and have any kind of aesthetics if you cannot get away from that.

So I do think highways are our first line. And that is why the lion's share of the money is going to highways. But I think this amendment, that allows $5 billion additional for transit, half of which is earmarked for our new starts, recognizes that there are new emerging cities that are behind in their infrastructure improvements. This will give them the capability to do new starts in things like rail systems that will have, hopefully, the success of the Dallas DART train. Even Houston is beginning to look at this kind of rail system in a line from Katy to downtown where the freeway congestion is like a parking lot most of the day.

These are things that I hope we can help to start. I hope that we can give incentives to some of our major big cities that have not had years and years and years of mass transit funding to be able to start thinking of new and innovative ways to have a cleaner environment, to stop the waste of money and time of congested traffic, and to have aesthetics that are also pleasing in a city.

So these are the reasons that I am supporting this amendment. I think it is quite a good compromise. I think Senator D'AMATO and Senator DOMENICI, along with Senator SARBANES, and all of those who had the foresight to provide this extra money, are to be commended. And I do commend them. I hope my colleagues will recognize that this is an environmental vote, it is an anesthetic vote, it is a time-conserving vote, and it is a money-conserving vote.

I hope that we will pass this and give our cities the chance. The locals match this Federal funding. It is not like it is all Federal funding. The local people should match. That is the right thing to do. But this does give them a very important start.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. D'AMATO. 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. D'AMATO. What is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment 1931, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—96

Abraham	Coats	Glenn
Akaka	Cochran	Gorton
Allard	Collins	Graham
Ashcroft	Conrad	Gramm
Baucus	Coverdell	Grams
Bennett	Craig	Grassley
Biden	D'Amato	Hagel
Bingaman	Daschle	Harkin
Bond	DeWine	Hatch
Boxer	Dodd	Hollings
Breaux	Domenici	Hutchinson
Brownback	Dorgan	Hutchison
Bryan	Durbin	Inhofe
Bumpers	Enzi	Inouye
Burns	Faircloth	Jeffords
Byrd	Feingold	Johnson
Campbell	Feinstein	Kempthorne
Chafee	Ford	Kennedy
Cleland	Frist	Kerrey

Kerry	Mikulski	Sessions
Kohl	Moseley-Braun	Shelby
Kyl	Moynihan	Smith (OR)
Landrieu	Murkowski	Snowe
Lautenberg	Murray	Specter
Leahy	Reed	Stevens
Levin	Reid	Thomas
Lieberman	Robb	Thompson
Lott	Roberts	Thurmond
Lugar	Rockefeller	Torricelli
Mack	Roth	Warner
McCain	Santorum	Wellstone
McConnell	Sarbanes	Wyden

NAYS—4

Gregg	Nickles
Helms	Smith (NH)

The amendment (No. 1931), as amended, as modified, was agreed to.

Mr. D'AMATO. Mr. President, I move to reconsider the vote.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAFETY TITLE

Mr. McCAIN. Mr. President, I would like to comment on the Commerce Committee's Safety title that was adopted by the full Senate last week. That amendment reauthorizes the many surface transportation safety programs last reviewed in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.

Mr. President, the Commerce Committee spent considerable time and effort developing that safety amendment. The Committee held a number of hearings—both at the full Committee and Subcommittee levels—to consider ISTEA reauthorization matters under its jurisdiction. The Committee held hearings focusing on National Highway Traffic Safety Administration (NHTSA) issues, including air bag deployment and seat belt usage; motor carrier safety issues, including the Motor Carrier Safety Assistance Program (MCSAP) and truck size issues; hazardous materials transportation; and proposals to improve protection of underground energy, water, and communications systems from excavator damage.

The comprehensive safety amendment is a bi-partisan Commerce Committee product. It incorporates many of the proposals requested in the Administration's reauthorization submission, which was entitled the National Economic Crossroads Transportation Efficiency Act (NEXTEA). This bi-partisan amendment also includes a number of new transportation safety proposals. It is designed to improve travel safety on our nation's roads and waterways, promote the safe shipment of hazardous materials, protect underground pipelines and telecommunications cables from excavation damage, and ensure that our nation's commercial motor vehicle fleet is well maintained and safely operated.

Mr. President, transportation safety must be at the forefront of our deliberations during the debate on ISTEA reauthorization and I was pleased to offer one of the very first amendments. S. 1173 proposes funding and policy authorizations to improve our transportation infrastructure and facilitate the efficient and economical transportation of people and goods. The amendment offered on behalf of myself and Senator HOLLINGS is a vital component of that effort. Our amendment will help ensure that people and goods not only move efficiently, but that they move safely too.

The need for improvements in federal transportation safety policy is crystal clear. The National Transportation Safety Board (NTSB) report that deaths from transportation accidents in the United States totaled more than 44,000 for calendar year 1996. Highway-related deaths, which account for more than 90 percent of all transportation fatalities, rose by 109, reaching a total of 41,907. The Federal Transit Administration reported 120 fatalities from accidents associated with the operations of light and commuter rail companies, compared to 98 in 1995. And, pipeline-related deaths totaled 20, compared to 21 in 1995.

Mr. President, I would like to provide a broad overview of the various transportation safety provisions contained in the amendment as adopted last week. First, this amendment would reauthorize a number of programs under the National Highway Transportation Safety Administration (NHTSA) to improve safety on America's roadways, including grant programs which would provide $1.1 billion to the states over the next six years. While many of us wish we could have authorized funding at the levels requested by the Administration, the Committee had to also acknowledge the budget agreement entered into last year. Accordingly, the levels authorized in the amendment reflect that agreement. However, I stand ready to increase the levels should an agreement be reached with the Budget Committee to enable a higher authorization level.

Second, this amendment reauthorizes funding for programs to ensure the safe transportation of hazardous materials. It also includes a number of changes intended to strengthen and improve the hazardous materials transportation program. For example, according to DOT's Research and Special Programs Administration (RSPA) statistics, there were hundreds of transportation related incidents involving undeclared or hidden hazardous materials. These incidents resulted in 110 deaths and 112 injuries from January 1990 through October 1996. This legislation would give DOT inspectors the authority to open and examine the contents of packages suspected of containing hazardous materials.

This provision would help ensure that packages containing undeclared hazardous materials shipments can be removed from transportation before they harm individuals. In the event a package is opened under the amendment's authorities, DOT inspectors would be required to mark the package accordingly and notify the shipper before the parcel could continue in transport.

The amendment also expands hazardous materials training access by allowing States and Indian tribes to use a portion of their grants to assist small businesses in complying with regulations. DOT has indicated that the majority of hazardous materials shipment and packaging mistakes occur at small businesses.

The amendment also authorizes the Secretary of Transportation to issue emergency orders when it is determined that an unsafe condition poses an imminent hazard. In such a situation, the Secretary is granted the authority to issue recalls, restrictions, or out-of-service orders to lessen the dangerous condition.

Third, at the request of the Majority Leader, this amendment incorporates S. 1115, the Comprehensive One-Call Notification Act introduced by Senators LOTT and DASCHLE on July 31, 1997. S. 1115 would facilitate a national effort encouraging states to strengthen their laws that protect underground pipelines, telecommunication cables, and other infrastructure from excavation damage. S. 1115 passed the Senate by unanimous consent on November 9, 1997.

Fourth, this amendment reauthorizes the Motor Carrier Safety Assistance Program (MCSAP) which provides funding for commercial driver and vehicle safety inspections, traffic enforcement, compliance reviews and safety data collection.

It further authorizes a performance-based approach for the MCSAP, removing many of the prescriptive requirements of the program. Instead, States would be given greater flexibility to implement safety activities and goals they design to evaluate and improve truck safety programs. This new performance-based approach, to be implements by the year 2000, would enable States to spend their limited resources on those activities best able to address their unique motor carrier problem areas.

This legislation also contains several other important truck and bus safety enhancement provisions. The amendment would help ensure greater safety oversight by permitting the Secretary to contract with private entities to conduct inspections and investigations to ensure compliance with Federal Motor Carrier Safety Regulations. Similar contractual authority is already afforded to the Department of Defense and the Federal Aviation Administration. The bill further strengthens safety oversight by extending safety regulations such as Commercial Drivers Licensing and drug and alcohol testing requirements to for-hire passenger vans. It would also permit the Secretary to order any unsafe carrier to cease operations. Currently this authority applies only to prevent unsafe operations of commercial passenger carriers and hazardous materials carriers.

We have also incorporated a number of provisions designed to promote the

timely and accurate exchange of important carrier and driver safety records. Strategic and effective policies should always be based on timely and accurate information. Good data is crucial to good decision making. Therefore, the McCain/Hollings amendment gives the Office of Motor Carriers the capability to improve its existing data collection programs through the development of more technologically advanced systems.

We have all too often heard of stories where even the most sophisticated information systems contains inaccurate data and data which frequently is difficult for the affected party to correct. Therefore, when implementing the information systems and strategic safety initiatives authorized in the McCain/Hollings amendment, the Secretary of Transportation should ensure that the motor carrier data collected is needed and accurate, and that the information collected is protected from disclosure that would unfairly injure the motor carrier or the commercial motor vehicle driver.

Mr. President, every time Congress considers legislation affecting federal motor carrier safety regulations, various segments of the industry seek exemptions. Some are common sense, such as acknowledging the special transportation time constraints of farmers during the planting and harvesting seasons. But, I strongly believe we should not have to pass a bill every time an exemption is warranted. The consideration of regulatory exemptions is a proper function of the Executive Branch.

This amendment seeks to address this issue. Today, the Secretary of Transportation has the authority to grant exemptions. However, the authority is relatively meaningless because prior to granting a waiver or exemption, it must first be proven the exemption would not diminish safety. That's an appropriate consideration, but how can DOT assess an exemption's safety risk if it can't first test the concept on a limited pilot basis?

In an attempt to address this problem and recognize the Secretary should be permitted to examine innovative approaches or alternatives to certain rules, Senator HOLLINGS and I have worked to define a process whereby the Secretary may grant waivers and exemptions. This legislation would also authorize the Secretary to carry out pilot programs to test the affects of limited regulatory exemptions.

I am urging my colleagues to work with Senator HOLLINGS and myself to help us enact a reasoned and safe waiver/exemption/ pilot project process. While this amendment also incorporates three amendments authored by Senator BURNS to provide regulatory exemptions to three industry segments, I have committed to working with Senator BURNS to find an alternative approach. We are not quite in agreement, but I think we are getting closer. I bring this to my colleagues attention in order to inform the members that I expect that some amendments will be offered very shortly to alter the Senator's exemptions.

In another transportation area, the McCain/Hollings amendment addresses the serious security threats to our Nation's railroad and mass transportation systems. As my colleagues well know, our transportation system is vulnerable to security threats. Two years, Arizonans and citizens throughout the country were saddened to learn of an Amtrak derailment near Hyder, Arizona, which claimed the life of one individual and injured seventy-eight others. Shortly after the accident, the sadness turned to shock as we learned that the derailment could have been caused by someone who may have intentionally sabotaged the track. The Arizona accident is not unique. There have been other examples of acts against railroads. Therefore, as requested by the Administration, this legislation would create criminal sanctions for violent attacks against railroads, their employees, and passengers. The penalties are similar to those which currently cover vessels, airlines, motor carriers, and pipelines.

Finally, this amendment addresses boating safety concerns. In conjunction with Finance Committee extensions of the motorboat fuel, fishing equipment excise, and other tax and trust fund authorities, this amendment would reauthorize the Wallop-Breaux boating safety and sportfish restoration programs which are funded directly from these revenues. It is designed to ensure state boating safety programs receive a higher level of funding, and a level that is more proportionate to the amount of motorboat fuel taxes paid by boaters. In the past, receipts into the Boating Safety Account have been diverted for other purposes.

This amendment would also reauthorize the Clean Vessel Act, which is funded through the Wallop-Breaux program's trust fund. It provides funds to the states for vessel sanitation pumpout programs, a new state boating infrastructure improvement program, and boating safety programs. In addition, it would create a new national outreach and communications program to help increase safe and responsible boating and fishing and increases funding available to states for boating infrastructure and aquatic resources education projects.

I am well aware that Senator CHAFEE and other members of the Senate Environment and Public Works have views on certain aspects of these boating safety provisions. We have been working and will continue to work with these members on this section of the McCain/Hollings amendment in an effort to reach an agreement on these provisions prior to final passage of the bill.

Mr. President, clearly this is a very comprehensive transportation safety amendment. I have not discussed every single item, but I have provided a thorough overview of its complex provisions. I also ask unanimous consent that a summary of the amendment be printed in the RECORD.

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

SUMMARY OF THE MAJOR PROVISIONS IN THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION SAFETY TITLE AMENDMENT TO S. 1173

SUBTITLE A HIGHWAY SAFETY

Subtitle A reauthorizes grant programs administered by the National Highway Traffic Safety Administration (NHTSA) that are designed to improve safety on America's roadways. The Subtitle authorizes over $1.1 billion to the states during the next 6 years for the safety grant programs. Specifically, the Subtitle would reauthorize the State and Community Highway Safety Program which provides grants under Section 402 of Title 23. The incentive grant program concerning alcohol-impaired driving countermeasures is also reauthorized, but the Subtitle moves it from Section 410 and incorporates it within Section 402 of Title 23.

Subtitle A adds several new grant programs. One of the grant programs established would improve occupant protection programs by encourage states to provide for primary enforcement of seat belt laws. That program is located in a reconstituted Section 410. Subtitle A provides incentives for the states to improve safety programs, rather than sanctions. Another program added would provide grants to states to encourage them to improve the quality of their highway safety data. Subtitle A also expands NHTSA's existing drugs and driver behavior research and development program to include measures that may deter drugged driving. The Subtitle includes an amendment offered by Senator DORGAN to authorize NHTSA to undertake programs to train law enforcement officers on motor vehicle pursuits conducted by law enforcement officers. An amendment offered by Senator FORD requires State highway safety programs to have guidelines that improve law enforcement services including the enforcement of light transmission standards of glazing for passenger motor vehicles and light trucks.

SUBTITLE B HAZARDOUS MATERIALS TRANSPORTATION

This section reauthorizes funding and strengthens and improves programs to ensure the safe transportation of hazardous materials. It would authorize DOT inspectors to open and examine the contents of hazardous materials suspect packages to prevent illegal shipments and requires DOT inspectors to mark opened packages and notify the shipper before the parcel can continue in transport. In the event a package is opened under the authority provided in Subtitle B, DOT inspectors would be required to mark the package accordingly and notify the shipper before the parcel can continue in transport.

Subtitle B also expands access to hazardous materials training opportunities by allowing States and Indian tribes to use a portion of their grants to assist in training small businesses in complying with regulations. This provision is necessary because the majority of hazardous materials shipment and packaging mistakes occur at small businesses. The Secretary of Transportation also is authorized to issue emergency orders when it is determined that an unsafe condition poses an imminent hazard. In such a situation, the Secretary is granted the authority to issue recalls, restrictions, or out-of-service orders to lessen the dangerous condition.

The Committee held a hearing on issues relating to the reauthorization of the Hazardous Materials Transportation Act on May 8, 1997.

SUBTITLE C—COMPREHENSIVE ONE-CALL NOTIFICATION

This section incorporates the provisions of S. 1115, the Comprehensive One-Call Notification Act, introduced by Senators Lott, Daschle and others on July 31, 1997. S. 1115 is intended to encourage States to strengthen laws that protect underground pipelines, telecommunication cables, and other infrastructure from excavation damage. The measure creates a voluntary program under which states that choose to improve their underground damage excavation prevention programs could apply for Federal grants.

The Subcommittee on Surface Transportation and Merchant Marine held a hearing on S. 1115 on September 17, 1997 and S. 1115 passed the Senate by unanimous consent on November 9, 1997.

SUBTITLE D—MOTOR CARRIER VEHICLE SAFETY

Subtitle D reauthorizes the Motor Carrier Safety Assistance Program (MCSAP) which provides funding to the States for commercial driver and vehicle safety inspections, traffic enforcement, compliance reviews and safety data collection. It also authorizes a performance-based approach to be implemented for the MCSAP by 2000, removing many of the prescriptive requirements of the program. A performance-based program would enable States to target their safety enforcement efforts on activities that directly improve motor carrier safety.

Subtitle D contains other provisions intended to strengthen commercial motor vehicle safety enforcement by permitting the Secretary to order any unsafe carrier to cease operations. The Secretary's existing authority applies only to the prevention of unsafe commercial passenger operators and hazardous materials carriers. The provisions in Subtitle D permit the Secretary to contract with private entities to conduct inspections and investigations to ensure compliance with Federal Motor Carrier Safety Regulations. Similar contractual authority is already afforded to the Department of Defense and the Federal Aviation Administration.

To promote the timely and accurate exchange of important carrier and driver safety records, Subtitle D would authorize comprehensive information systems and strategic safety initiatives to support motor carrier regulatory and enforcement activities as requested by the Administration. The Subtitle also establishes a pilot program to help facilitate the exchange of accurate driver records data history. Language is included in the Subtitle to permit carriers to provide safety records of former drivers to prospective employers as required by law without the fear of a former employee taking legal action against the carrier, provided the data exchanged is accurate.

The Full Committee held a hearing on Truck Safety issues on April 24, 1997.

During the Commerce Committee's consideration of this legislation, three amendments offered by Senator Burns were accepted by voice vote. The amendments would exempt retailers that transport agricultural chemicals from the Department of Transportation's hazardous materials transportation safety regulations; permit States to waive Commercial Driver License (CDL) requirements for custom harvesters and other farm-related service industry employees; and, exempt all drivers of utility industry vehicles from Department of Transportation Hours of Service and physical testing and reporting regulations.

SUBTITLE E—RAIL AND MASS TRANSPORTATION SAFETY

As requested by the Administration, Subtitle would provide for criminal sanctions in cases of violent attacks against railroads, their employees, and passengers. These stronger criminal sanctions, intended to help deter against future attacks against the rail industry, are similar to penalties which currently cover attacks against vessels, airlines, motor carriers, and pipelines. In addition, the Subtitle clarifies the Secretary's authority to ensure safety issues are fully addressed prior to making grants or loans to or for the benefit of commuter railroads subject to the Federal Railroad Administration safety regulations.

SUBTITLE F—SPORTFISHING AND BOATING SAFETY

In conjunction with Finance Committee extensions of the motorboat fuel, fishing equipment excise, and other tax and trust fund authorities, Subtitle F would reauthorize the Wallop-Breaux boating safety and sportfish restoration programs which are funded directly from these revenues. The Subtitle is designed to ensure state boating safety programs receive a higher level of funding, and a level that is more proportionate to the amount of motorboat fuel taxes paid by boaters. In the past, receipts into the Boating Safety Account have been diverted for other purposes.

Further, the Subtitle would reauthorize the Clean Vessel Act, which is funded through the Wallop-Breaux program's trust fund. Subtitle F provides funds to the states for vessel sanitation pump-out programs, a new state boating infrastructure improvement program, and boating safety programs. In addition, it would create a new national outreach and communications program to help increase safe and responsible boating and fishing and increases funding available to states for boating infrastructure and aquatic resources education projects.

SUBTITLE G—MISCELLANEOUS

Subtitle G includes an amendment adopted by the Commerce Committee offered by Senator GORTON. The Subtitle authorizes $10 million from general revenues for each of the years covered by the Intermodal Transportation Safety Act reauthorization for grants to States for pilot projects to improve and rehabilitate publicly and privately owned shortline and regional railroads. Subtitle G requires the shortline and regional railroads to share in the costs of the rail infrastructure improvement projects funded by the State grants.

AMENDMENTS NOS. 1709 AND 1710

Mr. MCCAIN. Mr. President, I rise today in support of two amendments as sponsored by Senator CAMPBELL, numbered 1709 and 1710, which would improve the delivery of ISTEA funds for the Indian reservation roads system now administered by the Bureau of Indian Affairs (BIA).

Amendment 1709 is an administrative efficiencies provision that will allow tribes to construct more roads and bridges with the funds they receive under ISTEA. Simply put, amendment 1709 allows Indians to get a bigger bang for their ISTEA buck.

The amendment does not increase the overall ISTEA funding targeted to Indian roads and bridges under this bill. Instead, it allows tribes to assume all functions, programs, activities and services previously managed for tribes by an inefficient and wasteful BIA bureaucracy that has been paid for with ISTEA funds.

Unless we enact this amendment, up to six percent of the Indian ISTEA funds will continue to be diverted to pay for a BIA bureaucracy that is often located far from the Indian communities to be served. Amendment 1709 would provide express authority for these funds to be made available to willing tribes to build roads and bridges in their local communities.

Congress has been trying to curb the BIA bureaucracy and support tribal autonomy ever since 1975 when it first enacted the Indian Self-Determination Act, known as Public Law 93–638. In recent years, I have been pleased to be part of legislative efforts to expand Self-Determination and Tribal Self-Governance.

Four years ago, the Congress enacted substantive amendments to Public Law 93–638 which by its terms makes all funds, at all levels of the BIA, available to tribes to do for themselves what BIA bureaucrats have previously claimed to do for Indians. Public Law 93–638 authorities now allow a tribe, at its option, to cut through levels and levels of bureaucratic red tape and efficiently build things and run programs. The law has well-developed minimum standards and reporting requirements which assure accountability without a wasteful and offensively paternalistic federal oversight bureaucracy.

In many ways, Public Law 93–638 works like a consolidated block grant. It is designed to encourage tribal efficiency and accountability, and to maximize benefits by targeting local priority needs.

In the 1994 amendments to Public Law 93–638, the Congress intended to apply these authorities to all funds administered by the BIA, including ISTEA funds transferred to BIA from the Department of Transportation for the benefit of Indian roads and bridges.

Despite our clear references in Committee report and floor language that this was our intent, the BIA has refused tribal efforts to fully subject all ISTEA funds to Public Law 93–638. This issue has consumed hundreds of hours of federal-tribal negotiations since 1994. Great sums of time and money have been wasted in arguments between BIA and tribal officials about whether the Congress wanted to permit the BIA roads bureaucracy to continue to fund itself by diverting up to six percent of the ISTEA funds away from actual construction in Indian and Native communities.

Last month, the BIA issued proposed regulations on Tribal Self-Governance which claim that the 1994 amendments do not prohibit the BIA from continuing to withhold from tribes up to six percent of the ISTEA funds in order to fund the BIA roads bureaucracy. ISTEA is the last major BIA account which the BIA continues to protect as immune from the reach of tribal requests under Public Law 93–638 to obtain a direct transfer of the full tribal share of these funds.

When I learned of this debate and the proposed regulations, I looked back at our actions in 1994 and realized we in Congress intended the 1994 amendments to Public Law 93–638 to apply to ISTEA funds transferred to the BIA from the Department of Transportation. They were to be treated like all other funds administered by the BIA—if a tribe wanted to obtain its full share of funds directly, in a flexible and accountable contract or compact, it could do so.

I believed then, and I believe now, that there is nothing unique about building a road that requires a federal bureaucracy. Many tribes are building safe buildings that adhere to prevailing codes; they can do the same on roads and bridges without a heavy handed and costly BIA supervision.

There are two ways by which Amendment 1709 would squeeze more benefit out of the funding levels otherwise provided under ISTEA. First, the amendment would clearly and expressly allow any tribe, so choosing, to require the BIA to transfer that tribe's full share of ISTEA funding directly to the tribe rather than being siphoned off by a wasteful, federal bureaucracy. Second, the amendment would allow a tribe to administer ISTEA funds under the flexible authorities provided by Public Law 93–638, including greater local control and responsibility, field decision-making powers, sharply reduced paperwork and reporting requirements, audited accountability, consolidated local operations, and in general, the local, tribal power to respond to project challenges and local needs when and as they occur.

Amendment 1710 would require that regulations implementing the Indian ISTEA program and refashioning its funding allocation formula be prepared under negotiated rulemaking procedures adapted to the unique government-to-government relationship between Indian tribes and the United States. This amendment simply borrows from the recent success that Indian tribes and the United States have forged in carrying out the government-to-government negotiated rulemaking on the Native American Housing and Self-Determination Act of 1996 (NAHASDA).

In recent days, the Administration has finalized rules governing the implementation of NAHADSA. From what we have heard in Congress, nearly all Indian tribes are pleased with the outcome of this federal-tribal negotiated rulemaking process. That is remarkable, given that the final regulations put detail upon a major overhaul of the Indian housing program funded by the Department of Housing and Urban Development (HUD). NAHADSA reorganized how hundreds of millions of federal construction funds are spent each year. And the tribal satisfaction is even more noteworthy given that the federal-tribal negotiated rulemaking process also produced a revised funding allocation formula, guided by factors set out in the underlying statute.

Given the NAHADSA successes in allowing tribes to negotiate a new funding allocation formula to determine how the funds are divided up among tribes, I am convinced that the same approach should be applied to ISTEA funds. It works, and should be replicated on ISTEA, where many of the same issues involving housing construction are raised in efforts to construct roads.

Amendment 1710 reflects the language used in NAHADSA to provide a statutory framework of basic relative need assessment factors to be used by the tribal-federal negotiating team to develop a new funding allocation formula. The specific language of Amendment 1710 would ensure that the new funding formula fairly takes into account Indian communities who have not had their road needs met under previous formulas.

Amendment 1710 should not be seen by the BIA as an opportunity to completely rewrite the regulations already promulgated under Public Law 93–638. Indeed, these should for the most part apply to the Indian ISTEA, except where they now preclude a tribe from using the full authorities of Public Law 93–638 in the ISTEA program due to a mis-reading of our intention in the 1994 Amendments to Public Law 93–638 to fully subject ISTEA funds administered by BIA to Public Law 93–638.

Both amendments 1709 and 1710 will maximize the benefit of the ISTEA dollars in Indian communities. This kind of express statutory language in ISTEA is apparently needed to remove any room for doubt on the part of the BIA that all ISTEA funding for Indian roads and bridges must be brought within the parameters of Public Law 93–638. I urge my colleagues to support these two amendments as one way we can maximize the benefit, and better target the expenditure, of ISTEA funds otherwise directed toward Indian roads and bridges in this bill.

Mr. ASHCROFT. Mr. President, I am pleased to take part in the debate to reauthorize the Intermodal Surface Transportation Efficiency Act of 1997, commonly known as ISTEA. This debate was originally scheduled to take place the first week in May. As we all know, the current measure is designed to end in the last week in April. Had we not debated this until the first week of May, there would have been an interruption in the funding and the opportunity to build highways in this country. So I express my appreciation to the majority leader for moving this debate up and making it possible for us to address this issue. When we are talking about the construction of infrastructure, which allows the body politic to be nourished by the stream of commerce, it is important that we don't interrupt that stream. I thank the majority leader, however, for the people of Missouri, the crisis is not yet over. The necessary funds for their road improvement projects still have not been approved.

It is with great concern for the State of Missouri that I rise today. It is concern for everyone that relies on our transportation infrastructure to go to work or school, to the grocery store and to return home. It is concern for the workers who improve our existing roads and build new ones. I urge the Senate to quickly relieve the people of my state of the uncertainty caused by the lack of consistent funds, that hangs over their heads.

It also is imperative that we pass a six year ISTEA authorization bill that gives states a fair return on their transportation dollars. These funds enable states to invest in improvement projects that affect Americans daily lives. Every day millions of Americans depend on our roads and bridges to safely and timely go about their lives. The need for safe roads is universal to every thriving community and the life of every American. Investment in our transportation infrastructure translates into safer and less congested travel.

I have been contacted by several of my constituents expressing their frustration with Congress' failure to authorize the funds necessary to continue their road improvement projects. As they spend more and more time, stuck in traffic waiting to return home to their families, they wonder, ''Why Congress has not acted?'' They wonder, ''Why is ISTEA stuck in traffic, as well?''

While Congress has been unable to finish the job of passing the highway bill in a swift manner, there has been several Members of this body that have worked tirelessly to move this legislation forward. I am grateful, on behalf of the citizens of Missouri, for the work that has been done on this bill to ensure a fair return to Missourians for the kind of contribution that they make to the highway trust fund. I especially thank the senior Senator from Missouri, KIT BOND, for his irreplaceable effort in this battle. No Senator in this Chamber, in my judgment, has made a more conscientious and consistent effort to make sure that there was fairness in the allocation of these highway resources than Senator KIT BOND. Without his work, our current debate would not be to make sure the road construction continues unimpeded but to get it started again.

To me, the issue is clear, and it has been clear throughout the entire debate. When a Missourian fills a gas tank and pays 4.3 cents in Federal fuel taxes, that money should go to improving roads rather than paying for additional Federal spending on some social program in a distant State. That is another improvement that this bill reflects, putting highway taxes back into the highway trust fund.

I think the decision, which involved both the authorizing committee and the Budget Committee, to dedicate the 4.3 cent fuel tax to highways is a good one, and I am pleased to support that aspect of this bill. When this is all

over, Missourians will now see a 91 cent return on each dollar as opposed to a dismal 80 cents that it received under the former funding scheme. Under the formula that was passed out of the Environment and Public Works Committee, Missouri will receive $3.6 billion compared to $2.4 billion that Missouri received over the last 6 years of the 1991 highway bill. Missouri's average allocation per year would be around $600 million as opposed to around $400 million that the State received under the old bill. I believe this allocation of highway trust money to the development and construction of highways is appropriate. I would add that this is not taking from other Government programs. This is the allocation of highway trust money for highways. Uniquely, we are beginning to get to the place where we focus resources that we take from people who use the highways on the highways. That is a major benefit. Although, I would like to see a 100 percent return on Missouri's investments, I appreciate the advancements made over the last few days. Also, I am committed to working with the Budget Committee to see that these additional funds are offset so we can stay within the budget caps that were approved by this Congress last session.

Regrettably, we were unable to resolve these issues and a number of other concerns during the First Session. In order to continue funding to the states for their highway needs, Senator BOND authored the six month extension plan while ensuring that Missouri receives its fair share of highway dollars. The six month extension is scheduled to end April 30, of this year. I have recently received word from the Missouri Department of Transportation that their last bidding process for road construction contracts will be in March.

I would like to share with you some of the long term projects that are in jeopardy because of our failure to act expeditiously. These are all top priorities for the Missouri Department of Transportation. ''The replacement or rehabilitation of seven bridges on Interstate 70 in the St. Louis area. A new exit on Route 40 in St. Charles County to Chesterfield Airport Road.'' Here is a few not to far from my home in Southwest Missouri the, ''Widening to five lanes of Route 71 in Newton County. Rehabilitation of the Interstate 44 bridge at Route 50 in Franklin County. Widen and resurface 3 miles of Route 39 in Barry County.'' The list goes on.

Mr. President, federal funds make up about seventy percent of all funding for road and bridge construction in Missouri. With seventy percent of the funds hanging in uncertainty the Department of Transportation must end the bidding process. As the State of Missouri stops issuing construction contracts, contractors stop asking their employees to come to work.

In order to put this into perspective I would like to share with you an e-mail that I received from one of my constituents from St. Louis, Missouri. This constituent has been in the road construction industry for nearly thirty years. He writes,

> . . . We the construction workers, have always strived to produce quality, on time projects. You, the U.S. Senate have failed once again to provide those needed funds in any sort of timely manor . . . I received a notice on January 22, 1998 that the Missouri Department of Transportation was going to cancel all future lettings after March 1998. I wish I could make you understand the devastating effect this will have on the Missouri Construction Industry, it's workers and the many related and non-related industries in our state.
>
> I was hoping to be contacting you regarding a better allocation of those tax dollars back to Missouri to better represent the amounts paid into the trust fund, I now find myself doubting if there will be any authorization at all . . .

I do understand. I am grateful for the words of insight that I have received from my constituents.

I quickly would like to address one more issue. This is the amendment that was voted on yesterday to take away State highway funds if they do not establish a blood alcohol content of .08 for drunk-driving violations. I opposed this amendment, not because I do not abhor drunk driving. Far too many of us have lost loved ones as a result of this tragedy. However, I believe States are in the best position to make the decision on the most effective way to eliminate drunk driving. The 'stick' approach offered in the amendment was rejected by the 104th Congress, when we repealed the Federal speed limit. I believe the 'carrot' approach, contained in the safety provisions of this bill—which provides a .08 option—is the appropriate method to allow States the freedom to establish comprehensive programs to discourage drunk driving. That is why the National Governors Association, the National Association of Governors' Highway Safety Representatives, the National Conference of State Legislatures, the National Association of Counties, and the American Association of State Highway and Transportation Officials support the safety provisions contained in the bill, rather than the amendment offered by the Senator from New Jersey.

The people of Missouri gave me the privilege of serving them in this body. We would be derelict in our responsibility to them and the people of this great country, if one person lost their job because of our failure to act. I urge the Senate to once again avert the continued loss of time to our families, the loss of funds to our states and the loss of jobs for our workers, and quickly pass a long term ISTEA bill.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 9, 1998, the federal debt stood at $5,523,019,454,633.25 (Five trillion, five hundred twenty-three billion, nineteen million, four hundred fifty-four thousand, six hundred thirty-three dollars and twenty-five cents).

Five years ago, March 9, 1993, the federal debt stood at $4,209,676,000,000 (Four trillion, two hundred nine billion, six hundred seventy-six million).

Ten years ago, March 9, 1988, the federal debt stood at $2,485,526,000,000 (Two trillion, four hundred eighty-five billion, five hundred twenty-six million).

Fifteen years ago, March 9, 1983, the federal debt stood at $1,222,370,000,000 (One trillion, two hundred twenty-two billion, three hundred seventy million).

Twenty-five years ago, March 9, 1973, the federal debt stood at $455,698,000,000 (Four hundred fifty-five billion, six hundred ninety-eight million) which reflects a debt increase of more than $5 trillion—$5,067,321,454,633.25 (Five trillion, sixty-seven billion, three hundred twenty-one million, four hundred fifty-four thousand, six hundred thirty-three dollars and twenty-five cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

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

REPORT ENTITLED ''THE 1996 ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES''—MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Environment and Public Works.

To the Congress of the United States:

I transmit herewith the 1996 Annual Report on Alaska's Mineral Resources, as required by section 1011 of the Alaska National Interest Lands Conservation Act (Public Law 96–487; 16 U.S.C. 3151). This report contains pertinent public information relating to minerals in Alaska gathered by the U.S. Geological Survey, the U.S. Bureau of Mines, and other Federal agencies.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998*.

REPORT CONCERNING FEDERAL CLIMATE CHANGE PROGRAMS AND ACTIVITIES—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with section 580 of the Foreign Operations, Export Financing, and Related Agencies Appropriations Act, 1998, I herewith provide an account of all Federal agency climate change programs and activities.

These activities include both domestic and international programs and activities directly related to climate change.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 10, 1998*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 347. An act to designate the Federal building located at 61 Forsyth Street, S.W., in Atlanta, Georgia, as the ''Sam Nunn Atlanta Federal Center.''

H.R. 595. An act to designate the Federal building and United States courthouse located at 475 Mulberry Street in Macon, Georgia, as the ''William Augustus Bootle Federal Building and United States Courthouse.''

H.R. 3116. An act to address the Year 2000 computer problems with regard to financial institutions, to extend examination parity to the Director of the Office of Thrift Supervision and the National Credit Union Administration, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 10, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 347. An act to designate the Federal building located at 61 Forsyth Street, S.W., in Atlanta, Georgia, as the ''Sam Nunn Atlanta Federal Center.''

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Final Report entitled ''Investigation of Illegal Or Improper Activities In Connection With 1996 Federal Election Campaigns'' (Rept. No. 105–167).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 1733. A bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON:

S. 1734. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1735. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as authorized by Public Law 102–541, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

By Mr. ROBB:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel BETTY JANE; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself, Mr. KERREY, Mr. NICKLES, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BREAUX, Mr. LOTT, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. THURMOND, Mr. MURKOWSKI, Mr. BOND, Mr. LUGAR, Mr. ASHCROFT, Mr. DEWINE, and Mr. ABRAHAM):

S. 1737. A bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners; to the Committee on Finance.

By Mr. ABRAHAM:

S. 1738. A bill to amend the National Sea Grant College Program Act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself and Mr. ROCKEFELLER):

S. 1739. A bill to establish a commission, under the aegis of the National Science Foundation, to review and propose recommendations for assuring United States leadership in science and mathematics; to the Committee on Labor and Human Resources.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1740. A bill to amend the Communications Act of 1934 to improve the protections against the unauthorized change of subscribers from one telecommunications carrier to another, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. HUTCHISON:

S. Res. 194. A resolution designating the week of April 20 through April 26, 1998, as ''National Kick Drugs Out of America Week''; to the Committee on the Judiciary.

S. Res. 195. A bill designating the week of March 22 through March 28, 1998, as ''National Corrosion Prevention Week''; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mrs. FEINSTEIN):

S. Con. Res. 82. A concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM):

S. Con. Res. 83. A concurrent resolution remembering the life of George Washington and his contributions to the Nation; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 1733. A bill to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP FRAUD PREVENTION ACT

Mr. LUGAR. Mr. President, I rise today to introduce a bill to combat fraud and waste in the food stamp program—in this case, the fraud and waste results from deceased individuals being counted as food stamp recipients. At my request, the General Accounting Office (GAO) has recently completed an inquiry into groups of ineligible persons being counted as food stamp recipients. In the report being released today, GAO reported that 26,000 deceased individuals in four states were on the food stamp rolls. My bill will require the Social Security Administration to share information from its Death Master file with state food stamp agencies to verify that no deceased individuals are counted as members of food stamp households, either increasing a households' benefits or allowing an individual to illegally receive benefits in the deceased person's name.

Last year, GAO reported to the Agriculture Committee that over $3 million in food stamp benefits were being overpaid to prisoners' households. In response, we passed legislation to stop prisoners from receiving payments. In follow-up to the prisoner study and legislation, I requested that GAO determine if other ineligible individuals were similarly being counted as members of food stamp households. Today

GAO will release the details of their study showing that, over a 2-year period, about 26,000 deceased individuals in the four states examined (California, Texas, New York, and Florida) were counted as members of food stamp households. According to GAO, this resulted in overpayments of food stamp benefits of an estimated $8.6 million in four states alone.

Current law requires that households notify their local welfare office of any changes in the makeup of the household within ten days. The GAO report showed that the deceased individuals were counted in food stamp households for an average of four months; and, in a few instances, the deceased individuals were counted as beneficiaries for the full two years the review was conducted. This is unacceptable particularly since this type of fraud can easily be prevented.

Mr. President, one federal agency has the information to prevent this fraud and abuse, but is not sharing it with other agencies issuing federal benefits. The Social Security Administration (SSA) has a Death Master File that compiles death information from a wide variety of sources and is considered the most comprehensive list of death information available in the federal government. According to the GAO, a match using SSA's Death Master File information could be a cost-effective method for identifying such individuals in food stamp households and eliminating these overpayments. States already rely on the SSA to verify the social security numbers of food stamp applicants. Therefore, a system already exists in one branch of the federal government that, with some modifications, could stop these overpayments.

Although the Social Security Administration agrees that a portion of their death information can be shared with the states and the Department of Agriculture for food stamp program purposes, in SSA's comments to GAO it does not believe it has the authority, under current law, to share all of the death information. Therefore, I am introducing legislation that will require the Commissioner of SSA to establish cooperative arrangements with each state agency that administers the food stamp program that will allow the sharing of all death data. My bill then requires the food stamp program to provide the information necessary for the Commissioner to verify that no deceased individual is being counted as part of a food stamp household.

The Food Stamp program provides a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program. Integrity is essential to ensure a program that can serve those in need. It is Congress' responsibility to play a role in ending fraud and abuse in all federally funded programs. This legislation is an important step in ending fraud and abuse in the Food Stamp program.

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

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

S. 1733

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

SECTION 1. NOTIFICATION OF CERTAIN STATE AGENCIES BY COMMISSIONER OF SOCIAL SECURITY OF DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following:

''(8)(A) The Commissioner shall establish a cooperative arrangement with each State agency that administers the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(B) Under the arrangement in subparagraph (A), the State agency shall provide information to the Commissioner, in such form and manner as the Commissioner determines necessary, regarding individuals receiving benefits under the food stamp program.

''(C) The Commissioner shall compare information received under subparagraph (B) with information obtained under paragraph (1) and notify the State agency of the individuals who are deceased.

''(D) An arrangement under subparagraph (A) shall meet the requirements of paragraph (3)(A).''.

(b) REPORT.—Not later than 180 days, 1 year, and 18 months after the date of enactment of this Act, the Commissioner of Social Security shall submit a report regarding the progress and effectiveness of the cooperative arrangements established with State agencies under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(c) AMENDMENT OF INTERNAL REVENUE CODE OF 1986.—Clause (ii) of subparagraph (B) of section 6103(d)(4) of the Internal Revenue Code of 1986 (relating to the availability and use of death information) is amended by inserting ''or, in the case of a food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), State agency'' after ''agency''.

SEC. 2. PROVISION OF INFORMATION TO ENSURE NONISSUANCE OF FOOD STAMP COUPONS FOR DECEASED INDIVIDUALS.

Section 11(e)(20) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(20)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) to provide such information to the Commissioner of Social Security as the Commissioner determines is necessary to enable the Commissioner to use the information provided under the arrangement established under section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)) to verify and otherwise ensure that coupons are not issued for deceased individuals;''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. WARNER (for himself and Mr. ROBB):

S. 1735. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as authorized by Public Law 102–541, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

LONGSTREET'S FLANK ATTACK LEGISLATION

Mr. WARNER. Mr. President, I rise today to introduce legislation which will preserve a site of great historical importance. The legacy of Civil War battlefields must be perpetuated, not only to commemorate those who lost their lives in this tragic epoch, but also to consecrate land upon which some of our country's finest strategic maneuvers occurred. On the hallowed land of Wilderness, VA occurred one of the greatest tactical stratagems in military history. Snatching the initiative to turn the tide of battle, Lt. Gen. James A. Longstreet, under the command of Gen. Robert E. Lee, forced back Union forces directed by Gen. Ulysses S. Grant, in an advance known as ''Longstreet's Flank Attack.''

Mr. President, this legislation will allow the Park Service to acquire this stretch of land, which will serve to complete Wilderness Battlefield. The legacy of the Civil War is far-reaching. A war which wrought such destruction has been the source of much fascination for scholars and amateur historians. The Battle of Wilderness is legendary for the tactical skills employed and the caliber of the soldiers who fought. There, among the tangled forests and twisted undergrowth, the Union Army, numerically superior and well supplied, were forced into confrontation with General Lee's hard-scrabble Confederate troops. It would be one of the last battles in which Lee's incomparable martial machine would force Grant's Army of the Potomac to withdraw. It is also the site of the wounding of General Longstreet, who, like Gen. Stonewall Jackson, was wounded by friendly fire. Though Longstreet's injury was not mortal, the genius of the cadre of officers under the command of Lee dwindled. Thus would begin the twilight of the Confederacy.

Legislation passed in the 102d Congress would have allowed the Park Service to acquire this land by donation. Despite numerous efforts, the Park Service has been unable to accomplish this. The legislation at hand would amend Public law 102–541 to allow the Park Service to procure the land by purchase or exchange as well as donation. The heritage and history which dwell amongst the interlaced undergrowth of this land deserve our recognition. I look forward to the swift passage of this bill.

By Mr. ROBB:

S. 1736. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel *Betty Jane*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

Mr. ROBB. Mr. President, I am introducing a bill today to authorize the Coast Guard to issue the appropriate endorsement for the vessel *Betty Jane* Virginia Registration number VA 7271 P to engage in the coastwise trade and fisheries. This legislation is necessary to resolve an issue regarding official documentation of the *Betty Jane*'s chain of title.

The *Betty Jane* was built in the United States in Deltaville, Virginia by an American private boat builder in 1970. It is a 36-foot wood hull, in-board gas propulsion boat, which is planned to be used for the excursion tourboat trade. The builder and the only former boat owner are deceased. The lack of an appropriate affidavit from these persons has left a gap in the chain of title of the vessel. The Coast Guard has informed the owner of the *Betty Jane* that if the gap is left unresolved, a coastwise endorsement cannot be issued for the vessel, even though the present owner is a U.S. citizen, the only former owner was a U.S. citizen, and the vessel was built in the United States.

The Congress passes a number of these technical bills every year. I'm introducing this bill today so that the Senate Commerce Committee may act upon it with the upcoming coastwise bill this session.

By Mr. MACK (for himself, Mr. KERREY, Mr. NICKLES, Mr. CONRAD, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. BREAUX, Mr. CRAIG, Mr. COVERDELL, Mr. MCCONNELL, Mr. THURMOND, Mr. MURKOWSKI, Mr. BOND, Mr. LUGAR, Mr. ASHCROFT, Mr. DEWINE, and Mr. ABRAHAM):

S. 1737. A bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners; to the Committee on Finance.

THE TAXPAYER CONFIDENTIALITY ACT OF 1998

Mr. MACK. Mr. President, I rise to introduce the Taxpayer Confidentiality Act of 1998. This bill corrects an inequity in the way that taxpayers are treated by the IRS. Under current law, communications between taxpayers and their lawyers concerning tax advice can often be protected from disclosure to the IRS by the common law attorney-client privilege.

Many taxpayers choose to obtain their tax advice from practitioners who are not attorneys. Under federal law, there are other categories of tax practitioners to whom these taxpayers can turn for tax advice—certified public accountants, enrolled agents, enrolled actuaries, and attorneys providing advice in the role of a tax practitioner. These tax practitioners are subject to federal regulation, and are authorized to provide tax advice and to represent taxpayers before the IRS.

But under current law, communications with these other tax practitioners cannot be protected from disclosure to the IRS by a client privilege. The very same words on the very same piece of paper that would be beyond the reach of the IRS if they were the advice of an attorney at law would have to be turned over to the IRS if they came from a certified public accountant or an enrolled agent. This is an unfair penalty to impose on a taxpayer based on their choice of tax advisor, particularly since many taxpayers do not have the financial resources to hire legal counsel.

The Taxpayer Confidentiality Act of 1998 fixes this unjust situation, and provides taxpayers with the confidence of knowing that their tax advice communications with any federally-authorized tax practitioners are afforded equal confidentiality protections in dealings with the IRS.

This bill does not unduly restrict the ability of the IRS to gather information. The IRS will still be able to discover the facts. The taxpayer can protect from disclosure only tax advice communications that would be protected by the attorney-client privilege if the advisor were acting as an attorney. The client privilege extends only to communications and does not cover the taxpayer's business records. Also, courts have widely held that information used to prepare a tax return is not subject to a privilege and thus, under the Act, would remain subject to disclosure.

The bill will not hinder criminal investigations and prosecutions, as taxpayers can assert the privilege only in noncriminal matters before the IRS and noncriminal judicial proceedings arising from these matters. And existing exceptions to the attorney-client confidentiality privilege would also apply to the protections under the bill. Thus, communications in the furtherance of a crime or a fraud would not be protected.

And the bill does not affect the ability of anyone other than the IRS—including other federal or state agencies, and private individuals involved in civil litigation—to obtain access to information that they have the right under current law to obtain. It is just a narrowly-tailored, common-sense solution to the problem of treating taxpayers differently based on the tax advisor they employ. Taxpayers should have a right to privacy in the tax advice they receive from qualified tax practitioners.

The Taxpayer Confidentiality Act of 1998 does not modify the attorney-client privilege in any way, and does not expand the authority of federally-regulated tax practitioners in any way. It merely provides equal treatment for all taxpayers who receive tax advice from federally-authorized sources. The Act curbs unwarranted IRS intrusiveness, and must be included in our IRS reform efforts.

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

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

S. 1737

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Taxpayer Confidentiality Act of 1998''.

SEC. 2. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE TO TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7525. UNIFORM APPLICATION OF CONFIDENTIALITY PRIVILEGE TO TAXPAYER COMMUNICATIONS WITH FEDERALLY AUTHORIZED PRACTITIONERS.

''(a) GENERAL RULE.—With respect to tax advice, the same common law protections of confidentiality which apply to a communication between a taxpayer and an attorney shall also apply to a communication between a taxpayer and any federally authorized tax practitioner if the communication would be considered a privileged communication if it were between a taxpayer and an attorney.

''(b) LIMITATIONS.—Subsection (a) may only be asserted in—

''(1) noncriminal tax matters before the Internal Revenue Service, and

''(2) noncriminal proceedings in Federal courts with respect to such matters.

''(c) FEDERALLY AUTHORIZED TAX PRACTITIONER.—For purposes of this section, the term 'federally authorized tax practitioner' means any individual who is authorized under Federal law to practice before the Internal Revenue Service if such practice is subject to Federal regulation under section 330 of title 31, United States Code.''

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

''Sec. 7525. Uniform application of confidentiality privilege to taxpayer communications with federally authorized practitioners.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. ABRAHAM:

S. 1738. A bill to amend the National Sea Grant College Program act to exclude Lake Champlain from the definition of the Great Lakes, which was added by the National Sea Grant College Program Reauthorization Act of 1998; to the Committee on Commerce, Science, and Transportation.

GREAT LAKES LEGISLATION

Mr. ABRAHAM. Mr. President, I rise today to introduce legislation to reverse the recent designation of Lake Champlain as a ''Great Lake.''

Mr. President, I was extremely pleased to be an original cosponsor of the Sea Grant College Program Act, an important piece of legislation which supplies crucial funding for programs targeted at zebra mussel research and control. This Act is extremely important to the Great Lake states, which suffer considerably from zebra mussel infestation.

Late last year, the Sea Grant College Program Act was amended to allow

Vermont Universities to apply for grants related to zebra mussel programs. This amendment, which designated Vermont's Lake Champlain a Great Lake, was never offered in Committee for consideration. Nor was it shared with the Great Lakes Task Force, whose Members would have been very interested in reviewing it.

This was unfortunate, Mr. President, because that Lake Champlain suffers greatly from zebra mussel infestations and needs help. Let me make clear, I am not opposed to allowing Vermont Universities to apply to the Sea Grant program. Lake Champlain has a very real zebra mussel problem and it should be addressed. Michiganians can understand and empathize with Vermont's efforts to battle this invader.

However, I am troubled by the approach taken to achieve funding for zebra mussel programs in Vermont. Rather than asking for language which would specifically allow Vermont Universities to apply for Sea Grant dollars, the definition of a Great Lake was changed to include Lake Champlain when, clearly, it is not. Lake Ontario, covering over 7,300 square miles, is the smallest of the Great Lakes. It is almost 17 times the size of Lake Champlain and twice as deep. Lake Superior, the largest of the Great Lakes, is over 70 times the size of Lake Champlain. Clearly Vermont's lake is not a member of this elite class.

For that reason, Mr. President, I have introduced this legislation to reverse the designation of Lake Champlain as a Great Lake. I would support language that specifically allows Vermont to apply for Sea Grant assistance, but I cannot agree to language changing the definition of a Great Lake, even for such a limited purpose. Notwithstanding assurances to the contrary, I believe such an action could lead to a host of unintended consequences and even serve as the basis for states outside the region to push for participation in a number of substantial Great Lakes issues. In addition, I oppose defining Lake Champlain as a Great Lake in the interest of clarity and truth. To call Lake Champlain a Great Lake is sheer nonsense.

The legislation I have introduced will amend the definition to state that only the Great Lakes, Superior, Michigan, Huron, Erie and Ontario are to be defined as Great Lakes. I hope that we can resolve this soon and put this entire matter to rest.

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

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

S. 1738

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

SECTION 1. DEFINITION OF GREAT LAKES FOR NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended in paragraph (5), as added by section 4(a)(3) of the National Sea Grant College Program Reauthorization Act of 1998, by striking ''includes Lake Champlain'' and inserting ''applies to Lake Superior, Lake Michigan, Lake Huron, Lake Erie and Lake Ontario''.

By Mr. FRIST (for himself and Mr. ROCKEFELLER):

S. 1739. A bill to establish a commission, under the aegis of the National Science Foundation, to review and propose recommendations for assuring United States leadership in science and mathematics; to the Committee on Labor and Human Resources.

THE NATIONAL COMMISSION FOR SCIENCE AND MATHEMATICS LEADERSHIP ACT

Mr. FRIST. Mr. President, I rise today to announce the establishment of the National Commission for Science and Mathematics Leadership. This effort is a direct result of the United States' devastating performance of 12th grade students on the recently released Third International Mathematics and Science Study (TIMSS), the most comprehensive and rigorous comparison of quantitative skills across nations. If we, as a nation, are going to continue to be global leaders in the new knowledge-based economy, we must first re-evaluate our current failures in our classrooms. I concur with Secretary Daley when he stated, ''These results are entirely unacceptable.''

TIMSS was designed to constructively assess the students' knowledge of mathematics and science needed to function effectively in society as adults. American 12th graders were outperformed in mathematics and science literacy by their counterparts in 12 of 20 countries, and only faired better than 2, Cypress and South Africa. In advanced mathematics and physics, no country performed more poorly. We simply cannot accept the conclusion of this study without considering its consequences on our entire educational system.

The 4th grade TIMSS measurement indicated that the American students are well above the international average in mathematics and very near the top in achievement in science. However, the United States Is the only country in TIMSS whose students dropped in ranking from above average in mathematics at the fourth grade level to slightly below average performance at the eighth grade. And it only gets worse. Why does this drop-off occur? American students start out equal with or ahead in basic skills and steadily decline the longer they stay in school, compared with the students of our country's main trading partners.

Our children cannot afford to be illiterate in mathematics and science. The rapidly changing American society demands skills requiring mathematics, science, and technology. Information Technology, perhaps the fastest growing sector of our economy with 90% of new jobs, relies on more than basic high school literacy in mathematics and science.

The National Commission on Science and Mathematics Leadership is a first step toward improving our current educational system. It is a solid commitment from Congress to establish a core of national experts to review and propose recommendations for assuring leadership in science and mathematics training in the United States. Furthermore, using TIMSS as a comprehensive and valuable tool, the Commission, in coordination with the National Academy of Sciences, will analyze the results of this international study to better our schools, and more importantly, the future of our children.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleague Senator FRIST in introducing legislation to authorize the National Science Foundation to form a commission to review and propose recommendations for assuring the United States leadership in science and mathematics. This bill would require the formation of a 12 member commission of experts in the field of science and mathematics education. The commission is charged with reviewing the recently released Third International Mathematics and Science (TIMSS) study results, along with whatever other relevant information they need to assess the state of science and mathematics education in the United States, and reporting back to Congress with a set of recommendations for implementation by public and private agencies; these recommendations would serve to allow United States students to become preeminent among the nations of the world.

As everyone in the Senate knows, I have been a long and ardent supporter of education. That is why I read with such dismay the recent TIMSS study results which show United States students behind every major industrialized nation in the study. This is an unacceptable situation. The United States' economy is becoming increasingly dependent on high-technology, information management, and intellectual ability rather than raw materials, natural resources and muscle power. It is imperative that our high-school graduates—whether they go on to college, post-secondary technical training, or move straight into the workforce—have a solid foundation of science and mathematics education. A recent study suggests that 60 percent of positions require some sort of computer skills, while only 22 percent of today's workers have applicable skills. We can not let this inequality continue to future generations.

Unfortunately the TIMSS study results show that we are setting up our students to fail. We need to identify, and work diligently to implement, means to correct this situation. The commission formed by this bill is a needed first step. I encourage my colleagues to support this bill.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 1740. A bill to amend the Communications Act of 1934 to improve the

protections against the unauthorized change of subscribers from one telecommunications carrier to another, and other purposes; to the Committee on Commerce, Science, and Transportation.

THE TELEPHONE SLAMMING PREVENTION ACT OF 1998

Ms. COLLINS. Mr. President, today I am introducing a bill to curtail a fraudulent practice known as slamming—the unauthorized change of a customer's telephone service provider. Telephone slamming is a widespread and growing problem. In Maine, for example, slamming complaints to the local telephone company increased by 100% from 1996 to 1997. Nationwide, slamming is also the number one telephone-related complaint to the FCC. While the FCC received a total of more than 20,000 slamming complaints in 1997, a significant increase over the previous year, estimates from phone companies indicated that as many as one million people were slammed last year.

Last fall, the Permanent Subcommittee on Investigations, which I chair, undertook an extensive investigation of the slamming problem. On February 18th, I chaired a field hearing on slamming in Portland, Maine. My distinguished colleague, Senator RICHARD DURBIN, joined me at the hearing, and we heard first-hand from several consumers about the problems they experienced with telephone slamming.

At the Subcommittee hearing, Maine slamming victims explained how some long-distance companies used fraudulent or deceptive practices to change their telephone service. Witnesses used words such as ''stealing,'' and ''criminal,'' and ''break-in'' to describe practices employed by unscrupulous telephone companies to switch unsuspecting customers and boost profits.

One witness, Pamela Corrigan from West Farmington, Maine, testified that she was sent an unsolicited ''welcome package'' in the mail, which looked like the stacks of junk mail that we receive every day. However, this ''junk mail'' was not what it appeared to be. This ''welcome package'' automatically signed her up for a new long distance service unless she returned a card rejecting the change. She was amazed and appalled that it was possible for a company to change her long distance service simply because she did not respond that she did not want their service.

Another witness, Susan Deblois from Winthrop, Maine, testified that when she was slammed, her children were unable to use the 800 number she had for them to call home in case of an emergency.

Slamming not only affects families but also small businesses and communities. For example, Steve Klein, the owner of Mermaid Transportation Company in Portland, Maine, testified that his business phone lines, which are critical to his livelihood, were tied up for four days which he was slammed by a long-distance telephone reseller which falsely represented itself as AT&T.

Similarly, Ms. Corrigan, who is the town manager of Farmington, Maine, reported that the town's phone lines were also slammed. Simply put, Mr. President, no one is immune from this illegal activity.

Victims of slamming are frustrated. They are angry. They should not have to spend their time and energy resolving problems that are not of their own making. People rely on their home and business telephone service, and they should be able to choose their own long-distance company without fear that their decision will be changed without their consent.

Deliberate slamming is like stealing and should not be tolerated. The FCC must step up enforcement efforts to make sure that existing laws and regulations are followed by telephone companies, and Congress must act to strengthen penalties to halt this pernicious practice.

The comprehensive legislation that I am introducing today, along with my colleague Senator DURBIN, will attack the problem of slamming from all sides.

First, the bill gets tough with those who engage in deliberate slamming. It would increase civil penalties and establish new criminal penalties for intentional slamming. Specifically, civil penalties would be increased to a minimum of $50,000 for the first slamming offense and $100,000 for a subsequent offense.

Criminal penalties would be established for intentional slamming, the same as those for any other federal crime: a maximum of $100,000 and one year imprisonment for a misdemeanor and $250,000 and five years imprisonment for a felony. In addition, anyone convicted of intentional slamming will be disqualified from being a telecommunications service provider. The bill would also allow the states to bring action in federal court against slammers on behalf of its residents, a provision suggested by Senator DURBIN.

Second, our legislation increases consumer protection. It would give control back to consumers by taking the financial incentive away from companies that engage in slamming. Rather than paying the slamming company, consumers could pay their original carrier at their previous rate. It would further protect consumers by eliminating the so-called ''welcome package'' method of verification, a favorite tool of slammers, which is misused and deceptive.

Third, the bill strongly encourages the FCC to step up its enforcement efforts against slamming. It would require local telephone companies to report a summary of slamming complaints to the FCC for further investigation, and it would require the FCC to report to Congress on its enforcement actions against slammers.

Finally, the legislation would require the FCC to report to Congress on whether or not its current procedures contain sufficient safeguards to prevent unscrupulous telecommunications providers from receiving an FCC license in the first place.

Mr. President, consumers have lost control over their telecommunications service to unscrupulous providers. The Collins-Durbin legislation would go a long way toward halting slamming. I urge my colleagues to join me in the fight against slamming by co-sponsoring the ''Telephone Slamming Prevention Act of 1998.''

For the information of all my colleagues, I ask unanimous consent to include in the RECORD a detailed summary of the provisions contained in this comprehensive anti-slamming bill.

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

SUMMARY OF TELEPHONE SLAMMING PREVENTION ACT OF 1998

(1) *Clarification of Verification Procedures:* The bill amends current law, which allows the FCC to determine the verification procedures that telecommunications carriers can use when executing a change in subscriber service, to place some restrictions on the approved verification methods. Specifically, this provision will eliminate the ''welcome package'' method of verification. It will still allow the FCC to determine the appropriate forms of verification and the time and manner in which such verification must be retained by carriers.

(2) *Liability for Charges:* The bill also allows subscribers who have been slammed, and who have not yet paid their telephone bill to the unauthorized carrier, to pay their original carrier for their phone usage, at the rate they would have been charged by their original carrier. The provision will not change existing law and FCC regulations that make the slamming carrier liable to the original carrier for any charges it collects from a slammed subscriber. This provision is designed to take away the financial incentive for slamming.

(3) *Additional Penalties:* The bill also increases the civil penalties for slamming and creates criminal penalties.

The civil penalties provision will require the FCC to assess a minimum of $50,000 for the first slamming offense, and $100,000 for any subsequent offense, unless the Commission determines that there are mitigating circumstances. Currently, the penalty typically assessed by the FCC is only $40,000 for each offense.

In addition, this provision will allow the Commission, at its discretion, to assess civil penalties against carriers that make unauthorized carrier changes on behalf of their agents or resellers. It will require the Commission to promulgate regulations on the oversight responsibilities of the underlying facilities-based carriers for their agents or resellers. This will make it clear to carriers, who sell access to their telephone lines, that they have some responsibility for the actions of their agents or resellers.

Currently, slamming is not a crime. The criminal penalties provision will make intentional slamming a misdemeanor for the first offense (not more than one year imprisonment), and a felony for subsequent intentional slamming offenses (not more than five years imprisonment). Criminal fines for intentional slamming are the same as those for any other federal crime: a maximum of

$100,000 for a misdemeanor and $250,000 for a felony. In addition, anyone convicted of the crime of intentional slamming will not be allowed to be a telecommunications service provider, and any company substantially controlled by a person convicted of intentional slamming will also be disqualified from providing such services. After five years, however, the FCC shall have the option to reinstate such individuals or companies disqualified under this provision, if it is in the public interest to do so.

(4) *State Actions:* The bill gives the states the right to take action against slammers on behalf of its residents, and makes it clear that nothing in this section preempts the states from taking action against intra-state slammers. This provision is necessary because some state supreme courts have ruled that FCC regulatory authority preempts the states from acting in this area.

(5) *Reports on Slamming Complaints:* The bill requires all telecommunications carriers, including local exchange carriers, to report on the number of subscriber slamming complaints against each carrier. The provision allows the FCC to determine how often these reports would have to be submitted. This provision would *not* require carriers to refer complaints on an individual basis, only a summary report that could be used by the FCC to determine which companies are engaging in patterns and practices of slamming.

(6) *FCC Report on Slamming and Enforcement Actions:* The bill establishes a requirement that FCC submit a report to Congress on its slamming enforcement actions. The FCC already provides this information in its Common Carrier Scorecard, so this provision does not establish a new report. It is designed to make it clear to the FCC that Congress considers slamming enforcement important.

(7) *FCC Report on Adequacy of FCC License Process:* This bill requires the FCC report to Congress on whether current licensing requirements and procedures are sufficient to prevent fraudulent telecommunications providers from receiving an FCC license. Currently, the FCC does not review telecommunications provider applications prior to issuing FCC licenses, allowing fraudulent companies into the telecommunications marketplace.

ADDITIONAL COSPONSORS

S. 238

At the request of Mr. GRAMS, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 238, a bill to amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 1312

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 1312, a bill to save lives and prevent injuries to children in motor vehicles through an improved national, State, and local child protection program.

S. 1571

At the request of Mr. MCCAIN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1571, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 1638

At the request of Mr. CONRAD, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1638, a bill to help parents keep their children from starting to use tobacco products, to expose the tobacco industry's past misconduct and to stop the tobacco industry from targeting children, to eliminate or greatly reduce the illegal use of tobacco products by children, to improve the public health by reducing the overall use of tobacco, and for other purposes.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from North Carolina [Mr. HELMS], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

SENATE RESOLUTION 155

At the request of Mr. LOTT, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 155, a resolution designating April 6 of each year as ''National Tartan Day'' to recognize the outstanding achievements and contributions made by Scottish Americans to the United States.

SENATE RESOLUTION 187

At the request of Mr. MACK, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of Senate Resolution 187, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 193

At the request of Mr. REID, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Nebraska [Mr. KERREY], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Resolution 193, a resolution designating December 13, 1998, as ''National Children's Memorial Day.''

AMENDMENT NO. 1709

At the request of Mr. MCCAIN his name was added as a cosponsor of Amendment No. 1709 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1710

At the request of Mr. MCCAIN his name was added as a cosponsor of Amendment No. 1710 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1766

At the request of Mr. MURKOWSKI the names of the Senator from Virginia [Mr. ROBB] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of Amendment No. 1766 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 82—RELATIVE TO A VIOLATION OF FUNDAMENTAL HUMAN RIGHTS

Mr. WELLSTONE (for himself and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 82

Whereas one of the fastest growing international trafficking businesses is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

Whereas trafficked women are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will;

Whereas the President, the First Lady, the Secretary of State, and the President's Interagency Council on Women have all identified trafficking in women as a significant problem and are working to mobilize a response;

Whereas the Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women at risk to traffickers, and to take measures to dismantle the national, regional, and international networks in trafficking;

Whereas the United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution in 1996 calling upon all governments to criminalize trafficking in women and girls in all its forms and penalize all those offenders involved, while ensuring that the victims of these practices are not penalized; and

Whereas numerous treaties to which the United States is a party address government obligations to combat trafficking and the abuses inherent in trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and not to make use of any form of forced or compulsory labor: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders involving deception, coercion or force, abuse of authority, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation such as forced prostitution, sexual slavery, battering and extreme cruelty, sweatshop labor or exploitative domestic servitude;

(2) trafficking also involves one or more forms of kidnapping, false imprisonment, rape, battering, forced labor or slavery-like practices which violate fundamental human rights;

(3) to address this problem, the Department of Justice Office of Violence Against Women, with the cooperation of Immigration and Naturalization Service, should submit a report to Congress on—

(A) efforts to identify instances of trafficking into the United States within the last 5 years;

(B) the successes or difficulties experienced in promoting interagency cooperation, cooperation between local, State, and Federal authorities, and cooperation with nongovernmental organizations;

(C) the treatment and services provided, and the disposition of trafficking cases in the criminal justice system; and

(D) legal and administrative barriers to more effective governmental responses, including current statutes on debt bondage and involuntary servitude;

(4) in order to ensure effective prosecution of traffickers and the abuses related to trafficking, victims should be provided with support services and incentives to testify, such as—

(A) stays of deportation with an opportunity to apply for permanent residency, witness protection, relocation assistance, and asset forfeiture from trafficking networks with funds set aside to provide compensation due to victims of trafficking; and

(B) services such as legal assistance in criminal, administrative, and civil proceedings and confidential health care;

(5) the Secretary of State, in consultation with the Department of Justice Office of Violence Against Women, and nongovernmental organizations should—

(A) develop curricula and conduct training for consular officers on the prevalence and risks of trafficking and the rights of victims; and

(B) develop and disperse to visa seekers written materials describing the potential risks of trafficking, including—

(i) information as to the rights of victims in the United States, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(ii) the names of support and advocacy organizations in the United States;

(6) the Department of State and the European Union—

(A) are commended as to their joint initiative to promote awareness of the problem of trafficking throughout countries of origin in Eastern Europe and the independent states of the former Soviet Union; and

(B) should continue efforts to engage in similar programs in other regions and to ensure that the dignity and the human rights of trafficking victims are protected in destination countries;

(7) the State Department's Bureau for International Narcotics and Law Enforcement Affairs, together with the Department of Justice and the Department of the Treasury, should continue to provide and expand funding to support criminal justice training programs, which include trafficking; and

(8) the President's Interagency Council on Women should submit a report to Congress, not later than 6 months after the date of the adoption of this resolution, with regard to the implementation by the Secretary of State and the Attorney General of the duties described in this resolution.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President, the Secretary of State, and the Attorney General.

Mr. WELLSTONE. Mr. President, in honor of International Women's Day, I am submitting, along with my colleague Senator FEINSTEIN, legislation to curb a horrific practice: the forced or coerced trafficking of women and girls for the purposes of sexual exploitation. This resolution will effectively put Congress on record as opposing trafficking for forced prostitution and domestic servitude, and acting to check it before the lives of more women and girls are shattered.

One of the fastest growing international trafficking businesses is the trade in women. Women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves forced to work as prostitutes, or in sweat shops. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. Women and children whose lives have been disrupted by civil wars, or fundamental changes in political geography, such as the disintegration of the Soviet Union, have fallen prey to traffickers. The International Organization for Migration has said that as many as 500,000 women are annually trafficked into Western Europe alone.

Upon arrival in countries far from their homes, these women are often stripped of their passports, held against their will in slave-like conditions, and sexually abused. Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help. Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant fear of arrest and deportation, as well as of violent reprisals by the traffickers themselves, to whom the women must pay off ever-growing debts. Many brothel owners actually prefer foreign women—women who are far from help and home, and who do not speak the language—precisely because of the ease of controlling them.

Most of these women never imagined that they would enter such a hellish world, having traveled abroad to find better jobs or to see the world. Many in their naiveté, believed that nothing bad could happen to them in the rich and comfortable countries such as Switzerland, Germany, or the United States. Others, who are less naive but desperate for money and opportunity, are no less hurt by the trafficker's brutal grip.

One of the most disturbing trends in trafficking is the growing number of young women and children. For various reasons, including the AIDS epidemic, virgins are increasingly in demand and can fetch some of the highest prices in the international sex market. In the most extreme cases, criminals buy and sell children as if these children were mere objects or animals.

Trafficking rings are run by criminals often operating through nominally reputable agencies. Through entertainment companies, employment or marriage agencies, these criminals mislead and manipulate women. Lack of awareness of complacency among government officials, such as border and consular officers, contribute to the problem. Further, traffickers are rarely punished as official policies inhibit women from testifying against their traffickers, making forced prostitution highly profitable, low risk business ventures.

Last year, according to a report in the Washington Post, the FBI raided a massage parlor in downtown Bethesda, right next to Congress, right next to Washington, DC. The massage parlor was involved in the trafficking of Russian women into the United States. The eight Russian women who worked there, lived at the massage parlor, sleeping on the massage tables at night. They were charged $150 a week for ''housing'' and were not paid any salary, only receiving a portion of their tips.

Gillian Caldwell and her organization, Global Survival Network (GSN), conducted an extraordinary two-year investigation of the growing international transport of Russian women for prostitution. GSN found that trafficking networks in Russia charge women anywhere from $1,500 to $30,000 for their ''services'' in facilitating documentation, jobs, and transportation. A relationship of debt-bondage is created that the woman can never defeat.

Fortunately, the global trade in women and children is receiving greater attention by governments and NGOs

following the UN World Conference on Women in Beijing. The United Nations General Assembly has called upon all governments to criminalize trafficking, to punish its offenders, while not penalizing its victims. The President's Interagency Council on Women is working hard to mobilize a response to this problem. But, much, much more must be done.

Recognizing this worldwide problem, my resolution calls upon the State Department and the Department of Justice to increase their efforts to investigate and take action against international sex trafficking, and to report to Congress about their finding and steps taken to curb this problem. Further, it seeks to reduce incidences of trafficking and forced prostitution by making information available to warn at risk women and girls of the potential dangers they may face. Finally, it provides for training of consular officials, incentives for victims to testify against traffickers, and services for victims of trafficking.

This resolution strengthens the work of the President's Interagency Council on Women, and has the support of a broad array of organizations: Human Rights Watch, Global Survival Network, Ayuda, National Network on Behalf of Battered Immigrant Women, International Human Rights Law Group, Program for Appropriate Technology in Health, and the National Council on International Health.

I would like to thank the above organizations and agencies who helped craft this legislation. We must commit ourselves to ending the trafficking of women and girls and to building a world in which such exploitation is relegated to the dark past. I urge my colleagues to cosponsor this resolution, and I urge its timely passage. The President tomorrow will sign an Executive order which will also deal with this problem. We will work on passing the resolution, and also to make sure that this translates into legislative action.

Mr. President, it is absolutely unconscionable that this goes on in the world, including our country.

I will come to the floor later on with a blown-up map. But this is a sample of routes used to traffic women for prostitution from the Newly Independent States in the former Soviet Union, and all over the world. But also you see an arrow coming to the United States and to a lot of the European countries. It is just unconscionable that this is happening to women and to girls and essentially the international community has turned its gaze away from it.

It is important that we have cosponsors for this resolution and that we pass this concurrent resolution with an overwhelming vote. I look forward to the Senate and the House of Representatives working with the President on this matter.

I hope that we will get a strong vote for this resolution by the end of the week, an up-or-down vote, which, if we have a commitment to do so, I hope the administration will take the action on.

Finally, Mr. President, let me just thank Senator FEINSTEIN for working with me on this resolution.

Mr. President, I ask unanimous consent to have printed in the RECORD excerpts from this book entitled ''Crime and Servitude: An Expose of the Traffic in Women for Prostitution from the Newly Independent States, A report by the Global Survival Network, In Collaboration with the International League for Human Rights.''

Mr. President, I want these excerpts printed in the RECORD because I want history to show that for the first time the U.S. Senate is going to take a position on this issue. I want this included in the RECORD because I want history to show that for the first time the U.S. Senate is going to make it clear that we are not going to be silent when it comes to the most brutal treatment of women and girls throughout the world. These are all God's children, and we intend to take a strong position, and we intend to put the resolution into legislation and do everything we can to try to provide the protection for these women and these children.

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

CRIME AND SERVITUDE, AN EXPOSÉ OF THE TRAFFIC IN WOMEN FOR PROSTITUTION FROM THE NEWLY INDEPENDENT STATES

(A report by the Global Survival Network in collaboration with the International League for Human Rights)

PREFACE

The United Nations estimates that four million people are trafficked throughout the world each year, resulting in illicit profits to criminal syndicates of up to seven billion dollars annually. One of the fastest growing trafficking businesses is the sex trade.

This ground-breaking report details the findings of a two-year investigation by the Global Survival Network into the trafficking of women from Russia and the Newly Independent States for prostitution. Each day, thousands of women and girls are lured into the international sex trade with promises of a better life and a lucrative job abroad. These false promises are especially appealing to the scores of unemployed and underemployed women struggling to survive in impoverished regions and in societies facing post-Communist transition.

They are transported by bus, plane, and train to Europe, Asia, the Middle East, and North America, where they unexpectedly find themselves forced into cruel sexual exploitation. They may be forced to work for months or years without earnings, and many endure deep physical and psychological trauma as a result of their experience. In the worst of cases, they may lose not only their freedom but also their lives.

Trafficking has been recognized by the United Nations as a form of slavery and violence against women. It has also been condemned by numerous international human rights documents, including the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, the Declaration on the Elimination of Discrimination Against Women, and the Convention on the Rights of the Child.

Despite the many prohibitions against trafficking, international networks that market women and children for prostitution continue to thrive. Their success can be attributed to several factors, including the global economic trends, the declining socioeconomic status of women, the enormous profitability of the business, government inaction, and, in the most egregious circumstances, government complicity.

It will not be possible to address the growing problem of trafficking without the collaboration of state institutions and nongovernmental organizations, and both have their own challenges to meet. Governments must identify and remove corrupt public officials acting as accomplices of sex traders, and resist the pressure to attempt to address trafficking by restricting migration, which exacerbates the problem and leads to a violation of another fundamental human right, the freedom of movement.

For the human rights movement, trafficking extends beyond the familiar set of civil and political concerns. It is a multidimensional problem which demands comprehensive evaluation. Recommended responses must be informed by active cooperation between the traditional human rights community and the newer women's rights groups.

Moreover, because trafficking is a problem that transcends national borders, it demands a transnational response. Collaborative relationships must be formed between the ''sending countries'' of the former Eastern Bloc, Asia, Africa and Latin America, and ''receiving countries'' in the wealthier nations of North America and Western Europe.

This report was prepared for distribution at an international conference in Moscow on ''The Trafficking of NIS Women Abroad,'' coordinated jointly by Sysotri (Moscow), the Global Survival Network (Washington, D.C.), the International League for Human Rights (New York), and hosted at the Andrei Sakharov Foundation. This remarkable collaborative effort represents a critical first step toward developing cooperative and transnational relationships to address this massive violation of human rights.

Let us work together to eradicate this form of modern-day slavery, because no society is truly democratic until all human beings are guaranteed their rights to freedom, dignity, and equality.

Sincerely,

ANASTASIA POSADSKAYA-VANDERBECK, Ph.D.

I. A TESTIMONY FROM HELL

[Slavery is] the status or condition of a person over whom any or all of the powers attaching to right of ownership are exercised.—Slavery Convention, 1926.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.—Universal Declaration of Human Rights, 1948.

You cannot give them any [money]. It means that they will live in the States without any cash, without any money.—Russian Trafficker, 1996.

Every year, the trafficking of human beings for the sex trade puts hundreds of thousands of women at risk of losing their personal freedom, suffering physical and emotional harm, working in degrading and sometimes life-threatening situations, and being cheated of their earnings. Since the break-up of the Soviet Union, an increasing percentage of these women are from Russia and the Newly Independent States. Most of them never imagined that they would enter such a hellish world of crime and servitude, having traveled abroad to find better jobs or to see the world. Many, in their naivete, believed that nothing bad could happen to them in rich and comfortable countries such

as Switzerland, Germany, Japan, or the United States. Others, who were less naive but still desperate for money and opportunity, are equally affected by the cruel and unforgiving grip of traffickers.

Unfortunately, during the chaos of massive political, social, and economic change in Russia and the Newly Independent States, criminal elements have been able to establish themselves in the international business of trafficking women. Operating through nominally reputable employment agencies, entertainment companies, or marriage agencies, these criminals mislead and manipulate women, who become pawns in a vicious, illegal worldwide trade. In the most extreme cases, the criminals buy and sell women and children as if they were mere objects or animals.

Lena's story

To understand what it means to be a slave today, consider the case of ''Lena.''

Several years ago in the Russian Far East, 19-year-old Lena, seeking to travel and earn money, joined several other Russian women who had responded to a newspaper ad for a work and study program in China. ''They brought us the contracts that described all the conditions: medical insurance, housing, food, travel there and back,'' reported Lena.

The women were flown to Jukhai, China, where they studied cooking for a month. ''Everything seemed fine. Until they took our passports, in spite of the fact that the contract had a point that said that everybody should have their passports with them,'' she continued. ''Then they didn't return our passports. When we demanded them, they immediately and categorically told us '$15,000 for each passport.''' It soon became clear that the ''restaurant'' Lena had been hired to work in didn't exist, and none of the girls were being paid.

One of the girls in Lena's group, a 17-year-old, was purchased by a competing group, which paid $15,000 for her passport and transported her to Macau to work as a prostitute. From that point on, Lena and her friends endured beatings, imprisonment, and hunger. ''They began to withhold our monthly salaries. They locked us up without food and without money. There was a balcony...You could jump if you wanted to die.'' The Chinese bosses said they would give the girls their passports if they started to ''cooperate,'' which meant working in hotels, restaurants, and karaoke clubs as ''entertainers'' and prostitutes for Chinese men.

Lena and her friends eventually escaped. With little money and enraged by what had happened to them, they traveled to several Chinese cities and appealed without success to Russian consulates and Chinese city mayors for assistance to return home. ''At times we had to work like this: you're walking down the street, a car drives up, you agree that tonight you'll sit with them in a restaurant, karaoke, and they will pay you some money for it. Just like prostitution.'' The women met some Russian men who offered to help them return home in exchange for sexual favors. ''So that's how we worked for three months, to make some money to leave. We had to work in different places, some of them awful, when there was not even a penny in the wallet.''

Lena and the others finally managed to get back to Russia. At home now, Lena says she has a hard time trusting anyone and keeps a gun for protection. ''I sometimes have to turn to a psychiatrist to put myself back in place, because I became very jumpy. My health is ruined. I simply curse the day when my romantic notions made me decide, having trusted these people, to go see China,'' she concluded.

The investigation

Thousands of women from Russia and the Newly Independent States have endured such exploitation and slavery during recent years, yet their stories have been largely ignored by most law-enforcement agencies and governments. Unfortunately, as this report reveals, police agencies in receiving countries often minimize the extent of trafficking. And governments usually respond to trafficking as a problem of illegal migration, an approach that transforms women victimized by particular circumstances into criminals.

To learn why and how this form of modern slavery persists, and to propose solutions, the Global Survival Network (GSN) conducted a study from August 1995 through the Autumn of 1997 to uncover the rapidly growing trade in Russian women for purposes of prostitution.

Because of the underground nature of the trade, the study combined conventional and unconventional methodologies. GSN conducted open interviews with numerous nongovernmental organizations, more than fifty women who had been trafficked overseas, and police and government officials in Russia, Western Europe, Asia, and the United States.

In order to delve into and learn more about the world of organized crime and its role in Russian sex trafficking, GSN also conducted some unconventional research. GSN established a dummy company that purportedly specialized in importing foreign women as escorts and entertainers. The company was ''based'' in the United States and claimed to specialize in ''Foreign Models, Escorts, and Entertainers.'' Company ''employees'' represented the business. Brochures, business cards, and a telephone and fax line give the operation a look of authenticity. Under the guise of this company, GSN successfully gained entree to the shadowy operations of international trafficking networks based in Russia and beyond. Many of the interviews were recorded with hidden cameras and provide unique insight into the trafficking underworld in action.

While conducting investigations with this front, GSN met Russian pimps and traffickers who revealed their modus operandi, as well as the identities of their financial investors and overseas partners. GSN combined these findings with other information collected through interviews with non-governmental organizations, law enforcement agencies, trafficked women, and relevant news reports. Taken together, this information provided GSN with enough detail to target several countries where Russian women and girls work as prostitutes in substantial numbers, including Germany, Switzerland, Japan, Macau, and the United States. Wherever legal, interviews were recorded by hidden camera directly inside the establishments where prostitution was occurring. Whenever possible, the investigators revealed the nature of their work.

In some cases, security conditions for both the investigator and the persons interviewed prevented disclosure. In order to preserve the safety and privacy of all parties involved, pseudonyms have been given to the persons interviewed during GSN's covert investigations, and whenever requested otherwise. The videotaped material has been transcribed and is used to tell much of the story you are about to read.

Trafficking networks flourish in large part because governments, officials, and citizens fail to speak out and to act. Criminals operate with impunity when they have corrupted the law-enforcement personnel who ostensibly combat them. GSN's investigation has not only sought to expose the degrading nature and viciousness of human trafficking, but also to provide insight into how to stop it.

This report offers concrete recommendations for action and policies that can rein in traffickers and provide assistance to their victims. To understand the recommendations, it is first necessary to understand trafficking: who does it, and why; how it can exist outside the law; how it violates basic human rights; and why its victims so rarely seek help.

SENATE CONCURRENT RESOLUTION 83—RELATIVE TO GEORGE WASHINGTON

Mr. WARNER (for himself, Mr. ROBB, and Mr. GRAHAM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 83

Whereas December 14, 1999, will be the 200th anniversary of the death of George Washington, the father of our Nation and the protector of our liberties;

Whereas the standards established by George Washington's steadfast character and devotion to duty continue to inspire all men and women in the service of their country and in the conduct of their private lives;

Whereas the Mount Vernon Ladies' Association of the Union, which maintains the Mount Vernon estate and directs research and education programs relating to George Washington's contribution to our national life, has requested all Americans to participate in the observance of this anniversary;

Whereas bells should be caused to toll at places of worship and institutions of learning for the duration of 1 minute commencing at 12 o'clock noon, central standard time, throughout the Nation, on the 200th anniversary of the death of George Washington;

Whereas the flag of the United States should be lowered to half staff on the 200th anniversary of the death of George Washington; and

Whereas the example set by George Washington is of the utmost importance to the future of the Nation, and it is the responsibility of private and government institutions to prepare for the observation of the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon the Nation to remember the life of George Washington and his contributions to the Nation; and

(2) requests and authorizes the President of the United States—

(A) to issue a proclamation calling upon the people of the United States—

(i) to commemorate the death of George Washington with appropriate ceremonies and activities; and

(ii) to cause and encourage patriotic and civic associations, veterans and labor organizations, schools, universities, and communities of study and worship, together with citizens everywhere, to develop programs and research projects that concentrate upon the life and character of George Washington as it relates to the future of the Nation and to the development and welfare of the lives of free people everywhere; and

(B) to notify the governments of all Nations with which the United States enjoys relations that our Nation continues to cherish the memory of George Washington with affection and gratitude by furnishing a copy of this resolution to those governments.

Mr. WARNER. Mr. President I rise today to offer legislation to commemorate the 200th anniversary of the death of our Founding Father, George Washington.

The legacy of Washington cannot be overestimated. Noble in spirit, honorable in deed, George Washington was a just leader, whose firm moral character provided an enduring example for the young nation he had fought so courageously to win. Over the past two centuries, the traditions Washington set forth for his country—patriotism, generosity, honesty, and diplomacy—became the paragons for countries attempting to inaugurate democracy throughout the world. Perhaps President Lincoln, an ardent admirer of Washington, said it best in his remarks,

> Washington is the mightiest name of earth . . . To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor, leave it shining on.

Despite his role in the founding of our Nation, and the high esteem in which all Americans hold our first President, less and less in known about this great leader. Educators lament that history textbooks are woefully inadequate in documenting the strong and engaging constitution of Washington, and the many lesser known aspects of his life. Washington was an innovative farmer, a skillful surveyor, a gifted debater and orator, as well as a courageous and indeed visionary soldier and President. In an era when role models in the United States and the world at large, possessing good judgment and character, are in decline, let us further examine the life of one so fervent in his convictions.

As the bicentennial of Washington's death approaches, I ask the Senate to join me in celebrating the life of our distinguished first President, and dedicate this year long commemoration to learning more about his fascinating life and career. On December 14th, 1999, let flags throughout our great Nation be lowered to commemorate this life of this heroic man. Let bells everywhere extoll his steadfastness. Let the entire year of 1999 be the year in which we rediscover the legacy of the man who is still ''First in War, First in Peace, and First in the Heart of his Countrymen.''

SENATE RESOLUTION 194—DESIGNATING ''NATIONAL KICK DRUGS OUT OF AMERICA WEEK''

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 194

Whereas the overwhelming problems in our country resulting from drug abuse are staggering;

Whereas youth violence and gangs are serious problems in America today;

Whereas in inner-city and suburban schools drug and gang related peer pressures are at an all time high;

Whereas tragically, many young people today receive little or no guidance or direction from family, role models, or schools; and

Whereas one method of helping fight the war on drugs and youth violence is to support educational and motivational programs aimed primarily at the youth of America that help guide young people and support their decisions to reject drugs and violence: Now, therefore, be it

Resolved, That the Senate designates the week of April 20 through April 26, 1998, as ''National Kick Drugs Out of America Week''.

SENATE RESOLUTION 195—DESIGNATING ''NATIONAL CORROSION PREVENTION WEEK''

Mrs. HUTCHISON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES 195

Whereas corrosion undermines the physical integrity of structures and endangers the public and environment;

Whereas corrosion leads to catastrophic failures and wastes scarce resources;

Whereas corrosion is the deterioration of a material resulting from a reaction with its environment and costs the United States over $300,000,000,000 every year, which amounts to more than 4 percent of the gross national product;

Whereas it is estimated that over ⅓ of the costs from corrosion (approximately $100,000,000,000) are preventable through the application of existing corrosion control technology;

Whereas corrosion engineers in the United States and around the world save taxpayers money through the application of state-of-the-art, time-proven corrosion control technology; and

Whereas corrosion engineers are committed to protecting public safety, preserving the environment, and preventing the premature deterioration of infrastructure facilities: Now, therefore, be it

Resolved, That the Senate designates the week of March 22 through March 28, 1998, as ''National Corrosion Prevention Week'' in order to raise public awareness of the problems associated with it and the measures available to prevent it.

AMENDMENTS SUBMITTED

THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1998

SESSIONS AMENDMENT NO. 1939

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill (S. 1173) to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes; as follows:

On page 88, line 13, after ''greater'' insert ''and for States in which administrative jurisdiction over federally owned land has been or is at any time transferred to the United States Fish and Wildlife Service for the preservation of rare botanical ecosystems (including long leaf pine ecosystems)''.

ALLARD (AND GRAMS) AMENDMENT NO. 1940

Mr. ALLARD (for himself and Mr. GRAMS) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 68, line 21, strike ''The next'' and all that follows through ''(7)'' on page 70, line 1.

SPECTER (AND OTHERS) AMENDMENT NO. 1941

Mr. SPECTER (for himself, Mr. SANTORUM, Ms. MOSELEY-BRAUN, and Mr. D'AMATO) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 55, strike line 12, and insert the following:

''SEC. 14. JOB ACCESS AND REVERSE COMMUTE GRANTS.''

On page 56, line 13, strike ''and''.

On page 56, line 18, strike the period and insert ''; and''.

On page 56, between lines 18 and 19, insert the following:

''(9) many residents of cities and rural areas would like to take advantage of mass transit to gain access to suburban employment opportunities.''

Beginning on page 57, strike line 9 and all that follows through page 58, line 4, and insert the following:

''(2) ELIGIBLE PROJECT AND RELATED TERMS.—

''(A) IN GENERAL.—The term 'eligible project' means and access to jobs project or a reverse commute project.

''(B) ACCESS TO JOBS PROJECT.—The term 'access to jobs project' means a project relating to the development of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including—

''(i) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

''(ii) promoting the use of transit by workers with nontraditional work schedules;

''(iii) promoting the use by appropriate agencies of transit vouchers for welfare recipients and eligible low-income individuals under specific terms and conditions developed by the Secretary; and

''(iv) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of title 26.

''(C) REVERSE COMMUTE PROJECT.—The term 'reverse commute project' means a project related to the development of transportation services designed to transport residents of urban areas, urbanized areas, and areas other than urbanized areas to suburban employment opportunities, including any project to—

''(i) subsidize the costs associated with adding reverse commute bus, train, or van routes, or service from urban areas, urbanized areas, and areas other than urbanized areas, to suburban workplaces;

''(ii) subsidize the purchase or lease by a private employer, nonprofit organization, or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace;

''(iii) otherwise facilitate the provision of mass transportation services to suburban employment opportunities to residents of urban areas, urbanized areas, and areas other than urbanized areas.''

On page 59, line 20, insert ''access to jobs grants and reverse commute'' before ''grants''.

On page 60, line 15, insert ''in the case of an applicant seeking assistance to finance an access to jobs project,'' after ''(2)''.

On page 61, line 7, insert ''in the case of an applicant seeking assistance to finance an access to jobs project,'' before ''presents''.

On page 61, line 13, strike ''and''.

On page 61, line 16, strike the period and insert ''; and ''.

On page 61, between lines 16 and 17, insert the following:

''(8) in the case of an applicant seeking assistance to finance a reverse commute project, the need for additional services identified in a regional transportation plan to transport individuals to suburban employment opportunities, and the extent to which the proposed services will address those needs.''

On page 62, strike lines 13 through 18, and insert the following:

''(2) COORDINATION.—Each application for a grant under this section shall reflect coordination with and the approval of affected transit grant recipients. The eligible access to jobs projects financed must be part of a coordinated public transit-human services transportation planning process.''

On page 64, strike lines 1 through 4 and insert the following:

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, to remain available until expended, $250,000,000 for each of fiscal years 1998 through 2003, of which—

''(A) $150,000,000 in each fiscal year shall be used for grants for access to jobs projects; and

''(B) $100,000,000 in each fiscal year shall be used for grants for reverse commute projects.''

On page 8, line 16, strike ''$100,000,000'' and insert $250,000,000''.

On page 11, line 16, strike '', except'' and all that follows through line 20 and insert a period.

THOMAS (AND JOHNSON) AMENDMENT NO. 1942

Mr. THOMAS (for himself and Mr. JOHNSON) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 10, line 24, and page 11, lines 1 through 7, strike ''$500,000,000'' each time it appears and insert in lieu thereof ''$470,000,000.''

On page 12, lines 3 through 7, strike ''$100,000,000'' each time it appears and insert in lieu thereof ''$80,000,000.''

On page 13, lines 19 through 23, strike ''$50,000,000'' each time it appears and insert in lieu thereof ''$100,000,000.''

NICKLES AMENDMENT NO. 1943

Mr. D'AMATO (for Mr. NICKLES) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . INTERCITY RAIL INFRASTRUCTURE INVESTMENT FROM MASS TRANSIT ACCOUNT OF HIGHWAY TRUST FUND.

Section 5323 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(O) INTERCITY RAIL INFRASTRUCTURE INVESTMENT.—Any assistance provided to a State that does not have Amtrak service as of the date of enactment of this subsection from the Mass Transit Account of the Highway Trust Fund may be used for capital improvements to, and operating support for, intercity passenger rail service.''.

BOXER (AND HARKIN) AMENDMENT NO. 1944

Mr. REED (for Mrs. BOXER, for herself and Mr. HARKIN) proposed an amendment to the bill, S. 1173, supra; as follows:

On page , line , insert ''and provides nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143)'' after ''for mass transportation''.

GRAHAM (AND MURRAY) AMENDMENT NO. 1945

Mr. GRAHAM (for himself and Mrs. MURRAY) proposed an amendment to amendment No. 1931 proposed by Mr. D'AMATO to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

At the appropriate place, insert the following:

SEC. . NEW START RATING AND EVALUATION.

(a) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) of title 49, United States Code, is amended to read as follows:

''(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

''(1) The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary decides that the proposed project is—

''(A) based on the results of an alternatives analysis and preliminary engineering;

''(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

''(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

''(2) In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

''(3) In evaluating a project under paragraph (1)(B), the Secretary shall—

''(A) consider the direct and indirect costs of relevant alternatives;

''(B) account for costs and benefits related to factors such as congestion relief, improved mobility, air pollution, noise pollution, congestion, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

''(C) identify and consider mass transportation supportive existing land use policies and future patterns, and the cost of urban sprawl;

''(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

''(E) consider population density, and current transit ridership in the corridor;

''(F) consider the technical capability of the grant recipient to construct the project;

''(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

''(H) consider other factors the Secretary considers appropriate to carry out this chapter.

''(3)(A) The Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate results of alternatives analysis, project justification, and the degree of local financial commitment.

''(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs.

''(4)(A) In evaluating a project under paragraph (1)(C), the Secretary shall require that—

''(i) the proposed project plan provides for the availability of contingency amounts the Secretary of Transportation determines to be reasonable to cover unanticipated cost overruns;

''(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

''(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

''(B) In assessing the stability, reliability, and availability of proposed sources of local financing, the Secretary of Transportation shall consider—

''(i) existing grant commitments;

''(ii) the degree to which financing sources are dedicated to the purposes proposed;

''(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

''(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

''(5)(A) Not later than 120 days after the date of enactment of the Federal Transit Act of 1997, the Secretary of Transportation shall issue guidelines on the manner in which the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment.

''(B) The project justification under paragraph (1)(B) shall be adjusted to reflect differences in local land, construction, and operating costs as required under this subsection.

''(6)(A) A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary of Transportation finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet the requirements.

''(B) In making any findings under subparagraph (A), the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended, based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection.

''(C) In rating each project, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the guidelines issued under paragraph (5).

''(7)(A) Each project financed under this subsection shall be carried out through a full funding grant agreement.

''(B) The Secretary shall enter a full funding grant agreement based on evaluations and ratings required under this subsection.

''(C) The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

''(8)(A) A project for a fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

''(B) The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary of Transportation shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

''(i) located in a nonattainment area;

''(ii) a transportation control measure (as that term is defined in the Clean Air Act (42 U.S.C. 7401 et seq.)); and

''(iii) required to carry out the State Implementation Plan.

''(C) This subsection does not apply to a part of a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

''(D) This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of enactment of the Federal Transit Act of 1997.''.

(b) LETTERS OF INTENT, FULL FINANCING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—Section 5309(g) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking ''FINANCING'' and inserting ''FUNDING'';

(2) by striking ''full financing'' each place it appears and inserting ''full funding''; and

(3) in paragraph (1)(B)—

(A) by striking ''30 days'' and inserting ''60 days'';

(B) by inserting ''or entering into a full funding grant agreement'' after ''this paragraph''; and

(C) by striking ''issuance of the letter'' and inserting ''letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as evaluations and ratings for the project''.

(c) REPORTS.—Section 5309 of title 49, United States Code, is amended by adding at the end the following:

''(p) REPORTS.—

''(1) FUNDING LEVELS AND ALLOCATIONS OF FUNDS FOR FIXED GUIDEWAY SYSTEMS.—

''(A) ANNUAL REPORT.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

''(B) RECOMMENDATIONS ON FUNDING.—Each report submitted under this paragraph shall include—

''(i) evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of enactment of the Federal Transit Act of 1997 or October 1 of the preceding fiscal year, whichever date is earlier; and

''(ii) recommendations of projects for funding, based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years, based on information available to the Secretary.

''(2) SUPPLEMENTAL REPORT ON NEW STARTS.—On August 30 of each year, the Secretary shall submit a report to Congress that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

''(3) ANNUAL GAO REVIEW.—The Comptroller General of the United States shall—

''(A) conduct an annual review of—

''(i) the processes and procedures for evaluating and rating projects and recommending projects; and

''(ii) The Secretary's implementation of such processes and procedures; and

''(B) report to Congress on the results of such review not later than April 30 of each year.''.

ROBB AMENDMENT NO. 1946

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to amendment No. 1748 submitted by him to amendment No. 1676 proposed by Mr. CHAFEE to the bill, S. 1173, supra; as follows:

On page 15, line 8, insert the following:

(7) STATE AND DISTRICT OF COLUMBIA APPROVAL OF ACTION BY THE CORPORATION.—

Any exercise of the powers granted under Section ___006(b)(6) of this title must be approved by the state departments of transportation in Virginia and Maryland, and the Department of Public Works of the District of Columbia.

SESSIONS AMENDMENTS NOS. 1947–1948

(Ordered to lie on the table.)

Mr. SESSIONS submitted two amendments intended to be proposed by him to amendment No. 1931 proposed by Mr. D'AMATO to the bill, S. 1173, supra; as follows:

AMENDMENT NO. 1947

On page 54, strike line 19 and all that follows through page 55, line 11, and redesignate sections 14 through 20 as sections 13 through 19, respectively.

AMENDMENT NO. 1948

On page 49, strike lines 10 through 20 and insert the following:

''(2) HYBRID ELECTRIC AND BATTERY-POWERED BUS PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary shall establish and conduct a program to deploy and operationally test hybrid electric- and battery-powered buses, and to assist in the manufacture of such buses and the facilities and equipment required to service such buses.

''(B) DUTIES OF THE SECRETARY.—To carry out the program established under subparagraph (A), the Secretary—

''(i) shall develop performance and safety standards for the hybrid electric- and battery-powered buses that are acquired or used in the deployment and testing program;

''(ii) shall, not later than 6 months after the date of enactment of the Federal Transit Act of 1998, issue a request for proposals to undertake battery-powered or electric hybrid bus deployment and testing projects;

''(iii) shall request proposals that shall include—

''(I) the amount of cost-sharing to be provided by the party making the proposal, including non-Federal funding or in-kind services equal to or greater than 40 percent of the total eligible costs of the project, if Federal funding for the acquisition of electric or hybrid electric buses for the project is equal to not more than 80 percent of such capital costs;

''(II) a description of—

''(aa) the parties involved in the project, including involvement of appropriate public transit authorities with jurisdiction to service the territory in which the buses are to be deployed and State and local agencies;

''(bb) the buses to be used; and

''(cc) the infrastructure, including necessary battery charging or battery changing facilities, that will be installed or utilized in support of the project; and

''(III) a description of the information expected to be obtained from the project, the manner in which the buses will be used after project completion, and the manner in which such information will be disseminated to other organizations and parties determined by the Secretary to have an interest in electric or hybrid electric buses; and

''(iv) may, with respect to projects to include the manufacture of buses, prescribe such cost-sharing and other requirements as the Secretary deems necessary.

''(C) GRANT AWARDS.—Not later than 9 months after the date of enactment of the Federal Transit Act of 1998, the Secretary shall award grants to not fewer than 10 qualifying projects.

''(D) NUMBER OF TESTS.—Each project selected for an award under this paragraph shall seek to deploy and test not fewer than 4 electric or hybrid electric buses. Projects selected shall test buses in a diversity of applications and demonstrate a variety of technologies, including battery-powered, fuel cell, and hybrid electric applications.

''(E) LIMIT ON FUNDING.—No project selected may receive more than 1/10 of the funds made available for grants under this paragraph. In no case shall any State receive more than 15 percent of the total funds made available under this subsection.

BOXER AMENDMENT NO. 1949

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1173, supra; as follows:

At the end of the title entitled ''Revenue'', add the following:

SEC. ___. LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting '', other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)'' after ''section 30(c))''.

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles) is amended by adding at the end the following new paragraph:

''(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term 'qualified electric vehicle' shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 10, 1998, at 9 a.m. in SR–328A. The purpose of this meeting will be to examine the current Federal Crop Insurance Program and consider improvements to the system.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, to conduct a hearing on S. 1405, the ''Financial Regulatory Relief and Economic Efficiency Act (FRREE).''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Commerce Science, and Transportation be authorized to meet on Tuesday, March 10, 1998, at 9:30 a.m. on the nominations of Orson Swindle and Mozelle Thompson—FTC, Robert J. Shapiro—Under Secretary of Commerce, John C. Horsey—Associate Deputy Secretary of DOT, Christy Carpenter—Corporation for Public Broadcasting.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, at 10:00 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 10, 1998, at 10:00 a.m. for a business meeting and markup. Agenda items will include: markup of S. 981, the Regulatory Improvement Act of 1998; and markup of S. 1364, the Federal Reports Elimination Act.

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

COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 10, 1998, at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on ''The United States Marshals Service: A Selection Process for the 21st Century.''

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

SUBCOMMITTEE ON SEAPOWER

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 10:00 a.m. on Tuesday, March 10, 1998, in open session, to receive testimony on littoral warfare missions in the 21st century in review of the Defense authorization request for fiscal year 1999 and the future years defense program.

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

ADDITIONAL STATEMENTS

TRIBUTE TO HUGH THOMPSON, LAWRENCE COLBURN, AND GLENN ANDREOTTA

• Mr. CLELAND. Mr. President, I rise today to honor Hugh Thompson, Lawrence Colburn, and Glenn Andreotta, who helped save the lives of 11 Vietnamese civilians during the My Lai massacre in Vietnam thirty years ago. Hugh Thompson and Lawrence Colburn received the Soldier's Medal for bravery on March 6, 1998 for their gallant efforts during the My Lai massacre. Their comrade Glenn Andreotta, who passed away three weeks after the My Lai massacre, was honored as well, and his family will receive his medal at a later date. The Soldier's Medal is presented by the Army to those who show ''the highest standards of personal courage and ethical conduct.''

After their helicopter landed amongst firing U.S. troops and fleeing Vietnamese civilians, Thompson, protected by Colburn and Andreotta, went to confront U.S. forces. The efforts of these three men led to the eventual cease-fire at My Lai and an end to the killing.

Hugh Thompson and Lawrence Colburn are both natives of Georgia. Hugh Thompson, a veterans counselor, hails from Stone Mountain, Georgia, and currently resides in Lafayette, Louisiana. Lawrence Colburn, now a salesman, lives in Woodstock, Georgia.

Mr. President, I would like to honor Hugh Thompson, Lawrence Colburn and Glenn Andreotta for their heroic efforts during the My Lai massacre, and for their outstanding commitment to American values. These three men are true examples of American patriotism at its finest.•

TRIBUTE TO MR. FRED HITZ

• Mr. SPECTER. Mr. President, on the occasion of the retirement of Fred Hitz as the Central Intelligence Agency's first Presidentially-appointed Inspector General, I want to offer my comments and congratulations. Since the position of an independent Inspector General for the CIA was created at my initiative in the FY 90 Intelligence Authorization Act and since I have come to know Fred Hitz during my tenure as Chairman of the Senate Select Committee on Intelligence, it is fitting that I recognize his contributions.

By way of background, it became clear during the Iran-Contra investigations that the Central Intelligence Agency lacked an effective Office of Inspector General which not only could conduct thorough and objective internal investigations of CIA activities, but even more so, could exercise authority and independence to ensure that its investigative recommendations regarding individual accountability and systemic shortcomings would be followed through and implemented. The proposal to create a Presidentially-appointed and Senate-confirmed independent Inspector General was met with fierce resistance by the Administration and the Director of Central Intelligence. Nonetheless, in light of the revelations from the Iran-Contra affair, the Congress recognized the need for such an office. In my mind, the establishment of an independent Inspector General for the CIA was the most effective piece of legislation to derive from the Iran-Contra affair.

It was in this atmosphere that Fred Hitz was nominated by President Bush in 1990, confirmed by the Senate in October 1990 and sworn in November 1990. The Congress wanted a strong-willed and independent individual who was knowledgeable of CIA's mission, history and activities and who had the fortitude and skills to identify, investigate and report wrongdoing when he saw it and how he saw it. Over the past seven years Fred Hitz has accomplished this mandate with honor and diligence in a sea of controversial investigations.

One of the most important, if not the most important, of the investigations undertaken by Fred Hitz was that of the Aldrich Ames case which provided the Intelligence oversight committees and the public details of Ames' treachery and insight into CIA. In addition, Fred Hitz has been fearless in taking on difficult and controversial issues such as the role of intelligence in the BCCI and BNL scandals, human rights abuses in Guatemala and Honduras, allegations of drug trafficking by the Contras, the compromise of CIA operations in Paris, and CIA involvement in providing assistance to a Presidential campaign contributor. The Senate Intelligence Committee has not always agreed with Fred's judgements in these matters; it never has questioned his integrity.

Upon the completion of Fred's fifth year as CIA's Inspector General, Senator Bob KERREY and I led a bi-partisan resolution in the Senate to commend Fred for his leadership and achievements.

In his lifetime, Fred Hitz has made an important contribution through his public service. As an attorney who graduated from Harvard Law School, he could have remained in the private

sector and reaped handsome financial rewards. He chose instead to invest over 20 years in public service, and the United States government and his country have been the chief beneficiaries.

Fred entered public service by teaching law in Nigeria and in 1967 he entered the CIA. From 1974 to 1978 he served in the Office of the Secretary of Defense, as a Senior Staff Member for Energy Policy in the Office of the President and as Director of Congressional Affairs at the Department of Energy. In 1978 he returned to the CIA where he served as Legislative Counsel to the Director of Central Intelligence and later as Deputy Director of the Europe Division in the Directorate of Operations.

In my view, Mr. Hitz completes one of the most demanding assignments in the federal government—Inspector General of the Central Intelligence Agency. He has journeyed through the shoals of hawks and doves, public reporting and security demands and admirers and detractors by sailing a straight and visible course with honesty, dignity and truthfulness. His efforts have made the Central Intelligence Agency more accountable and thus more in consonance with a Congressional view of the rightful role of intelligence and secrecy in a democracy. For these qualities, Fred Hitz will be missed and I wish him smooth sailing in his new teaching career.●

CONFIRMATION OF GEORGE McGOVERN AS THE UNITED STATES REPRESENTATIVE TO THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

● Mr. JOHNSON. Mr. President, I want to express my strong support for the recent confirmation of George McGovern as the United States Representative to the Food and Agriculture Organization of the United Nations.

Having spent many years as a devoted public servant, Senator McGovern embodies the highest standards of dedication and integrity. I firmly believe he is the right person to represent this country as part of the United Nations Food and Agriculture Organization and am pleased that my Senate colleagues supported his nomination to this post in an overwhelming bipartisan fashion. There is no person that I can think of alive today that is better prepared for the responsibility of improving nutrition, food production and distribution worldwide.

Senator McGovern was not new to the arena of agricultural policy at the time of his election to the U.S. Senate. Having served under the Kennedy Administration as Director of the Food for Peace Program, George McGovern proved early that he had the ability to lead with vision and skill. As a United States delegate to the United Nations FAO Conference in 1961, Senator McGovern made the U.S. offer which led to the first World Food Program making freedom from hunger an international objective. Under the Ford and Carter Administrations, he was also a delegate to the U.N. where he gained esteem as a discerning statesman and cultivated international ties.

In Congress, George McGovern was an advocate for the welfare and health of the people. While serving on the Senate Agriculture, Nutrition and Forestry Committee, he was an avid supporter of the food stamp program. As a member of that committee, he was active and effective in matters of child nutrition and hunger. As Chairperson of the Senate Select Committee on Nutrition and Human Needs, he led the committee to assure an adequate diet for the poor and the elderly and for the improved health and well being of all Americans. Because I have always been a strong supporter of nutrition programs in the United States, especially food stamps, WIC, and school lunch programs, I understand the high importance and true value of his work to advance these policies. After Senator McGovern worked to make certain that all Americans have access to adequate nutrition, he in many ways came to symbolize Americans' ''social conscience.''

Mr. President, I would like to congratulate Senator McGovern on his new position and express my complete confidence that he will work with unbridled energy to serve the people by improving nutrition, food production, and distribution throughout the world. He is a true humanitarian and I'm proud he is representing South Dakota and our country to the United Nations.●

TRIBUTE TO THE SALVATION ARMY

● Mr. GRAMS. Mr. President, I rise today on the 118th Anniversary of the founding of the Salvation Army in the United States to pay tribute to its valiant tradition of public service.

In March of 1880, George Scott Railton left his native England and set sail for New York on a mission to further the work of the Salvation Army. On March 10 of that year, Railton arrived in New York where he began spreading the Salvation Army's mission in the United States, working in the spirit of service that has been inherent in the Salvation Army since its founding.

Although the passage of time has brought with it new challenges, I am happy to say that today, the Salvation Army's presence in the United States is as strong as ever. Whenever there is a human need to be met, the Salvation Army responds to the call, providing comfort in the face of tragedy and hope in situations where there is seemingly no hope to be found.

In its earliest days, the focus of the Salvation Army's work was attending to the material, emotional, and spiritual needs of the poor by providing shelter for the homeless, food for the hungry, and alcohol rehabilitation for the chemically dependant. Today the Salvation Army's mission is the same, yet the number of services offered has greatly increased. The Salvation Army has indeed adapted to changing times, as seen by the fact that it now offers services such as shelters for battered women, assistance to victims of HIV/AIDS, career counseling, vocational training, day care centers, correctional services, and drug rehabilitation.

Mr. President, I would like to make special mention of one service the Salvation Army provides which has particularly touched my home state of Minnesota: disaster relief. Minnesotans witnessed that service first hand when the Salvation Army responded to the tragedy which struck in the form of the spring floods of 1997.

In Operation ''We Care'', the Salvation Army provided a great deal of comfort and support to Minnesotans who had the misfortune of experiencing the devastation caused by the floods. Thousands were displaced by the floods, their homes destroyed, and necessities such as food, shelter and fresh water were made inaccessible by the flood's fury. In this trying time, the Salvation Army was on hand to give victims hot meals and a roof over their heads, as well as clothing, personal hygiene items, and a variety of other basic commodities that are often taken for granted yet are sorely missed when unavailable.

Once the flood waters retreated, victims were faced with a new set of problems brought by the flood's aftermath. Victims returned to their homes and businesses to discover the extensive damage left in the flood's wake. Although the task of sandbagging and containing the river was over, the Salvation Army remained in the flooded areas to aid in the clean-up and rebuilding process. The Salvation Army contributed to this effort by providing clean-up kits, water pumps, wet vacs, emergency generators, and the tireless labor of dedicated volunteers.

Operation ''We Care'' proved an effective and heartfelt response to this crisis. Through the generosity of the Salvation Army's employees and its many volunteers, Minnesotans were aided by everything from direct assistance to help pay rent, utilities, and other living expenses, to a prayer chain which called on people of all faiths to pray for those devastated by the floods.

Mr. President, on behalf of the citizens of Minnesota, I would like to express my deep gratitude for the work the Salvation Army has undertaken in my state and send my sincerest congratulations on its 188th anniversary in this country. With its dedication to service and spiritual growth, the Salvation Army truly embodies the good in humanity.●

SALUTE TO WOMEN IN BUSINESS AND THE BUSINESS WOMEN'S NETWORK

• Mrs. FEINSTEIN. Mr. President, for Women's History Month, I want the world to know how proud I am of the women's business leadership in California and the entire United States. It is with great pride that we recognize California is No. 1 in the number of women entrepreneurs as well as the fastest growing state for women minority entrepreneurs.

The entire nation should celebrate with us as we recognize that there are almost 9 million women entrepreneurs today of which 1.1 million are minorities.

The female labor force is making great strides as we project, along with the Bureau of Labor Statistics, that 72 million women will be working by the year 2005 representing 63% of women 16 and older.

As the decade draws to an end and a new millennium approaches, we celebrate women entrepreneurs as the fastest growing segment in our economy. And may I remind you again, dear colleagues, California is No. 1.

Despite all the good news, women entrepreneurs still are under-served in access to capital. I am proud of several of the California banks such as Bank of America and Wells Fargo. They need to do more, as do all of our California banks (and all banks across the United States) to help finance the growth of women-owned business, the growth of minority-owned business, and the financing of U.S. Exports.

How can one represent the great State of California and not talk about technology. It is fantastic to note that women now represent 52% of all Internet users. The analyst said just a few years ago we were technologically illiterate. We proved them wrong.

I want to recognize the Business Women's Network (BWN) for its outstanding capacity and record to unite business women. BWN is a giant network now of 1200 women's associations whose membership total more than 9 million. In addition, BWN has located 750 women's web sites nationwide and will publish profiles of the 1200 organizations and 750 web sites in its 1998 Directory due out in October 1998.

Women are the economy, as University of California/Berkeley professor and former Chairman for the Council of Economic Advisors, Laura D'Andrea Tyson, reminds us of this fact. Women represent more than $3.5 trillion in spending economy. And, women owned businesses generate over $3 trillion in revenue.

Again, thanks to the Business Women's Network for helping us recognize that it is essential to salute business women. As my Congressional sisters today have selected Women in Business as the issue of the day, how appropriate that I, too, with the support of my Senate colleagues recognize the important progress women in business are achieving.

I also want to salute Aida Alvarez, Administrator of the Small Business Administration (SBA). She single-handedly has moved women entrepreneurs and minority entrepreneurs up as priorities for this Nation. With the role of the Office of Women Business Ownership and its Women Centers, and with SCORE's commitment to counsel more women and add to its rolls more women counselors, we all say, felicitates Administrator Alvarez.

I praise the National Women's Business Council for emphasizing critical issues such as access to capital for women entrepreneurs.

In summary, as Women's History Month makes us stop and reflect where we come from, I personally want to salute all women in business and look forward to much greater gains for the next millennium, now not many months away. Congratulations to the Business Women's Network (BWN), and the 1200 business organizations representing entrepreneurs and professionals, diversity, and high and low income business women.•

MARTIN LUTHER KING MEMORIAL

• Mr. ABRAHAM. Mr. President I rise today to express my strong support for legislation authorizing the placement of a Martin Luther King, Jr. Memorial on the Capitol Mall.

Mr. President, the Capitol Mall has an important place in our nation, and in the hearts of its people. It is on the Mall that we honor the heroes who made our country great. Under the Commemorative Works Act, which governs placement of memorials on the Mall, the honor of placement there is reserved for memorials of ''preeminent historical and lasting significance to the Nation.''

These words clearly apply to the Reverend Doctor Martin Luther King, Jr. Dr. King changed America by awakening her conscience. His campaign of nonviolent protest brought to light the injustices of a racially segregated society and played a major role in fostering the legislation necessary to do away with many forms of official discrimination. In the words of the national Capital Memorial Commission, Dr. King ''has had a profound effect on all Americans which will continue through history.''

America is more just and honest because of the efforts of this man of God. We remain far from perfect as a nation, but, in confronting our problems in regard to race relations and violence, we can look to the legacy of Doctor King for guidance.

Dr. King sought a nation in which each of us would be judged according to the content of our character, in which opportunity would replace want, and acceptance would replace discrimination. He addressed these problems through his speeches and grass roots activism. He addressed them as a scholar and a statesman, as a father and as a husband, as a man, and as a man of God.

Doctor King called on the better angels of our character, only to die from an assassin's bullet. But his spirit lives on so long as we strive to make his dream a reality. He called on us as a nation to treat one another as brothers and sisters, to care for one another and to strive together for a better world. It is up to us to answer his call, to honor him for making it, and to spread his word by making it a part of a national memorial in the heart of our nation's capital.•

SARA DECOSTA: 1998 U.S. WOMEN'S OLYMPIC ICE HOCKEY TEAM GOLD MEDALIST

• Mr. REED. Mr. President, I rise today to honor the accomplishments of Sara DeCosta of Warwick, RI. As a member of the U.S. Women's Olympic Ice Hockey Team, Sara and her teammates made history this year by winning the first-ever gold medal awarded in women's ice hockey at the 1998 Olympic Winter Games in Nagano, Japan.

Sara's efforts were a great part of the drive to bring home the gold. Her world class talent and solid determination helped team USA rise above the best in Women's Ice Hockey. Sara and her teammates proved that years of discipline, hard work, and tough sacrifices can pay off. Their magnificent display of sportsmanship and pride lifted our hearts and hopes. Truly, Sara and the U.S. Women's Olympic Ice Hockey team exemplify the best America has to offer and their success serves as a gleaming reminder of what can be achieved through bold determination and persistence.

Mr. President, Sara's victory is not just about hard work and discipline. It proves that if you believe in your own abilities you can succeed, no matter what outdated gender stereotypes would dictate. Sara has served as an example to the state of Rhode Island and the country. Her dedication and enthusiasm will inspire others to look beyond the traditional path and to reach for the stars to bring home their own personal gold medals. I congratulate Sara, the other eight players who are alumnae or students in Rhode Island's schools and the rest of the Women's Hockey Team. We can be proud of this group of young women for their commitment to follow their dreams. Sara DeCosta and her teammates are an inspiration to us all.•

MESSAGE OF THE DALAI LAMA ON THE 39TH ANNIVERSARY OF THE TIBETAN UPRISING

• Mr. MOYNIHAN. Mr. President, today marks the 39th anniversary of the Tibetan uprising, a time when many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnapped by the Chinese army. For those who stand with the Tibetan people, it is a day to consider what can be done to lend support to their aspirations.

Every year on this day, Tibetan around the world mark the event by conducting peaceful protests against the continued Chinese occupation of Tibet. A vital part of those gatherings is the annual message from the Dalai Lama. The statements show his Nobel prize to be well deserved, as they demonstrate his commitment to a peaceful resolution of this conflict. I ask that the statement by the Dalai Lama for this anniversary be printed in the RECORD.

ADDRESS BY THE DALAI LAMA, MARCH 10, 1998

Great changes are talking place all over the world at the dawn of a new millennium. While there are instances of new conflicts breaking out, it is encouraging that we are also able to witness the emergency of a spirit of dialogue and reconciliation in many troubled parts of the world. In some ways, this twentieth century could be called a century of war and bloodshed. It is my belief that humanity in general has drawn lessons from the experiences gained during this century. As a result, I believe the human community has become more mature. There is, therefore, hope that with determination and dedication we can make the next century a century of dialogue and non-violent conflict resolution.

Today, as we commemorate the thirty-ninth anniversary of our freedom struggle, I wish to express my sincere appreciation and great respect for the resilience and patience shown by the Tibetan people in the face of tremendous odds. The current situation in Tibet and the lack of any substantive progress in resolving the Tibetan problem is no doubt causing an increasing sense of frustration among many Tibetans. I am concerned that some might feel compelled to look for avenues other than peaceful resolutions. While I understand their predicament, I wish to firmly reiterate once again the importance of abiding by the non-violent course of our freedom struggle. The path of non-violence must remain a matter of principle in our long and difficult quest for freedom. It is my firm belief that this approach is the most beneficial and practical course in the long run. Our peaceful struggle until now has gained us the sympathy and admiration of the international community. Through our non-violent freedom struggle we are also setting an example and thus contributing to the promotion of a global political culture of non-violence and dialogue.

The sweeping changes across the globe have also embraced China. The reforms, initiated by Deng Xiaoping, have altered not only the Chinese economy, but also the political system, making it less ideological, less reliant on mass mobilization, less coercive, and less stifling for the average citizen. The government is also notably far less centralized. Moreover, the post-Deng Xiaoping leadership in China seems to have become more flexible in its international policy. One indication of this is China's greater participation in international fora and cooperation with international organizations and agencies. A remarkable development and achievement has been the smooth transfer of Hong Kong to Chinese sovereignty last year and Beijing's subsequent pragmatic and flexible handling of issues concerning Hong Kong. Also recent statements from Beijing on restarting cross-strait negotiations with Taiwan reflect apparent flexibility and softening of its stance. In short, there is no doubt that China today is a better place to live in than 15 or 20 years ago. These are historic changes that are commendable. However, China continue to face grave human rights problems and other formidable challenges. It is my hope that the new leadership in China, with this renewed confidence, will have the foresight and courage to provide greater freedom to the Chinese people. History teaches us that material progress and comfort alone are not the full answer to the needs and yearnings of any human society.

In stark contrast to these positive aspects of the development in China proper, the situation in Tibet has sadly worsened in recent years. Of late, it has become apparent that Beijing is carrying out what amounts to a deliberate policy of cultural genocide in Tibet. The infamous ''strike hard'' campaign against Tibetan religion and nationalism has intensified with each passing year. This campaign of repression (initially confined to monasteries and nunneries) has now been extended to cover all parts of the Tibetan society. In some spheres of life in Tibet, we are witnessing the return of an atmosphere of intimidation, coercion and fear, reminiscent of the days of the Cultural Revolution.

In Tibet human rights violations continue to be wide-spread. These abuses of rights have a distinct character, and are aimed at preventing Tibetans as a people from asserting their own identity and culture and their wish to preserve it. This Buddhist culture inspires the Tibetan people with values and concepts of love and compassion that are of practical benefit and relevance in daily life and hence the wish to preserve it. Thus, human rights violations in Tibet are often the result of policies of racial and cultural discrimination and are only the symptoms and consequences of a deeper problem. Therefore, despite some economic progress in Tibet, the human rights situation has not improved. It is only by addressing the fundamental issue of Tibet that the human rights problems can be overcome.

It is an obvious fact that the sad state of affairs in Tibet is of no benefit at all either to Tibet or to China. To continue along the present path does nothing to alleviate the suffering of the Tibetan people, nor does it bring stability and unity to China, which are of overriding importance to the leadership in Beijing. Also, one of the main concerns of the Chinese leadership has been to improve its international image and standing. However, its inability to resolve the Tibetan problem peacefully has been tarnishing the international image and reputation of China. I believe a solution to the Tibetan issue would have far-reaching positive implications for China's image in the world, including in its dealings with Hong Kong and Taiwan.

With regard to a mutually-acceptable solution to the issue of Tibet, my position is very straightforward. I am not seeking independence. As I have said many times before, what I am seeking is for the Tibetan people to be given the opportunity to have genuine self-rule in order to preserve their civilization and for the unique Tibetan culture, religion, language and way of life to grow and thrive. My main concern is to ensure the survival of the Tibetan people with their own unique Buddhist cultural heritage. For this, it is essential, as the past decades have shown clearly, that the Tibetans be able to handle all their domestic affairs and to freely determine their social, economic and cultural development. I do not believe that the Chinese leadership would have any fundamental objections to this. Successive Chinese leaderships have always assured that the Chinese presence in Tibet is to work for the welfare of the Tibetans and to ''help develop'' Tibet. Therefore, given a political will, there is no reason why the Chinese leadership cannot start addressing the issue of Tibet by entering into a dialogue with us. This is the only proper way to ensure stability and unity, which the Chinese leadership asserts are their primary concern.

I take this opportunity to once again urge the Chinese leadership to give serious and substantive considerations to my suggestions. It is my firm belief that dialogue and a willingness to look with honesty and clarity at the reality of Tibet can lead us to a viable solution. It is time for all of us to ''seek truth from facts'' and to learn lessons derived from a calm and objective study of the past and to act with courage, vision and wisdom.

The negotiations must aim to establish a relationship between the Tibetan and Chinese peoples based on friendship and mutual benefit; to ensure stability and unity; and to empower the Tibetan people to exercise genuine self-rule with freedom and democracy, thus allowing them to preserve and cultivate their unique culture as well as to protect the delicate environment of the Tibetan plateau. These are the principle issues. However, the Chinese government is making consistent efforts to confuse the real issues at stake. They allege that our efforts are aimed at the restoration of Tibet's old social system and the status and privileges of the Dalai Lama. As far as the institution of the Dalai Lamas is concerned, I stated publicly as early as 1969 that it is for the people of Tibet to decide whether this institution is to continue or not. In my own case, I made it clear in a formal public statement in 1992 that when we return to Tibet, I will hold no positions in any future Tibetan government. Moreover, no Tibetan, whether in exile or within Tibet, has a desire of restoring Tibet's old social order. It is, therefore, disappointing that the Chinese government continues to indulge in such baseless and distorted propaganda. This is not helpful in creating a conducive atmosphere for dialogue, and I hope that Beijing will refrain from making such allegations.

I also would like to express my sincere appreciation and gratitude to the many governments, parliaments, non-governmental organizations, Tibet support groups and individuals, who continue to be deeply concerned with the repression in Tibet and urge to resolve the question of Tibet through peaceful negotiations. The United States has set a precedence of appointing a Special Coordinator for Tibetan Affairs in order to facilitate dialogue between us Tibetans and the Chinese government. The European and Australian parliaments have recommended similar initiatives. Last December, the International Commission of Jurists issued its third report on Tibet, entitled Tibet: Human Rights and the Rule of Law. These are timely initiatives and most encouraging developments. Moreover, the growing empathy, support and solidarity from our Chinese brothers and sisters in China as well as those overseas for the fundamental rights of the Tibetan people and for my ''Middle-Way Approach'' are of particular inspiration and a source of great encouragement for us Tibetans.

Furthermore, on this occasion of the fiftieth anniversary of India's independence I wish to express on behalf of the Tibetan people our heart-felt congratulations and reiterate our immense appreciation and gratitude to the people and government of India, which has become a second home to the majority of the Tibetans in exile. India represents not only a safe haven for us Tibetan refugees, but is also for us a country whose ancient philosophy of Ahimsa and deep-rooted democratic tradition have inspired and shaped our values and aspirations. Moreover, I believe India can and should play a constructive and influential role in resolving the Tibetan problem peacefully. My ''Middle-Way Approach'' is in line with the basic Indian policy vis-a-vis Tibet and China. There is no reason why India should not be actively engaged in encouraging and promoting dialogues between Tibetans and the Chinese

government. It is clear that without peace and stability on the Tibetan plateau, it is unrealistic to believe that genuine trust and confidence can be restored in the Sino-Indian relationship.

Last year we conducted an opinion poll of the Tibetans in exile and collected suggestions from Tibet wherever possible on the proposed referendum, by which the Tibetan people were to determine the future course of our freedom struggle to their full satisfaction. Based on the outcome of this poll and suggestions from Tibet, the Assembly of Tibetan People's Deputies, our parliament in exile, passed a resolution empowering me to continue to use my discretion on the matter without seeking recourse to a referendum. I wish to thank the people of Tibet for the tremendous trust, confidence and hope they place in me. I continue to believe that my ''Middle Way Approach'' is the most realistic and pragmatic course to resolve the issue of Tibet peacefully. This approach meets the vital needs of the Tibetan people while ensuring the unity and stability of the People's Republic of China. I will, therefore, continue to pursue this course of approach with full commitment and make earnest efforts to reach out to the Chinese leadership.

With my homage to the brave men and women of Tibet, who have died for the cause of our freedom, I pray for an early end to the suffering of our people and for peace and welfare of all sentient beings.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider Calendar No. 534 on the Executive Calendar. I further ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

Just for the information of all Senators, this is the confirmation of Brian Scott Roy, to be U.S. Marshal for Kentucky.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Brian Scott Roy, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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

ORDERS FOR WEDNESDAY, MARCH 11, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Wednesday, March 11, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator DEWINE for 10 minutes, Senator FAIRCLOTH for 10 minutes, Senator CONRAD for 30 minutes, Senator LEAHY for 20 minutes, and Senator THOMAS for 30 minutes from 10:30 a.m. to 11 a.m.

I also ask unanimous consent that at 11 a.m. the Senate resume consideration of S. 1173, the surface transportation bill.

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

PROGRAM

Mr. LOTT. Mr. President, tomorrow morning the Senate, as I said, will be in morning business for 2 hours because of requests we have had from Senators to speak, and also so some drafting can be done with regard to an amendment that will be offered later on in the day. At 11, the Senate will go back to the highway bill. It is hoped that the donor amendment will be offered at 11 a.m., to be followed by the finance title. Following the adoption of the Finance Committee title, it will be the majority leader's intention—and I have consulted with the minority leader and he agrees—that we should move to the cloture vote that had been postponed by consent from Monday afternoon. So we could have the three issues dealt with then in the morning: the donor amendment, the Finance Committee title, and then a cloture vote.

In order to ever get to a conclusion on this legislation, we do need the cloture so we can identify what amendments are serious and are pending out there. We are still hopeful we can complete this legislation either Wednesday at some point or Thursday—certainly this week. But we will not have a true feel of what the prospects are on that until we get a cloture vote and we identify the amendments that are then pending that are serious. So Members should anticipate a busy day voting tomorrow, with votes all during the day, in the afternoon and into the early evening with the probability of at least three votes, and it could be four or five before the day is out.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there is no business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from Maine, Senator COLLINS.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will stand in adjournment after the comments of the Senator from Maine.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1740 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. If there is no objection, the quorum call is rescinded.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until Wednesday, March 11, 1998, at 9 a.m.

Thereupon, the Senate, at 7:07 p.m., adjourned until Wednesday, March 11, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1998:

DEPARTMENT OF STATE

SHIRLEY ELIZABETH BARNES, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR.

CHARLES RICHARD STITH, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. (LH) THOMAS H. COLLINS, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. JAMES C. CARD, 0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF, UNITED STATES COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

REAR ADM. TIMOTHY W. JOSIAH, 0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. EDMUND P. GIAMBASTIANI, JR., 0000.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 10, 1998:

DEPARTMENT OF JUSTICE

BRIAN SCOTT ROY, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 10, 1998, withdrawing from further Senate consideration the following nomination:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

TRACY D. CONWELL, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2001, WHICH WAS SENT TO THE SENATE ON FEBRUARY 11, 1997.

EXTENSIONS OF REMARKS

LABELING IMPORTED PRODUCE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. HUNTER. Mr. Speaker, I rise today to discuss an issue that is extremely important to the health of millions of American families, the labeling of imported produce. We were reminded just how critical of an issue this is twice last year when a breakout of Cyclospora bacteria occurred in imported Guatemalan raspberries and when the Hepatitis A virus was found in strawberries which were imported from Mexico. In this particular case, these strawberries were illegally used in our nation's school lunch program and more than 150 students in Michigan were infected. When you take into consideration that shipments were sent to as many as 15 other states, thousands more could have been at risk.

What is perhaps more frightening than the presence of these strawberries in our nation's school lunch program, is the fact that these children are in just as much danger eating dinner at home. Every day, millions of Americans buy produce without knowing where it was grown. Though nearly every consumer product we purchase has origin labeling, the fruits and vegetables we eat do not. Taking into consideration that foreign countries do not adhere to the same phytosanitary and labor standards as American growners and handlers, it is very likely that harmful fruits and vegetables are being stocked on the shelves of our local grocery stores.

Mr. Speaker, this is simply unconscionable. Many of these countries are using pesticides that are currently banned in the United States or using irrigated water that is contaminated with raw sewage. it is also not uncommon to find young children being forced to work up to 12 hours a day picking and sorting these products. It is for many of these reasons that 80% of those asked in a recent survey believe that produce should have a label indicating its country of origin

I, along with many of my colleagues, have already become a cosponsor of H.R. 1232, the Imported Produce Labeling Act of 1997, introduced by our good friend, the late Sonny Bono. This legislation will extend our current labeling laws, under the Tariff Act of 1930, to require country of origin labeling on imported produce at the final point of sale, the grocery stores. This requirement is neither complicated nor burdensome to farmers and retailers. H.R. 1232 will simply require that the country of origin of imported produce be displayed in a clear and visible manner if the produce package is not already labeled. For example, a grocer could place a sign above the food bin or include the information on or next to the price sign.

This action not only promotes safety awareness, but is good trade policy as well. Many of our major trading partners, including Canada, Japan, Australia and various European nations, require country of origin labeling for imported produce, including the fruits and vegetables they buy from the United States. H.R. 1232 will place American farmers and consumers on a level playing field with out trading partners by harmonizing our labeling polices.

Most importantly, however, this action will provide American consumers with the opportunity to decide for themselves what fruits and vegetables they wish to buy, I firmly believe that it is not only a parent's right to know where the food they are feeding their family originated, but is also our responsibility to provide safe food to our nation's children. It is my understanding that Congressman Condit has recently requested to become the first sponsor of H.R. 1232 for the propose of adding cosponsors and working for its consideration. I applaud this action and urge all my colleagues, who have not already done so, to strongly consider cosponsoring this important legislation and support its passage when it reaches the Floor.

TRIBUTE TO REV. ANTHONY W. WILCOTS, A MAN WITH A MISSION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. PAYNE. Mr. Speaker, this past weekend marked a celebration for a fine young man who is serving as shepherd to some of my constituents. That young man is Reverend Anthony W. Wilcots. Rev. Wilcots is the pastor of the Liberty Baptist Church of Elizabeth, New Jersey. Although his physical presence with this church is short-lived, the spirituality and lessons he has taught are far-reaching. As we begin our life's journey we never know what paths we'll cross or with whom we'll come in contact but if we're fortunate to be prepared and faithful we are usually blessed to meet and serve those for whom we were destined.

Rev. Wilcots' journey has taken him far and wide and he and his congregants have certainly benefitted. Rev. Wilcots, a native of Houston, Texas, is a graduate with the Bachelor of Arts degree from Texas Southern University, the Master of Divinity degree from the School of Theology, Oral Roberts University and the Master of Sacred Theology degree from Yale University School of Divinity. He is currently pursuing a Ph.D. in Social Ethics at Drew University. His evangelistic ministry has carried him to college campuses, churches and tent crusades in over 30 states, the District of Columbia and six foreign countries. Mr. Speaker, as you can see Rev. Wilcots has taken his calling seriously and continues to increase his capacity to serve the minds and souls of many.

Mr. Speaker, I know my colleagues join me in expressing our appreciation to Rev. Anthony W. Wilcots and his family for his contributions to our community.

HONORING VILICIA ELIZABETH CADE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Vilicia Elizabeth Cade. Her contribution to public and community service is incomparable.

Vilicia was taught the value of community service and scholarship at a young age. As a child, she was often involved in community service through her family's church. Her zeal for community service found its firm foundations from these experiences.

In 1984, Vilicia attended the College of New Paltz. While enrolled full time she was involved in various community service endeavors. One particular project, involved creating a plan to provide resources for migrant workers. In addition, Ms. Cade stood in the forefront to fight injustice. She helped organize peaceful and successful demonstrations against apartheid. These demonstrations eventually lead to her college's discontinuing its use of a bank that had investments in South Africa. In the end, NYPRIG asked Ms. Cade to serve as a poster model for their 1986–97 campaign.

In 1986, she joined Zeta Phi Beta Sorority, Incorporated. As a member of Zeta Phi Beta Sorority, Incorporated, she continued her community service endeavors. In addition, her local chapter started a scholarship fund in the Sorority's name for female students. Vilicia obtained her Bachelor's degree in 1988. Without reservation her peers voted for her to be the first recipient of the ''NIA'' Award, an award for the highest grade point average in her major. She also received a full fellowship for graduate studies. In 1989 she attended the State University of New York at Albany for graduate school.

Upon returning to Brooklyn, Vilicia continued in her commitment to community and scholarship. She obtained employment with the Federation Employment Guidance Service (FEGS). Through her employment as a case manager with ''at risk'' New York City Public High School students, she organized college trips and encouraged students to be actively involved in service learning projects. In 1996, she obtained her second Masters degree from Long Island University.

Vilicia was blessed with two beautiful sons, Jelani Omari (deceased) and Curtis Anthony. Encouraged by her supportive family, friends, and Sorors, Vilicia continues to fight for the betterment of her community.

Mr. Speaker, please join me in congratulating Vilicia Elizabeth Cade for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

IN HONOR OF THE PANCYPRIAN ASSOCIATION OF AMERICA WOMEN'S ISSUE NETWORK AND MRS. YIANOULLA VASSILIOU

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Pancyprian Association of America Women's Issues Network on the occasion of their first annual dinner dance. I would also like to honor the Pancyprian Women's Issue Network's first 1998 Woman of the Year Award honoree, Mrs. Yianoulla Vassiliou.

Mrs. Vassiliou, who is visiting the United States for several weeks, is a former principal and elementary school teacher in the occupied part of Cyprus in the village of Rizokarpaso Cyprus. Yianoulla Vassiliou has devoted the past 24 years to educating these enclaved children. For selflessly leaving her family and dedicating her time to ensure that these children in the occupied area receive an education, Mrs. Vassiliou is a worthy recipient of the first Pancyprian Women's Issue Network 1998 Woman of the Year Award.

The Pancyprian Association of America Women's Issues Network was established in the spring of 1996 by a group of dedicated women as a division of the Pancyprian Association of America, Inc. in an effort to bring together women of Hellenic origin. The Founding President, Dr. Florentina Christrodoulidou, has spearheaded the organization to be a significant component of the Hellenic women's movement.

The Pancyprian Women's Issues Network is a network group providing information and services to women within the Hellenic communities. It helps raise awareness about social, health, economic and other issues as they relate to women's roles as mothers, daughters, wives, breadwinners and homemakers.

The philosophy of the Pancyprian Women's Issues Network is one of extending a helping hand to others, and which is deeply rooted in efforts to develop mutual prosperity and steering lives towards family fulfillment.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Pancyprian Association of America Women's Issues Network, a group of dedicated Hellenic women who have successfully integrated the Hellenic spirit with American ideals and values. I also ask my colleagues to rise in tribute to the Pancyprian Association's Woman of the Year honoree, Mrs. Yianoulla Vassiliou.

ACKNOWLEDGMENT OF NEW HOPE FOUNDATION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. THOMPSON. Mr. Speaker, I am honored to acknowledge the positive efforts of the New Hope Foundation, Inc. in Jackson, MS. New Hope was established in 1981 as a nonprofit organization to provide community-based alcohol and other drug abuse correction services to individuals, regardless of race, sex, religion, or national origin. New Hope's mission is to prevent, treat, and educate individuals living in low and moderate income communities about alcohol, tobacco and other drug abuse.

Some of New Hope's programs include a Three Quarter-way House for males. This program is a secondary alcohol and drug treatment program for recovering chemically dependent persons. In this program, individuals are given an opportunity to improve their lives by participating in vocational and employment activities. New Hope also conducts several other programs such as support groups that help aid in temporary and permanent housing, medical assistance, achieving a Graduate Equivalency Diploma (GED), aid to the homeless and many other worthwhile benefits for men subjected and victimized by the ills of society. It is refreshing to know that organizations such as New Hope are created to help people who are not able to help themselves.

Mr. Speaker, I salute The New Hope Foundation. We can learn a lot from their determination and their commitment to assisting the less fortunate. I congratulate New Hope on their accomplishments and I encourage them in their quest too empowering a part of America that is almost too often neglected.

SALUTE TO DR. JOHN S. MBITI

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. PAYNE. Mr. Speaker, I would like to call to the attention of my colleagues here in the U.S. House of Representatives a very special man, Dr. John S. Mbiti.

Dr. Mbiti has studied the attitudes of mind and belief that have evolved in the many societies of Africa. His interests are in biblical studies in relation to the expansion of Christianity and theological developments in Africa, Asia, and Oceania, and missiology, ecumenics, and the science of religion. Mbiti adds a new dimension to the understanding of the history, thinking, and life throughout the African continent. Religion is approached from an African point of view but is as accessible to readers who belong to non-African societies as it is to those who have grown up in African nations. The publication of his book ''African Religions and Philosophy,'' has become essential reading for anyone concerned with African religion, history, philosophy, anthropology or general African studies.

As the representative of Elizabeth in Congress, I am proud of the accomplishments of Dr. John S. Mbiti. Mr. Speaker, I know my colleagues join me in expressing our appreciation to Dr. John S. Mbiti for his numerous outstanding contributions to humankind.

HONORING PETER C. CAMPANELLI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the numerous achievements of Peter C. Campanelli during his fiftieth birthday celebration. His dedication to providing vital clinical services to individuals afflicted with mental illness has been incomparable.

As an adjunct professor at Rutgers and as a supervisor of students working towards an expertise in Cognitive/Behavioral Psychotherapy, Dr. Campanelli has trained a new generation to deal with the intricacies of the mental health field. He also organized and directed the Institute for Community Living (ICL), a private not-for-profit corporation, for the purpose of development and operation of community residences for the mentally ill within the catchment areas of two large state psychiatric hospitals. ICL currently provides approximately five hundred and sixty residential beds within various levels of care. It is clear that Dr. Campanelli strives to provide vital services to a constituency desperate for health and social services.

Mr. Speaker, please join me in congratulating Dr. Peter C. Campanelli on his fiftieth birthday and thank him for sowing the seeds for others in our community to follow in his footsteps and provide the needed services for those who live there.

IN HONOR OF IRENE KLEMENTOWICZ

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Irene Klementowicz, a resident of my district who has fought hard to protect the environmental health of her community.

Ms. Klementowicz has actively worked to improve her community since she first arrived in Greenpoint. Among her many activities, she helped ensure that a local factory started implementing pollution controls. This was especially important since it was situated directly across from two schools.

This early activism led to an appointment to Community Board 1, where she continues to champion the health and safety of her district. Among her accomplishments, she can be credited with a hard-fought and successful campaign to shut down the Greenpoint incinerator, long a source of pollution and nuisance.

Ms. Klementowicz's efforts have been recognized by numerous civic organizations. The City Club of New York honored her with an award for grass-roots leadership to the Concerned Citizens of Greenpoint, of which she is president. This group was formed to address environmental conditions that are detrimental to the health of Greenpoint citizens.

Her selfless efforts on behalf of the Greenpoint community have earned her the respect, and in some cases trepidation, of numerous public officials. She is both a tireless opponent of environmental degradation, and a committed activist for improving the quality of life in her district.

The efficiency and effectiveness Irene Klementowicz has displayed in Greenpoint should serve as a model for all community activists. Without people like Ms. Klementowicz working to improve communities on the local level, our work as Members of Congress would be compounded tenfold. It is the hard-working people like Ms. Klementowicz who

keep alive the small-town feeling which could so easily be lost in a big city.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Ms. Irene Klementowicz, a woman who has worked very hard to improve her community.

AMERICA'S CREDIT UNION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. THOMPSON. Mr. Speaker, I rise today in support of America's Credit Unions. The United States Supreme Court ruled last week that the Depression-era statute which authorized the creation of our Nation's credit unions does not permit them to draw members from a variety of occupations. This decision will upset long-standing federal policies and the personal lives of 70 million credit union members and countless more workers who are considering their financial-planning options.

While the Supreme Court's ruling will stand as long as the statutes governing credit unions remain the same, Congress can act now to clarify the law and protect credit unions. H.R. 1151, ''The Credit Union Membership Access Act,'' would permit credit unions to continue recruiting members according to their traditional practices. This bill has already received 182 co-sponsors, but it desperately needs more support to break its deadlock in Committee.

Credit Unions are the only source of financial services for many low-income Americans. It is unfortunate that I am the only Member of Congress from Mississippi—one of the poorest states in the Union—who is a co-sponsor of this bill even though there are over 419,000 thousand credit union members in Mississippi alone. Nonetheless, Congress can not afford to ignore this issue, and I sense the mood is changing here. Let us act swiftly and move to save credit unions by enacting this bill; more than 70 million Americans are waiting.

IN RECOGNITION OF THE ACCOMPLISHMENTS OF RHODA HOOPER

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. BASS. Mr. Speaker, I rise today to recognize and honor an outstanding woman and worker, Rhoda Hooper, from my home state of New Hampshire.

Mrs. Hooper was recently named as the ''Outstanding Older Worker'' from our fine state and I believe she serves as an example to us all that ability is truly timeless.

At the age of 88, Mrs. Hooper is the type of person we would all like to be, and certainly would be lucky to hire. Her success story is both poignant and triumphant. Forced to find employment after the death of her husband, Mrs. Hooper entered the job market as an older worker without significant work experience outside the home or even a driver's license. But despite the odds seemingly stacked against her, Mrs. Hooper found work at New Boston Central School where she has fulfilled the role of office aide and so much more for the past seven years.

Since she does not drive, on a pleasant day she walks the quarter mile from her home to her job where she never missed a day. Her strong work ethic seems to be matched only by the size of her generous heart. Despite demanding office duties, Mrs. Hooper takes the time to take a personal interest in each of the students. For instance, you will never find a student at New Boston Central School without mittens. She knows when any of the children are without them and makes sure they do not leave school without a hand-knit pair. If you've ever experienced a New Hampshire winter, you know just how wonderful that gift of warm mittens can be.

Her co-workers call her ''a lifesaver and a joy to work with.'' The students affectionately call her ''Grandma.'' I call her a ''winner.'' Not just because she has won a richly deserved award, but because she is a role model for workers everywhere. Mrs. Hooper has overcome obstacles to achieve her goals and change her life, and in the process has enriched the lives of countless others.

I extend my best wishes to Mrs. Hooper as she receives her award and urge her to keep up the good work. She is truly a special person and I am privileged to recognize her here today.

NEWARK STUDENTS PRACTICE RANDOM ACTS OF KINDNESS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. PAYNE. Mr. Speaker, I would like to pay tribute to the students of New Jersey for winning the Kindness and Justice Challenge. Pupils of New Jersey led the nation with 96,816 acts of kindness. Students from my home district of Newark, New Jersey led all municipalities with 30,615 good deeds. This is indeed an honor and a privilege to represent such model students.

The competition was started 3 years ago by Newark students who wanted to do something about all the negative images that faced their communities. Today we have over 40,000 pupils in over 12,000 classrooms participating in the contest across the nation. Good deeds are recorded on the Internet to keep an accurate account. Teachers had to pitch in during lunch breaks and at night because not all students had access to computers at home.

Newark students were led by Latoya Hedgespeth, a fifth grader at Madison Avenue School who recorded the most acts of kindness with 321 goods deeds. This truly exemplifies the dream of Dr. Martin Luther King, Jr. and should serve as a lesson to us all. The students were honored by Superintendent Beverly Hall and Mayor Sharpe James.

Mr. Speaker, I am sure that my colleagues will join me as I extend heartfelt congratulations and best wishes to the students of New Jersey.

HONORING KANDACE V. SIMMONS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the efforts of one of the hardest working young women in my district, Ms. Kandace V. Simmons.

Kandace is the President and Chief Operating Officer of Simmons Design Group, Ltd., a building design firm located in Park Slope, Brooklyn. Simmons Design Group was established in 1969 by her father, the late Harry Simmons, Jr. as Simmons Architects. Ms. Simmons over sees the strategic planning marketing, financial administration, and project management of the firm.

Prior to permanently joining the family business in 1994, Kandace had a varied career. After graduation from Yale University in 1988, she was a financial analyst with Chemical Bank. She later moved to New York City Department of General Services (DGS) becoming a senior policy analyst where she implemented City-wide cost savings initiatives. Ms. Simmons also coordinated activities for compliance with the Americans with Disabilities Act in city-owned buildings. In 1992, wile still employed by DGS, she founded Simmons Entertainment, managing jazz musicians and producing concerts in Houston, TX.

At her father's request, Ms. Simmons returned to Simmons Architects in July, 1994 with overall responsibility for the business management of the firm. After the death of her father in October 1994, Ms. Simmons took charge of the company. In addition to managing Simmons Design Group, she is an architectural student at Pratt Institute in Brooklyn.

Born in Brooklyn, New York, Kandace Simmons is the eldest child of the late Harry Simmons, Jr. and Dr. Sharon E. Simmons. She is also the sister of Harry Simmons III and Carlton Tarver.

Mr. Speaker, please join me in congratulating Ms. Kandace Simmons for all of her achievements, for being a woman who dares to be different, and showing young women everywhere that they can do, and accomplish, anything.

SUPPORT HUMAN RIGHTS IN MOLDOVA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. BONIOR. Mr. Speaker, I rise today to share with my colleagues information about a serious human rights situation in the Trans-Dnestr region of Moldova.

Since 1993, the men known as the ''Ilascu Six'' have been imprisoned for allegedly murdering two separatists in this region.

The State Department's most recent human rights report for Moldova states that serious questions have been raised about the fairness of the trial of the ''Ilascu Six'' conducted by Trans-Dnestr officials. There is a strong belief that these men were persecuted for political reasons—solely because they are supporters of reunification with Romania.

The leader of the group is Ilie Ilascu, president of the local branch of the democratic Moldavian Popular Front, which favors reunification with Romania. Such a move is strongly opposed by the Trans-Dnestr ruling authorities, who instead favor a closer alliance with Russia and independence for the Trans-Dnestr region.

Mr. Ilascu and three others remain in prison. One prisoner has been freed, and a sixth person, an infiltrator placed by the Trans-Dnestr secret police, was released after his testimony against the others.

There are reports that these men have been subjected to torture and mock executions. Ilie Ilascu remains in isolation in a top security prison.

Despite his imprisonment, in 1994 Mr. Ilascu was elected to the Parliament of Moldova. Although he has been duly elected, Ilie Ilascu has never been able to take his seat in parliament.

According to the State Department report, a group of Moldovan doctors was refused access to Mr. Ilascu in the fall. Trans-Dnestr authorities have also refused the International Committee of the Red Cross access for the purpose of monitoring the conditions of the prisoners.

Mr. Speaker, I believe we must press officials in Trans-Dnestr to allow access to these prisoners by the Red Cross.

I am pleased the State Department focused on this serious situation in its human rights report, and hope that it will continue to raise this issue with the governments of Russia and Moldova.

We should insist that Mr. Ilascu and the other prisoners be guaranteed their internationally-recognized human rights—the right to a fair trial, due process, and freedom of expression.

ACKNOWLEDGMENT OF MS. EUNICE GENTRY, MISS JACKSON STATE UNIVERSITY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. THOMPSON. Mr. Speaker, I rise today to congratulate Ms. Eunice Gentry on obtaining the title of Miss Jackson State University 1997–98. Ms. Gentry is a native of Jackson, MS. She is a senior communications major and the daughter of Dr. and Mrs. Roosevelt Gentry.

Ms. Gentry is very active in numerous organizations at Jackson State University (JSU). Such organizations include the Mass Communications Club, JSU Student Government Association, Tiger Pride Connection, and the JSU chapter of the NAACP. Among some of Ms. Gentry's accomplishments include her position as parliamentarian for the student chapter of the National Association of Black Journalists, a $3,000 scholarship earned in a national essay competition sponsored by the National Black Programmers Coalition of Atlanta, and her membership to the W.E.B. DuBois Honors College. Over her summer break, Ms. Gentry worked as an intern for television station KVBC, the NBC affiliate in Las Vegas, NV.

Mr. Speaker, it is with the utmost pride that I stand here before you today and acknowledge Ms. Eunice Gentry, Miss Jackson State University 1997–98.

IN HONOR OF THE NEW YORK STATE ASSEMBLY PUERTO RICAN/HISPANIC TASK FORCE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. SCHUMER. Mr. Speaker, I rise today to ask my colleagues to join me in honoring the New York State Assembly Puerto Rican/Hispanic Task Force on the eve of their 11th Annual Conference.

This Task Force has brought together a large network of government officials, community leaders and service providers who share a common goal: improving the quality of life for our Hispanic population in New York. It has managed to draw on the strengths of its participants to move forward and knock down the continued barriers of bias and discrimination.

With great tenacity, the Task Force has fought for and won a number of battles on behalf of Hispanic constituencies. From identifying problems of access by Spanish speaking women to domestic abuse services to uncovering the tracking of Hispanic students in New York schools. Always, and with great success, they have found legislative solutions to these problems that have served to improve and protect the rights of all New Yorkers.

This years' annual legislative meeting will certainly bring to the fore some very important issues facing the Hispanic communities in New York. As our state legislature begins to work on issues such as the evolvement of managed care, education reform and economic opportunity, the debate will no doubt be enhanced by the contributions to be made by this Task Force. In fact, all communities will be better served by having an inclusive rapport on these important topics.

I ask my fellow colleagues if I may take this opportunity to commend this fine organization for its leadership and resolve. May the Puerto Rican/Hispanic Task Force continue its admirable task to ensure equal access, true representation and opportunity for all constituencies in New York.

HONORING DEIDRA C. TOWNS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Deidra Towns. Her contribution to community and public service is incomparable.

A woman at the beginning of her career, Deidra's dynamic personality bespeaks a character that will stare the world down—and win. Already, she has flourished as an Administrative Assistant at Bedford-Stuyvesant Legal Services, a Managed Care Training Facilitator/Public Relations Coordinator at East New York Diagnostic and Treatment Center and as a Legislative Aid for the New York State Assembly. Currently, Deidra is the Team Leader for the Red Hook Public Safety Corps. In this position she has provided direction and structure to its AmeriCorps team. She has also planned and implemented projects designed to address public safety issues.

As a devoted mother to her daughter, Kiara, and a loving daughter to Edolphus and Gwen Towns, there is no doubt that this young woman will leave her special mark on her community.

Mr. Speaker, please join me in congratulating Deidra C. Towns for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

COMMEMORATION OF LOS ANGELES COUNTY CANCER AWARENESS WEEK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate Childhood Cancer Awareness Week which will occur March 8th—March 14th in the County of Los Angeles. I would also like to acknowledge the American Cancer Fund For Children and its founder Steve Firestein for their tireless efforts to help children. Through their dedication and perseverance, they have influenced the lives of hundreds of children with cancer, while bringing awareness of this issue to our country as a whole.

Cancer is the leading cause of death by disease among children in our country. Each year, approximately 10,000 children are diagnosed with this frightening illness. A cure for cancer is an important goal that we all hope to achieve. Until that time, important services and programs like the American Cancer Fund for Children play a vital role in the lives of those afflicted with this disease.

The American Cancer Fund for Children has been established to provide financial assistance to families with children fighting cancer. When a child is sick, parents should not be restricted by financial burdens in determining what type of treatment their child receives. Funds are used for expenses such as a bone marrow transplant, housing and food. The American Cancer Fund for Children also enables parents to be with their children as they undergo treatment. This organization has also worked to meet hospital needs for patient and family services, helping to ensure the quality of care and improving the chances of survival. For instance, children participate in psycho-social services designed to foster self-esteem, encourage peer interaction and develop special patient communications.

Through his interactions with children entering the Los Angeles Orthopedic Hospital, Steven Firestein has provided them with courage and hope. He has established a national network of programs, through which he provides children with baseball caps, toys and sports cards. These small tokens do wonders to brighten a child's day.

Mr. Speaker, distinguished colleagues, please join me in acknowledging the work of Steven Firestein and the American Cancer Fund for Children. They have worked to raise awareness of childhood cancer and they have motivated our community to take the first

steps toward achieving our ultimate goal of prevention.

IN RECOGNITION OF W.A. ''BING'' LECROY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to an outstanding educator and citizen of the State of Alabama, the late W.A. ''Bing'' LeCroy. Mr. W.A. ''Bing'' LeCroy died on October 29, 1996, but his enthusiasm for the field of education can still be felt by everyone that he directly and indirectly touched throughout his career.

Bing LeCroy was born in Coosa County, Alabama, on April 1, 1918. Mr. LeCroy studied at Jacksonville State University and Auburn University where he received a Bachelor's and Master's degree in Administration. He later attended the University of Alabama at Birmingham for additional graduate work.

Bing left Coosa County and moved to Chilton County to begin his career as a classroom teacher. He later served as Superintendent of Education of Chilton County, State Superintendent of Education, Director of the Chilton County Area Vocational Center and Director and Coordinator of the Wallace Community College, Clanton Extension. After his many years as an Alabama educator, he became such a recognizable icon that he was known to thousands across the state as ''Mr. Education.''

Mr. LeCroy not only indulged in scholastic education, he also was a leader in civil education and worked tirelessly to ensure the safety and health of our children. During his administrative career in public education, he hired the first female bus driver in the State of Alabama. He also was the first proponent in the United States for mandating red stop signs on school buses, allowing for children's passage across the roads and highways.

In addition to the unparalleled dedication that Bing selflessly gave to his students, Mr. LeCroy was a devoted member of the First Baptist Church of Clanton and was a long-time member and President of Kiwanis Club.

Mr. Speaker, I am not the only person aware of Bing LeCroy's accomplishments. The thousands of students this man directly impacted will remain both a legacy and a reminder of the potential good that a teacher can achieve in a child's life. Recently, the Chilton County Board of Education recommended and approved the Chilton County Area Vocational Center be re-named the W.A. ''Bing'' LeCroy Career Technical Center. The re-naming of this building is a suitable memorial for a man who was known by those who love him as ''Mr. Education''.

I ask my colleagues to join me in honoring the memory of one of Alabama's great education advocates, Bing LeCroy.

HONORING JUANITA C. BOBBITT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Juanita C. Bobbitt. Her contribution to the United Nations and women's issues is incomparable.

Ms. Bobbitt was raised in the Bedford-Stuyvesant community of Brooklyn. Her undergraduate degree from Brooklyn College of the City University of New York as well as her Masters degree from New York University and Harvard University, successfully prepared her for a United Nations career that has spanned nearly four decades.

As a consultant to governments and an expert in public administration and management, she has travelled to Africa, Asia and the Pacific, Latin America, the Caribbean, and Europe. She is fluent in French and Spanish. Recently, she was responsible for managing a group of professionals to formulate and implement programs in developing countries and economies in transition devoted to social, rural and community development, poverty alleviation, and the advancement of women. She is currently leading the Gender Advisory Services Unit in the Division for the Advancement of Women within the Department of Economic and Social Affairs. Most recently, Ms. Bobbitt organized a workshop on behalf of the United Nations to examine the ways to enhance the partnership among entrepreneurs, government, and the business community. As a result of Ms. Bobbitt's workshop, the Lausanne Enterprise was created to serve as an international mechanism to further develop women's entrepreneurship worldwide as a result of Ms. Bobbitt's workshop.

As an active member of her community, Ms. Bobbitt has served on various academic committees. She is also a long-standing member of St. George's Episcopal Church and a Golden Life Member of Delta Sigma Theta, Inc., a Public Service Sorority.

Ms. Bobbitt has been able to reach these incredible goals and also be the proud mother of one son, Edmund Michael Bobbitt, a Harvard graduate and entrepreneur.

Mr. Speaker, please join me in congratulating Ms. Juanita C. Bobbitt for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

PRESIDENT'S BUDGET BRINGS BACK DEFICIT SPENDING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. PACKARD. Mr. Speaker, last week the Congressional Budget Office (CBO) released an analysis that shows that the President's FY1999 Budget submission would result in a $5 billion deficit, even with the $130 billion in new taxes his plan proposes. President Clinton's Budget not only comes as a disappointment, it blows a hole in the agreement he made with Congress last year and breaks the promise he made to American taxpayers.

As a member of the Appropriations Committee, I admit that these figures do not come as a shock. Considering that the President's proposal includes 85 new programs, costing at least $150 billion over the next five years, we shouldn't be surprised that the numbers in his budget don't add up. Mr. Speaker, the President's budget puts us right back on the path to deficit spending. To top it off, this plan raises taxes to the highest level since 1945. That is totally unacceptable.

The CBO analysis projects that by 2000, the deficit would return to $5 billion under the President's plan. If no changes were made to the Balanced Budget pact agreed to last summer, however, the CBO reported that there would be a higher surplus each year through 2003.

Mr. Speaker, this is one more indication that Bill Clinton is not sympathetic to the American taxpayer. It took a Republican Congress to create and pass the Balanced Budget Agreement, and it's going to take a Republican Congress to protect it. Bill Clinton has only given lip service to balancing the budget, but is apparently not willing to be a partner in that effort.

HONORING THE ACCOMPLISHMENTS OF AMANDA DAVIS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. POSHARD. Mr. Speaker, I rise today to laud the accomplishments of Amanda Davis, a senior at Eastern Illinois University (EIU). Amanda is from Mt. Vernon, Illinois, a town I represented during my first two terms in Congress, and she served as an intern in my Washington, D.C. office last summer. She possesses maturity beyond her years and a character made up of the finest qualities: intelligence, integrity, and a desire to help those around her. I believe her example is one to be emulated by not only her peers, but by the entire nation.

The first thing you notice about Amanda is her seriousness. She is not a frivolous person, and immerses herself in the projects she undertakes. In my office, this trait manifested itself in everything from her thorough Capitol tours to her tireless research into numerous legislative issues. An accomplished scholar, the list of her academic achievements, awards, and activities is truly staggering. I will list just a few: recipient of the Herbert F. Hueller and Jennifer Woods Scholarships, Honors student and regular member of the Dean's List, high school valedictorian, co-editor of and contributor to The Vehicle, EIU's literary magazine, and membership in numerous honor societies. She is perhaps most passionate about women's issues, especially as related to the correctional system and literacy. Her work on these subjects has resulted in numerous papers that she has presented at professional conferences across the nation. Somehow, Amanda finds time to volunteer as a tutor for illiterate adults and a crisis hot-line worker at a battered women's shelter. Her unrelenting pursuit of knowledge and her penchant for helping others is a powerful combination, and it will lead her to accomplish great things in the future.

Mr. Speaker, it is people like Amanda Davis that never allow me worry about the future of the United States. Every summer our congressional offices are filled with thousands of our brightest young minds, and they will be prepared to pick up the mantle of public service when their time comes. Amanda has already answered this call. As I stated earlier, I hope her example serves as a catalyst for others, and I thank her for all of her efforts on behalf of the people of Illinois.

HONORING CYNTHIA CARRINGTON-MURRAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Cynthia Carrington-Murray. Her contribution to the health care community is incomparable.

After transferring from her native Trinidad and Tobago, she received her Bachelors Degree in Nursing and a Masters in Community Health Administration from Long Island University. Currently, Cynthia is the Executive Director of the Woodhull Medical Center in Brooklyn, a 428 bed public hospital that is part of the New York City Health and Hospitals Corporation. Woodhull is the acute care hospital for the North Brooklyn Health Network with over 18,000 discharges and 240,000 clinic visits annually. The Center operates three freestanding residency programs in Internal Medicine, Primary Care Pediatrics and Dentistry.

A dynamic and personable leader, Cynthia brings over twenty years of progressive leadership to the formidable task of interpreting Woodhull's mission, vision and goals. A strong advocate of community health, she imbues her work with vigor, compassion, and a keen understanding of the needs of the North Brooklyn community. She has received numerous awards for her professional excellence and she is a member of the Board of the Brooklyn Chamber of Commerce, President of the Trinidad and Tobago Nurses Association of America and the President of the East 45th Street Block Association.

As a wife and mother to two, daughters Camille and Kamika, Cynthia has managed the triumphs and pressures of those roles, and risen to excellence in the field of nursing.

Mr. Speaker, please join me in congratulating Cynthia Carrington-Murray for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. KIND. Mr. Speaker, today is the date for the special election in California's 22nd Congressional seat, the race to replace my friend Walter Capps. The winner of today's race will be decided by the voters of Santa Barbara and San Luis Obispo Counties. The loser in this race has already been decided, and it is the current campaign system.

The race for this seat has seen an unprecedented level of outside spending by special interest groups trying to influence the election. While the citizens of California's 22nd district have repeatedly said that education and taxes are their top priorities, outside groups have overwhelmed the district with television commercials that only impact their own narrow agenda's.

I am afraid that the spending in this race is only a sign of things to come. If we don't pass meaningful campaign finance reform the outside interest groups are going to spend unlimited amounts of money in each Congressional campaign, and each candidate will be forced to raise more money to combat that spending. We need campaign finance reform to stop this vicious cycle. Mr. Speaker the people of my district refuse to accept ''no'' for an answer.

HONORING THE PINK OYSTER INTEREST GROUP

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. WYNN. Mr. Speaker, I rise today to pay tribute to the Pink Oyster Interest Group's service to Southern Prince George's County, Maryland.

In January of 1996, five sorors, Patricia Oliver Bell, Annette Oliver Boxley, Irene Bullock-Overton, V'Nell De Costa and Gloria McCray Watson were gathered at Pat's Exclusives Boutique. In conversation, the subject of starting a local graduate chapter of Alpha Kappa Alpha Sorority, Inc. in the Ft. Washington area surfaced. Soror Gloria McCray Watson was charged with determining the procedure for starting a new chapter.

As directed, later in the same month, Soror Gloria McCray Watson reported to the group advising them of the procedure for the formation of an interest group. A meeting was scheduled for March 29, 1996 at Pat's Exclusives Boutique.

On March 29, 1996, the group's first meeting was held at Pat's Exclusives Boutique. Soror Carmilla Watkins of Nu Zeta Omega was invited to serve as an advisor to the group. The meeting was attended by Sorors: Patricia Oliver Bell, Annette Oliver Boxley, Yvonne Bundley, Irene Bullock-Overton, V'Nell De Costa, Brenda Jones and Gloria McCray Watson.

On Sunday, April 21, 1996, the groups' next meeting was held at Pat's Exclusives Boutique. Soror Wilma Holmes Tootle, North Atlantic Regional Director, was our guest, where she most graciously sanctioned the formation of a formal Interest Group of Alpha Kappa Alpha Sorority, Inc., in Ft. Washington, Maryland.

The group met at Pat's Exclusives Boutique again in the month of May. However, it soon became necessary to move the meetings to another location because of the tremendous response from sorors in the area. Soror Gloria McCray Watson was charged with securing a location for the meeting.

Officers were elected to conduct the business of the Interest Group. The Officers were: Irene Bullock-Overton—President, Gloria McCray Watson—1st Vice-President, Patricia Oliver Bell—2nd Vice-President, Pamela Mohammed—Recording Secretary, Andrise Payton-Watson—Assistant Recording Secretary, Brenda Jones—Financial Secretary, V'Nell De Costa—Treasurer, Annette Oliver Boxley—Historian, Angela Roberts—Assistant Historian and LaKeisha Ratcliff—Philacter.

Soror Watson recommended and later secured Harmony Hall Regional Center for the third Thursday of each month. In June of 1996, 36 members strong, the Interest Group moved the meetings to Harmony Hall Regional Center in Ft. Washington, Maryland. Also at this meeting, it was recommended by Soror Angela Roberts that the group be formally known as, ''The Pink Oyster Interest Group''. The name was enthusiastically accepted by the sorors in attendance.

By August of 1997, the Group had initiated various programs and performed numerous community service projects. Some of the programs and activities included but are not limited to: an ongoing senior citizens project at Livingston HealthCare Center in Ft. Washington, Maryland; an Adopt-a-School partnership with Potomac Landing Elementary School in Ft. Washington, Maryland; a voter registration drive; an Adopt-a-Road partnership with Prince George's County; donated school supplies to the Alpha Kappa Alpha Sorority, Inc., AKA–IFESH project; sponsored five Southern Prince George's County middle school students for the Alpha Kappa Alpha Sorority, Inc. Putting emphasis on Math and Science (PIMS) Camp held at Bowie State University; donated career clothing to the Anacostia Center for Mental Health; made a financial contribution to the Maryland Stallions Basketball league; awarded scholarships to two Prince George's County senior high school students from Crossland High School; sponsored a Minority Business Symposium; established an AKAdemy; donated books for the library for Potomac Landing Elementary School in Ft. Washington; donated career clothing to the Maryland State Department of Rehabilitative Services and participated in the AIDS WALK '97 in Washington, DC.

The commitment of Alpha Kappa Alpha Sorority, Inc., is service to all mankind. The mission of this chartering shall be to extend Alpha Kappa Alpha's commitment to the citizens of southern Prince George's County.

HONORING RENEE POLLACK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Renee Pollack. Her contributions to education, particularly Bushwick High School, are incomparable.

Her philosophy is simple: ''Students need to be able to dream the way I dreamed and I will try to help make those dreams come true.'' Early in her career she served as an assistant principal of Pupil Personnel Services at Park West High School in Manhattan. Renee was also a Spanish teacher, grade advisor, and served as a member of various task forces and steering committees.

Renee has realized her childhood dream of being a principal and it is clear that her students are as enthusiastic about her as she is

about them. During her tenure, Renee has obtained new computers for the library, laboratory and the college office; improved the functioning of the program office for the teachers and students; expanded the technology initiative for all the content areas; opened a Saturday community school for students and parents to have an opportunity to learn; and opened the pool and gym on Saturdays so students and their parents can go swimming.

It is clear that Ms. Pollack has a vision for Bushwick High School and its surrounding community. I have no doubt that she will leave an indelible mark on all the teachers, students and parents that she will come in contact with.

Mr. Speaker, please join me in congratulating Renee Pollack for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

MANAGED CARE AND MENTAL HEALTH/SUBSTANCE ABUSE: A NATIONAL DISGRACE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. STARK. Mr. Speaker, managed care does many things will and some things poorly. It has been my impression that its major failing lies in the area of mental health and substance abuse services—and the following report submitted to the Congressional Budget Office in October 1997 by J. Wrich & Associates, Inc. (JWA) confirms that impression.

The report, which describes a pattern of lying about services, malpractice, and profiteering at the expense of some of the sickest in our society, is a call to action. As we consider managed care consumer protection and quality legislation, we need to provide special protections in the mental health and substance abuse sectors.

In the coming weeks, I will be proposing legislation to address some of the issues so well-raised by the Wrich report. Portions of this report follow:

A. OVERSTATED PROGRAM UTILIZATION

There was a tendency with providers audited to overstate utilization. In some instances multiple patient numbers were assigned to the same patients. One provider issued a new case number each time it authorized additional care. In other instances, case numbers were assigned on an annual basis, thereby enrollees were counted more than once if they received services in two or more calendar years.

In one audit the utilization reported by the contractor to the customer was: 5085 patients.

The audit found utilization to be: 3495 patients.

Variation—overstated utilization reported vs. actual: 45%.

B. TIMELINESS OF SERVICE

J. Wrich & Associates has consistently found timeliness of service to fall far outside the contractors' written standards.

Typically the contractor's written standards fall within the following parameters:

Routine cases shall receive service within 5 days;

Urgent cases shall receive service within 24 hours;

Emergency cases shall receive service within 2 hours.

This computes to a blended average standard for elapsed time of 4.32 days.

Actual performance in audits JWA has conducted ranged from 8.5 to 19.3 days.

Variation—Contractor's written standards computed to a blended average vs. the blended average of actual waiting time for care: 97% to 347%.

C. NETWORK DEVELOPMENT

Coverage

Coverage is frequently spotty. Where managed behavioral health care serve employee groups in multiple locations, JWA finds considerable unevenness in provider network development and accessibility. In the case of one managed behavioral health care company serving a statewide enrollee group, the contractor's proposal and initial agreement called for a minimum of one chemical dependency and one mental health provider in each county. Two years into the contract, gaps in the provider coverage were found to be as follows:

Findings	Counties not covered (%)	Enrollees not covered (%)
No providers at all	15	6
No mental health providers	16	7
No substance abuse providers	32	19
No adolescent/child providers	25	12

In this case, the customer paid the full premium for 100% of the plan's enrollees during that time frame even though the managed behavioral health care network was never completely in place to serve all of them.

Matching Service to Enrollees' Problems

JWA found that provider networks are rarely developed with adequate consideration of expected high incidence of certain disorders. Two landmark studies of incidence and prevalence—the Epidemiologic Catchment Area Study and the National Comorbidity Study—indicate that as many as 80% of the adult population with a behavioral health disorder have one of four major diagnosis or some combination thereof—substance abuse disorders, major depression, anxiety, and phobia. None of the managed care companies JWA audited have built their networks on a research-based rationale of expected patient needs.

Contractor reports on employing minority providers are often overstated. One ploy involved hiring high percentages of Asian and Indian providers who were anxious to build their practices and willing to work for lower fees, as opposed to employing established African Americans providers who would have more closely profiled the culture and ethnicity of the target population.

D. CLINICAL ISSUES

JWA found the charts they have audited to reveal a surprisingly high percentage of problems across the full spectrum of service.

Findings	Problem charts (%)
Failure to properly evaluate/diagnose/treat substance abuse cases where a diagnosis of a substance abuse disorder was documented in the chart, or where there were strong indications of the presence of a substance abuse disorder	54.8–78.3
Failure to properly evaluate/diagnose/treat psychiatric disorders cases where a psychiatric disorder was documented in the chart or where there were strong indications of the presence of a psychiatric disorder	4.3–8.6
Failure to follow up	6.3–78.8
Instances in which a patient had not received care within three months of initial contact due to delays in authorization or due to other administrative/clinical problems	4.1–26.0

E. ADMINISTRATIVE ISSUES

The frequency of administrative problems which had an impact on the delivery of care varied widely among providers. Problems included delays in answering telephone inquiries, failure to authorize care in a timely manner, problems with payment of claims.

Total Problems of Cases: 37% to 86%.

F. PATIENT PLACEMENT CRITERIA

JWA audits have shown that the criteria for inpatient, residential, or intensive outpatient treatment is often extremely restrictive. In one audit the provider required an attempt to harm self within the previous 24 hours, or significant action or harm to another person within the previous 24 hours, or significant threatening action to damage property with high lethality in order to receive intensive outpatient care or inpatient care.

Another audit revealed that the criteria for admission to detoxification services put the patient at risk because it included a confirmed diagnosis of addiction plus the presence of delirium tremens. Most experts would agree that a major purpose of detoxification is to prevent DT's, which are life-threatening medical conditions.

Mr. Speaker, the J. Wrich & Associates report causes great concern. While the audit findings cannot be generalized to the entire managed care industry, several audits performed by this company since 1992 have found significant problematic similarities in placement criteria, practice guidelines, network development procedures, and pricing among many of the firms. Currently patients have little protections against the bad mental health care that they often receive.

In the near future, a large number of us will be introducing a Patient Bill of Rights to provide new protections in managed care. Some of the provisions of that bill will help stop the type of abuses and abysmal care documented by the JWA audits. I suspect, Mr. Speaker, that the problems in the mental health and substance abuse sector are so severe, that we will need separate, special legislation to address this sector's unique problems. I am working on such legislation and welcome ideas and suggestions from the provider and patient communities.

A TRIBUTE TO DR. WALTER F. LAMACKI, DDS, ON THE OCCASION OF HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding gentleman who for many years has served the people of my district in the field of dentistry, Dr. Walter F. Lamacki, DDS.

Dr. Lamacki has been practicing dentistry for 35 years, and 24 years have been spent in the town of Burbank, Illinois. However, on March 1, 1998, Dr. Lamacki retired, and his practice will undoubtedly be missed by many people.

Before entering general practice, Dr. Lamacki attended the University of Illinois and Loyola University and served in the United States Army Dental Corp. Over the years, Dr. Lamacki has held numerous positions in the Chicago Dental Society, including the position of President. He has served on several committees of the Illinois State Dental Society and the American Dental Association. Dr. Lamacki also has served on the Board of Governors of Loyola Alumni Dental School and as President of the Loyola Alumni Association.

Dr. Lamacki is a respected member of the Chicago dental community. More importantly, he is a respected member of his community,

both for the service he has given in dentistry and his commitment to civic concerns. He has taken on responsibilities as the President of the Burbank Chapter of the American Cancer Society, as a member of the Burbank Chamber of Commerce, and as a Member of the Palos Gardens Civic Association.

Mr. Speaker, I would like to applaud Dr. Lamacki on behalf of the many people he has treated and befriended in his years of practicing dentistry. I would like to extend my very best wishes for continued success and happiness in retirement and in the years to come.

HONORING ROBIN HUNTER-BUSKEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Robin Hunter-Buskey. Her contribution to the health care community is incomparable.

A native New York, Robin attended the State University of New York at Stoney Brook, where she completed the Physical Therapy and Physicians Assistant Programs. She has practiced in a variety of healthcare settings including: HomeCare, Emergency Medicine, OB/GYN, Substance Abuse, infectious Disease, Rehabilitation, Internal Medicine and Geriatrics. In her current role, Robin brings her urban medicine experience into a growing suburban community.

As a dedicated member of various professional organizations, Robin has been a consultant to the New York State Board for Physical Therapy and a public member of the Board for Professional Medical Conduct. She is a clinical instructor and mentor to physician assistant students, medical students and others interested in the health professions. Also, Robin has given countless hours toward ensuring increased minority recruitment and retention in health professional programs. Though Ms. Hunter-Buskey has moved to North Carolina, I know her work in the community will always be appreciated.

As a mother of two, Veronica and Bennett, family involvement and support has given deeper meaning to Robin's commitment to helping others. Raising a developmental challenged child has helped her provide motivation for others.

Mr. Speaker, please join me in congratulating Robin Hunter-Buskey for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

THE INTRODUCTION OF THE ''DEPARTMENT OF JUSTICE VACANCIES CLARIFICATION ACT OF 1998''

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. HYDE. Mr. Speaker, today I am introducing the ''Department of Justice Vacancies Clarification Act of 1998.'' This legislation will end the practice of appointing acting personnel for indefinite periods of time to important jobs in the Department of Justice. For too long, the Department of Justice has used this method to evade the political accountability provided by the Senate confirmation process.

In 1988, Congress reenacted the Vacancies Act to prevent the filling of Executive Branch positions with acting personnel for long periods. Generally speaking, the Vacancies Act says that a person may serve as an acting head of an office for no more than 120 days. 5 U.S.C. §3348. (These times are tolled while a nomination is pending or when Congress has adjourned sine die.)

Most organic statutes for government departments have language that says the head of the agency may delegate his functions to anyone within the Department. See, e.g., 28 U.S.C. §§509–10 (language for the Department of Justice). Both Democrats and Republicans in the Executive Branch have interpreted this kind of language to be an alternative method of filling vacancies that is not subject to the 120-day period provided in the Vacancies Act. That interpretation effectively nullifies the Vacancies Act.

The Department of Justice Vacancies Clarification Act of 1998 would make it clear that the general language in the Department of Justice statute is not intended to override the Vacancies Act and that the Vacancies Act is the only method for filling vacancies in the Department of Justice.

In addition, to insure that the language is not ignored, the Act provides that when any acting person serves beyond the time provided in the Vacancies Act, the United States Circuit Court of Appeals for the District of Columbia Circuit will step in to appoint someone to fill the job until someone is nominated and confirmed. The Court could not appoint a person who had previously served as an acting head for that particular vacancy or a person who was nominated, but did not get confirmed. This is similar to language that already exists with respect to United States Attorney positions. 28 U.S.C. §546. My intent is not so much that the Court ought to make such appointments, but to give the Executive Branch an incentive not to let the time lapse.

I believe that this legislation will clarify the law, vindicate our system of checks and balances, and be to the advantage of all concerned. I hope that all of my colleagues will support it.

WHY IT MATTERS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. OXLEY. Mr. Speaker, for those who missed it, I would like to bring an opinion piece from the March 6th Wall Street Journal to the attention of my colleagues. William J. Bennett has once again provided an insightful analysis on recent developments in the White House that demands the consideration of Congress and the American people.

Mr. Speaker, I commend the following column by Mr. Bennett to the attention of all interested parties.

[From the Wall Street Journal, Mar. 6, 1998]

WHY IT MATTERS

(By William J. Bennett)

In the matter of Bill Clinton and Monica Lewinsky, almost everything points to the conclusion that something unseemly happened: the tapes; Ms. Lewinsky's 37 visits to the White House; Mr. Clinton's morning-after-the-deposition meeting with his secretary, Betty Currie; the gifts; the talking points; Vernon Jordan's many activities; the job offer from United Nations Ambassador Bill Richardson; the president's stonewalling; his initial, unconvincing denial; his refusal to explain what happened; Press Secretary Mike McCurry's remark that the relationship is probably ''very complicated''; and White House surrogates' declaration of ''war'' against the independent counsel.

Nevertheless, many Americans think the scandal—even if true—is either ''none of our business'' or not worth the effort to inquire about. This apparent indifference is surprising and unsettling. It is therefore important to respond to the most common arguments made by those who believe that a president's sexual involvement with a 21-year-old intern, and the ensuing suspected coverup, are essentially irrelevant to our national life:

We shouldn't be judgmental. At a recent speech before an organization of religious broadcasters, I criticized the president's unwillingness to explain what happened in the Lewinsky matter. A member of the audience took me to task for ''casting stones.'' I responded that it shows how far we have fallen that asking the president to account for possible adultery, lying to the public, perjury and obstruction of justice is regarded as akin to stoning. This is an example of what sociologist Alan Wolfe refers to as America's new ''Eleventh Commandment: Thou shalt not judge.''

LOST ITS WAY

Even the Rev. Billy Graham declared yesterday: ''I forgive him. . . . I know how hard it is, and especially a strong, vigorous, young man like he is; he has such a tremendous personality. I think the ladies just go wild over him.'' Mr. Graham, perhaps the nation's most admired religious figure, apparently is willing to shrug off both adultery and lying, without any public admission or apology on Mr. Clinton's part. This is what the theologian Dietrich Bonhoeffer called ''cheap grace.''

All of us are in favor of tolerance and forgiveness. But the moral pendulum in America has swung too far in the direction of relativism. If a nation of free people can no longer make clear pronouncements on fundamental matters of right and wrong—for example, that a married, 50-year-old commander-in-chief ought not to have sexual relations with a young intern in his office and then lie about it—it has lost its way.

The problem is not with those who are withholding judgment until all the facts are in, but with the increasing number of people who want to avoid judgment altogether. For it is precisely the disposition and willingness to make judgments about things that matter that is a defining mark of a healthy democracy. In America we do not defer to kings, cardinals or aristocrats on matters of law and politics, civic conduct and moral standards. We rely instead on the people's capacity to make reasonable judgments based on moral principles. Our form of government requires of us not moral perfection but modest virtues, and adherence to some standards. How high should those standards be? Certainly higher than the behavior alleged in this case.

Those who constantly invoke the sentiment of ''Who are we to judge?'' should consider the anarchy that would ensue if we adhered to this sentiment in, say, our courtrooms. What would happen if those sitting on a jury decided to be ''nonjudgmental'' about rapists and sexual harassers, embezzlers and tax cheats? Justice would be lost. Without being ''judgmental,'' Americans would never have put an end to slavery, outlawed child labor, emancipated women or ushered in the civil-rights movement. Nor would we have mobilized against Nazism and communism.

Mr. Clinton himself put it well, in a judgment-laden 1996 proclamation he signed during National Character Week, which said that ''individual character involves honoring and embracing certain core ethical values: honesty, respect, responsibility. . . . Parents must teach their children from the earliest age the difference between right and wrong. But we must all do our part.''

A president's private behavior doesn't matter. In a recent Wall Street Journal/NBC News poll, 57% said that private character doesn't matter at all or matters only if it interferes with his ability to do the job. Of course, if Mr. Clinton did have sexual encounters with Ms. Lewinsky, it involves at least adultery and lying to the public—and probably lying under oath as well. In any event, the attempt to rigidly compartmentalize life in this way is divorced from the real world. A mother would not accept from her son the explanation that his drug habit doesn't matter because he did well on the Scholastic Assessment Test; a police commissioner should not dismiss the raw bigotry of a detective because he has a good arrest record.

Yet in the name of ''compartmentalization,'' many now seem willing to accept raunchier behavior from our president than we would from any CEO, college professor or Army drill sergeant. Housing Secretary Andrew Cuomo put it this way: ''Let's remember what's important here. The lives of the American people are more important than the personal life of the president.'' But Mr. Clinton is a laboratory test case of why private character is relevant. Prevarications typify his private and public life. A seamless web of deceit runs through the man and through his administration.

John Adams held a far different view than Mr. Cuomo does. Adams wrote that the people ''have a right, an indisputable. unalienable, indefeasible, divine right to that most dreaded and envied kind of knowledge; I mean, of the characters and conduct of their rulers. Rulers are no more than attorneys, agents, and trustees, for the people; and if the cause, the interest and trust, is insidiously betrayed, or wantonly trifled away, the people have a right to revoke the authority than they themselves have deputed.''

To better understand the limits of the ''private-public'' argument, imagine the storm that would engulf a president who privately supported a whites-only membership policy in a country club. Most voters would rightly deem this private sentiment to be of intense public interest. Why, then, are we supposed to accept a man in the Oval Office whom many parents would not trust alone with their daughters?

The only thing that matters is the economy. ''What we should be talking about is that we are going to have the first balanced budget in more than three decades.'' says one citizen, who voted against Mr. Clinton in 1996. ''That's going to impact our children, not this sleaze that is masquerading as news.'' This sentiment reveals an arid and incomplete understanding of the presidency. More than any other person, the president symbolizes America. He stands for us in the eyes of the world and of our children, who inevitably learn from his example. Whether or not Bill Clinton escapes impeachment, his legacy will be one of pervasive deceit, squandered trust, a reckless disregard for the truth, heightened cynicism and a nastier political culture.

A ROGUE IN OUR MIDST

This corruption matters a great deal. Even if the Dow Jones breaks 10000. Even if Americans get more day care. Even if the budget is balanced. It matters because lessons in corruption, particularly when they emanate from the highest office in the land, undermine our civic life. Children are watching, and if we expect them to take morality seriously, they must see adults take it seriously. As C.S. Lewis wrote: ''We make men without chests and expect of them virtue and enterprise. We laugh at honor and are shocked to find traitors in our midst.''

Today we find not a traitor but a rogue in our midst. Of course, rogues have been with us forever, and the corruption of people in power is at least as old as the Scriptures. But in America today, more and more citizens seem to be complicit in that corruption. One worry of the Founders was that luxury and affluence might dull our moral sensibilities. The next few months will go a long way toward determining how strongly we believe in something we once revered as ''our sacred honor.''

HONORING JOYCE ARBERMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Joyce Arberman. Her contributions to our community are incomparable.

Ms. Arberman's service to the community spans almost two decades. She works closely with the Ladies of the Adult Retardate Center (LARC), a program which is nearest to her heart. Currently, she works to organize the Center's annual major fund raiser. Over the years, Ms. Arberman's efforts has lead to the raising of almost over a million dollars for LARC.

Currently, Ms. Arberman serves as State Committeewoman of the 39th Assembly District, a post she was elected to in 1984. She, along with Assemblyman Anthony Genovesi, are the leaders of the Thomas Jefferson Democratic Club in Brooklyn. Clearly, our district has only benefitted from her tireless efforts.

Ms. Arberman's family remains a source of strength for her. She has a son, Jeff, a daughter, Jamee, and is also the grandmother of two wonderful grandchildren.

Mr. Speaker, please join me in congratulating Joyce Arberman for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

WOMEN'S BUSINESS DEVELOPMENT CENTER

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. BORSKI. Mr. Speaker, in honor of Women's History Month, I rise today to commend the Women's Business Development Center, which is located in Philadelphia, Pennsylvania.

The Women's Business Development Center (WBDC) is a non-profit organization dedicated to the economic empowerment of women. The Center provides services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy. The Center enables women to launch new businesses and helps those currently in business to remain successful.

The WBDC was formed in July, 1995 with the assistance of a three-year matching fund grant from the U.S. Small Business Administration's Office of Women's Business Ownership. By offering a full range of services and utilizing the expertise of successful women business owners to deliver its programs, the Women's Business Development Center is the Greater Philadelphia Region's focal point for women's economic empowerment opportunities.

To date, the Women's Business Development Center has provided information, business assessment, training and counseling services to over 4,500 potential and existing women business owners. The metropolitan Philadelphia area has 127,100 women-owned business enterprises that employ 448,500 people and generate over $56 billion in sales. Women-owned business are a viable economic force and WBDC is vital to their continued growth and success.

Mr. Speaker, I would like to take this opportunity to thank Ms. Geri Swift, President of the WBDC. Working with the community, business organizations, and all levels of government and the corporate sector, Geri has played an essential role in supporting the growth and development of entrepreneurial business ventures. In addition to being the current President of WBDC, Ms. Swift serves as the national vice president of the National Association of Women Business Owner's (NAWBO) and as a director of the National Foundation of Women Business Owners. Geri Swift was also the founding president of the NAWBO, Greater Philadelphia Chapter.

HMO QUALITY DATA: LET THE PATIENT BEWARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. STARK. Mr. Speaker, as the nation moves increasingly toward managed care, a high priority must be to give the patient/consumer reliable, accurate information on the qualify provided by HMOs.

On February 26 the chief medical officer of the Medicare agency testified that the popular HEDIS data used to measure how well HMOs

are doing in a variety of areas is, in some cases, very inaccurate and misleading. I've asked the Health Care Financing Administration to give us more information on this problem and the extent of the errors.

There are private groups which accredit HMOs and use HEDIS data to help measure those plans. The leader in these private groups is the National Commission on Quality Assurance. But it is all very confusing to the consumer. The following shows why.

The October 13, 1997 issue of US News and World Report rated 223 HMOs using data largely from the National Commission on Quality Assurance's HEDIS system. The rating also showed whether NCQA had given full or partial accreditation to those HMOs.

Using the HEDIS data on things that people care about, like immunization rates, mammography rates, etc., US News ranked plans as Above Average or Below Average—but the NCQA accreditations had relatively little to do with how plans did on the US News ratings. For example, NCQA denied accreditation to 2 plans that US News found among the best, but denied none among the plans that US News found the worst. Following is a table my staff did showing the results.

What can be done to make this babble of ratings more useful to the public?

How NCQA Accreditation Compares to U.S. News and World Report Rankings of HMO's

U.S. News ranking	Full Acc.	1-Yr. Acc.	Prov. Acc.[1]	Denied	Review[2]	N/A[4]	P/S/E[3]	Totals
****	41	15	0	2	0	6	0	64
***	46	30	7	1	1	5	6	96
**	47	30	0	1	1	16	8	103
*	13	7	1	0	1	5	10	37
Not ranked	14	0	0	0	1	7	5	27
Totals	161	82	8	4	4	39	29	327

[1] Provisional accreditation; plan meets some standards; can move up if review after one year shows improvement.
[2] Initial status determiend but under review.
[3] Initial status Pending/review Scheduled/rating Expired.
[4] Accreditation information not available.

Source: U.S. News and World Report, October 13, 1997.

One of the most important things would be to ensure that these private accrediting and rating groups, which are paid for their services by those they rate, are true to the public interest. I have proposed legislation, H.R. 800, which would require that the boards of accrediting organizations like NCQA and JCAHO include public interest representatives and public meetings.

So much money is at stake in the quality ratings of managed care plans, that I do not believe the ratings should be directed in private and by boards of directors who include representatives of the interest being evaluated.

HONORING JACKIE SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Jackie Smith. Her contribution to women's sports is incomparable.

Jackie began playing organized basketball at the age of 11. The effort that she put into the game since then has made her a competitive player of international renown. She attended Forest Hills High School and, as a premier player, received All-City honors and the 1st Regusus award given by New York City. Upon graduation, she received a full athletic scholarship to St. John's University where she led the team to two Big East championships, four NCAA appearances, and has received numerous individual awards.

In 1986, after receiving her Bachelors degree, she played professionally with the Racing Club de France in Paris, France. In 1988, she returned to New York City to play an instrumental role with the Brooklyn Sports Foundation as its Community Relations Director. While in this position, she worked closely with the Foundation's Chairman, Board of Directors, and community leaders to plan and develop the first and only sports complex for amateur sports in Brooklyn.

In keeping with her love of sports, this year she became the Head Women's Basketball Coach at York College and is committed to building a successful program.

Mr. Speaker, join me in congratulating Ms. Jackie Smith for all of her achievements, for being a woman who dares to be different, and showing young women everywhere that they can do, and accomplish, anything.

TRIBUTE TO DAWSON HIGH SCHOOL STUDENTS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. FROST. Mr. Speaker, I rise to recognize the tremendous bravery shown by Dawson High School students earlier this year. These students, whose high school is in my district, have displayed an incredible example of courage in the face of danger and given all of us a fascinating story of courage and bravery.

Mr. Speaker, on January 6th of this year, students from Dawson High School arose and planned their day as usual. As they waited in their neighborhoods for the school bus, they had no way of knowing about the dangers that awaited them. Because there has been heavy rains in Dawson the previous week, many of the roads were flooded. The school bus that the Dawson students were on, got caught in one of those flooded roads and was swept off into a ditch towards the flooded creek.

Mr. Speaker, this would have been a tragic situation, if it had not been for the quick thinking of the older students on the bus. They took the initiative to check for anyone who was hurt, and then they moved all 40 students to the right side of the bus in order to keep it from flipping over.

The students who put their fear aside and acted so bravely were: Shelley Wheat, Jessica Hall, Misty Rounsavall, Jeremy Rounsavall, Jasm McCury, Keith Becker, James Stults, Sarah Urrutia, Kevin Ivie, Dorinda Golden, April Dooley, Jennifer Wren, Mandy Houk, Niki Dooley, Krysty Copeland and Sharlaina Hooley.

Mr. Speaker, it's hard to overestimate the fear I think anyone would feel faced with a situation such as this. I know I join the people of Dawson in thanking these young heroes and heroines for their courage and their inspiration.

THE 150th ANNIVERSARY OF SENATE APPROVAL OF THE TREATY OF GUADALUPE HIDALGO IN 1848

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. LANTOS. Mr. Speaker, today—March 10th—marks one of the great historic occasions in the history of the United States, and it is a particularly significant anniversary for the people of the great State of California. Today is the 150th anniversary of the vote in the United States Senate in which that body approved the Treaty of Guadalupe Hidalgo by a vote of 38 to 14. That historic document marked the conclusion of the two-year war with Mexico.

The treaty is also a tribute to American diplomacy and the creatively of Nicholas P. Trist, the chief clerk of the Department of State who was sent to Mexico by President James K. Polk at the end of 1847 with instructions ''to take advantage of circumstances as they might arise to negotiate a peace.'' After a lengthy delay, Trist was about to begin negotiations with Mexican representatives when the President sent instructions for Trist to return to Washington. Trist—convinced that he was on the verge of achieving all of the objectives that he was sent to achieve—ignored his instructions to return, continued his negotiations with Mexican officials, and concluded the treaty of Guadalupe Hidalgo, named after the place where it was completed.

When Trist returned to Washington with the treaty, President Polk could find no fault with the document and, despite ''the exceptional conduct of Mr. Trist,'' submitted the treaty of Guadalupe Hidalgo to the Senate for its advice and consent. It was this document which was approved by the Senate on March 10, 1848, which I invite my colleagues to join me in commemorating today, Mr. Speaker.

The anniversary of the Treaty of Guadalupe Hidalgo, Mr. Speaker, is an occasion for both celebration and for thoughtful reflection about the nature of our great nation.

First, Mr. Speaker, it is an occasion for celebration because the treaty led to major changes that helped to define the United

States as we know it today. Under terms of the treaty, 1.2 million square miles were added to the United States, and the United States government paid $15 million to the government of Mexico. Included in these new territories were the Mexican states of Upper California and New Mexico, which today comprise the entire state of California, plus most of New Mexico, Arizona, and Nevada, as well as portions of Utah, Wyoming, and Colorado.

The treaty also confirmed the Rio Grande River as the boundary between the State of Texas and Mexico. Texas had become an independent Republic in 1836, and, at the request of the majority Anglo American population, it was annexed to the United States in 1845. Questions regarding the boundary between Texas and Mexico were among the principle causes of the United States' war with Mexico.

My home state of California has become the most populous state in our Union, with some 32 million residents—12 percent of the entire population of our country, considerably ahead of Texas (19 million) and New York (18 million). Furthermore, California has made significant contributions to the history, character, and culture of the United States. It has provided a number of prominent national leaders in science, medicine, education, entertainment, and many other fields, and our state has been the home state of two presidents of the United States.

Mr. Speaker, this Sesquicentennial of the Treaty of Guadalupe Hidalgo is also an occasion for us to reflect thoughtfully upon the cultural heritage of Hispanic Americans in the United States. Under terms of the treaty, residents of the land that was ceded to the United States who were Mexican citizens were permitted to chose American or Mexican citizenship, and it guaranteed the property rights of new Hispanic Americans by reaffirming land grants that had been made by Spain and Mexico before 1846. The treaty, however, did not define or affirm the language or cultural rights of these new American citizens of Hispanic background. In the half century after the approval of the Treaty, most states in the new territories that were added to the United States enacted laws limiting the participation of Hispanic participation in voting, the judicial process, and education. Other laws resulted in dispossessing many Hispanic Americans of their lands.

Throughout most of the 150 years since the historic approval by the Senate of the Treaty of Guadalupe Hidalgo, Hispanic Americans have been subject to exclusion and marginalization. In recent times, however, this treaty has become a potent symbol as Hispanic Americans have affirmed their right to participate fully in American life. Again, Mr. Speaker, it is California that is a harbinger of the America of the twenty-first century. Hispanic Americans play an important role in the economic, political and social life of the State of California, and they bring a vitality and a healthy diversity to our state and to our nation. As California moves toward becoming a ''majority minority'' state, with Hispanic Americans the largest of our state's minority populations, it is my hope that Americans of all ethnic backgrounds can work together in contributing to the greatness that the rich diversity of our nation can produce.

Mr. Speaker, as we mark the Sesquicentennial of the Senate's approval of the Treaty of Guadalupe Hidalgo, it is my sincere wish that all of us as Americans will take this occasion to recommit ourselves to understanding, appreciating, and celebrating the depth and meaning of our historical past. It is also my hope, Mr. Speaker, that we will also recommit ourselves to the ideals of equality and diversity which have contributed so much to the richness and culture of our nation and of which this anniversary should remind us.

HONORING ELBA IRIS ROJAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Elba Iris Rojas. Elba was born in Puerto Rico and she and her family moved to the United States when she was just a child. Her family has allowed her to become the success that she is today.

As a result of her dedication to education, Ms. Rojas was awarded a scholarship to Kings County Hospital of Nursing in 1968. During her tenure in the nursing program, Elba knew that she could best serve her community as a Pediatric Nurse Practitioner. For over twenty years she has managed to provide invaluable services in this capacity through a joint program of Kings County Hospital Center and Down State Medical Center. While working at the Hospital, Ms. Rojas has participated in numerous health fairs and career days in community high schools. She also serves as a mentor to nursing students. I have no doubt that Mrs. Rojas has guided many young people to make their own contributions to the field of health.

When one speaks to Ms. Rojas, one gets a sense that she is truly excited about her life. As a wife, mother of three, and a professional, it is clear that the demands of these roles do not exhaust her, but strengthen her commitment to her work and family.

Mr. Speaker, please join me in congratulating Ms. Elba Iris Rojas for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

CARING AND SHARING, INC.

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. DOYLE. Mr. Speaker, I rise today to recognize an organization in my district that's doing amazing work for veterans in Western Pennsylvania, Sharing and Caring, Inc.

Sharing and Caring is an all volunteer organization dedicated to helping our nation's most important heroes, our veterans. Each year, Sharing and Caring organizes a cruise on Pittsburgh's rivers for hospitalized veterans. The event gives these veterans an opportunity to spend a day outside the hospital, but it's also an opportunity for our entire community to honor the service of our veterans by sponsoring, or ''adopting'', a veteran for the boat ride.

In 1985, the first year of this event, Sharing and Caring's river boat cruise benefitted over 500 veterans. Today, that number has doubled, allowing more than 1,000 veterans to take part in the day's events. This effort to give veterans a ''holiday'' outside of their normal hospital environments deserves acknowledgment and commendation.

The people who started this event, however, deserve just as much praise. As a hospital volunteer, Bernard Pack, who himself is a veteran of World War II and Korea, was dismayed by the sight of so many veterans spending their days watching television inside hospital wards. His desire to bring something special to the lives of his comrades propelled him and fellow volunteers Robert Riethmiller and David Gool to organize the first river boat cruise. Out of this event, Sharing and Caring, Inc. was formed, and the organization has gone on to help numerous hospitalized veterans.

I want to extend my personal thanks and best wishes to Bernie, Robert and David for the time, energy and effort they put into creating Caring and Sharing. And I also want to thank all the volunteers that keep the organization going. Your efforts to help our veterans is an inspiration to us all.

INTRODUCTION OF DUTY SUSPENSION BILLS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. LAHOOD. Mr. Speaker, I am introducing the attached four bills at the request of a chemical manufacturer in my Congressional District. Enactment will increase this company's ability to compete in a highly competitive U.S. agricultural market. These bills will also improve the health of our environment, because the products involved are used in lower concentrations than chemicals used today, and they break down quicker in the environment than the older generation of products. Suspension of the duty on these products will have a positive effect on U.S. companies, because they are not currently manufactured in the United States.

A BILL To provide for reductions in duty for the chemical DPX–E9260

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

SECTION 1. REDUCTION IN DUTIES FOR DPX–E9260

(a) REDUCTION IN DUTIES.–Notwithstanding any other provision of law, the general column rate of duty for the article described in subsection (b) shall be—

(1) 6.0% for goods entered, or withdrawn from warehouse for consumption, during calendar year 1999; and

(2) 5.3% for goods entered, or withdrawn from warehouse for consumption, during calendar year 2000.

(b) DESCRIPTION OF ARTICLE.—The article which subsection (a) applies is DPX–E9260, 3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671–01–9), provided for in subheading 2935.00.75 of the Harmonized Tariff Schedule of the United States.

A BILL To provide for reductions in duty for carbamic acid (U–9069)

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

SECTION 1. REDUCTION IN DUTIES FOR CARBAMIC ACID (U–9069).

(a) REDUCTION IN DUTIES.—Notwithstanding any other provision of law, the general column rate of duty for the article described in subsection (b) shall be—

(1) 9.0% for goods entered, or withdrawn from warehouse for consumption, during the period beginning on the 15th day after the date of the enactment of this Act and ending December 31, 1998;

(2) 8.3% for goods entered, or withdrawn from warehouse for consumption, during calendar year 1999; and

(3) 7.6% for goods entered, or withdrawn from warehouse for consumption, during calendar year 2000.

(b) DESCRIPTION OF ARTICLE.—The article to which subsection (a) applies is Carbamic Acid, [3-((dimethylamino)carbonyl)-2-pyridinyl sulfonyl]-, phenyl ester (CAS No. 112006–94–7), provided for in subheading 2935.00.75 of the Harmonized Tariff Schedule of the United States.

A BILL To provide for reductions in duty for the chemical Rimsulfuron Technical

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

SECTION 1. REDUCTION IN DUTIES FOR RIMSULFURON TECHNICAL.

(a) REDUCTION IN DUTIES.—Notwithstanding any other provision of law, the general column rate of duty for the article described in subsection (b) shall be—

(1) 8.0% for goods entered, or withdrawn from warehouse for consumption, during the period beginning on the 15th day after the date of the enactment of this Act and ending December 31, 1998;

(2) 7.3% for goods entered, or withdrawn from warehouse for consumption, during calendar year 1999; and

(3) free for goods entered, or withdrawn from warehouse for consumption, during calendar year 2000.

(b) DESCRIPTION OF ARTICLE.—The article to which subsection (a) applies is Rimsulfuron Technical N-[(4.6-dimethoxypyrimidin-2-yl) aminocarbonyl]-3-(ethylsulfonyl)-2-pyridine-sulfonamide (CAS No. 122931–48–0), provided for in subheading 2933.59.10.

A BILL To suspend temporarily the duty on the chemical DPX–E6758

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

SECTION 1. SUSPENSION OF DUTY ON DPX–E6758.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.33.59	(4.6-dimethoxypyrimidin-2-yl) carbamic acid, phenyl ester (provided for in subheading 2933.59.70).	Free	No change	No change	On or before 12/31/2000''.

(b) APPLICABILITY.—The amendment made by this section applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

HONORING BARBARA ELK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the skill and achievements of Barbara Elk. Her contribution to education, particularly William H. Maxwell Vocational High School, is incomparable.

Barbara has served as principal of William H. Maxwell Vocational High School since 1991. Before becoming principal, she was District Manager of Clinical Services for the Brooklyn Superintendency for five and one half years. She served as an assistant principal of Special Education at John Dewey High School and teacher at James Madison High School. Altogether, she has served the New York City Board of Education as an educator, administrator, and supervisor for twenty-six years.

Barbara has always known that her mission is to educate and challenge the student and staff by nurturing and encouraging their growth, to ensure a positive impact upon home, school, and community. She believes that when children are prepared mentally, emotionally, spiritually, and physically for today and the future, we all gain strength, success and deep satisfaction. This holistic view of education makes me proud to know that she is involved in preparing our children for the next century.

Ms. Elk has received tremendous support from her husband, Barry, two sons, Adam and Benjamin, a daughter-in-law, Tari, her sister Deborah and her family.

Mr. Speaker, please join me in congratulating Barbara Elk for all of her achievements, for being a woman who dares to be different, and for showing young women everywhere that they can do and accomplish anything.

INTRODUCTION OF RESOLUTION ON THE WORLDWIDE TRAFFICKING OF PERSONS, A VIOLATION OF FUNDAMENTAL HUMAN RIGHTS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Ms. SLAUGHTER. Mr. Speaker, I am introducing today a resolution condemning the global increase in the trafficking of persons and urging increased efforts to combat this violation of fundamental human rights.

Trafficking involves the use of deception, coercion, abuse of authority, debt bondage, or fraud to exploit persons through forced prostitution, sexual slavery, sweatshop labor, or exploitative domestic service. Trafficked women are often subject to battering, cruelty, rape, and other forms of physical and mental abuse.

The resolution I am introducing today, builds on my efforts over the past several years to bring attention to the problem of the trafficking of Burmese women and children into brothels in Thailand. As we learn more information, it is becoming tragically clear that trafficking knows no national or regional boundaries. Worldwide, four million women and children are trafficked each year, most by criminal syndicates that turn $7 billion in profits annually.

Trafficking is particularly aggravated in areas of the world in economic and social upheaval. An unhappy side effect of the breakup of the Soviet Union and the Warsaw Pact is the vast increase in trafficking from Russia, Ukraine, Eastern Europe and the Newly Independent States. Criminal organizations are capitalizing on the poverty, rising unemployment, and the disintegration of social networks to exploit and abuse women and children.

In addition to bringing attention to this troubling situation, the resolution lauds the anti-trafficking efforts of the President, First Lady, Secretary of State and the President's Interagency Council on Women. Working with key non-governmental organizations, they have focused on trafficking as a significant problem and are working to mobilize a comprehensive response.

The resolution particularly directs the Departments of Justice and State to continue and increase their efforts to address the trafficking of women into the United States. We must ensure that our legal system can effectively prosecute traffickers and the crimes associated with trafficking, while ensuring the dignity and human rights of trafficking victims. The State Department should continue its trafficking prevention efforts, and its partnership with nations around the globe to combat these heinous crimes.

Mr. Speaker, I ask my colleagues to join me and Senator WELLSTONE, who is introducing the Senate companion resolution, in supporting this resolution. We must put Congress squarely on record in opposition to the abhorrent practice of trafficking.

H. CON. RES. —

Whereas one of the fastest growing international trafficking businesses is the trade in women, whereby women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

Whereas trafficked women are often subjected to rape and other forms of sexual abuse by their traffickers and often held as virtual prisoners by their exploiters, made to work in slavery-like conditions, in debt bondage without pay and against their will;

Whereas the President, the First Lady, the Secretary of State, and the President's Interagency Council on Women have all identified trafficking in women as a significant problem and are working to mobilize a response;

Whereas the Fourth World Conference on Women (Beijing Conference) called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that put women at risk to traffickers, and to take measures to dismantle the national, regional, and international networks in trafficking;

Whereas the United Nations General Assembly, noting its concern about the increasing number of women and girls who are being victimized by traffickers, passed a resolution

in 1996 calling upon all governments to criminalize trafficking in women and girls in all its forms and penalize all those offenders involved, while ensuring that the victims of these practices are not penalized; and

Whereas numerous treaties to which the United States is a party address government obligations to combat trafficking and the abuses inherent in trafficking, including such treaties as the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, which calls for the complete abolition of debt bondage and servile forms of marriage, and the 1957 Abolition of Forced Labor Convention, which undertakes to suppress and not to make use of any form of forced or compulsory labor: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders involving deception, coercion or force, abuse of authority, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation such as forced prostitution, sexual slavery, battering and extreme cruelty, sweatshop labor or exploitative domestic servitude;

(2) trafficking also involves one or more forms of kidnapping, false imprisonment, rape, battering, forced labor or slavery-like practices which violate fundamental human rights;

(3) to address this problem, the Department of Justice Office of Violence Against Women, with the cooperation of Immigration and Naturalization Service, should submit a report to Congress on—

(A) efforts to identify instances of trafficking into the United States within the last 5 years;

(B) the successes or difficulties experienced in promoting interagency cooperation, cooperation between local, State, and Federal authorities, and cooperation with nongovernmental organizations;

(C) the treatment and services provided, and the disposition of trafficking cases in the criminal justice system; and

(D) legal and administrative barriers to more effective governmental responses, including current statutes on debt bondage and involuntary servitude;

(4) in order to ensure effective prosecution of traffickers and the abuses related to trafficking, victims should be provided with support services and incentives to testify, such as—

(A) stays of deportation with an opportunity to apply for permanent residency, witness protection, relocation assistance, and asset forfeiture from trafficking networks with funds set aside to provide compensation due to victims of trafficking; and

(B) services such as legal assistance in criminal, administrative, and civil proceedings and confidential health care;

(5) the Secretary of State, in consultation with the Department of Justice Office of Violence Against Women, and nongovernmental organizations should—

(A) develop curricula and conduct training for consular officers on the prevalence and risks of trafficking and the rights of victims; and

(B) develop and disperse to visa seekers written materials describing the potential risks of trafficking, including—

(i) information as to the rights of victims in the United States, including legal and civil rights in labor, marriage, and for crime victims under the Violence Against Women Act; and

(ii) the names of support and advocacy organizations in the United States;

(6) the Department of State and the European Union—

(A) are commended as to their joint initiative to promote awareness of the problem of trafficking throughout countries of origin in Eastern Europe and the independent states of the former Soviet Union; and

(B) should continue efforts to engage in similar programs in other regions and to ensure that the dignity and the human rights of trafficking victims are protected in destination countries;

(7) the State Department's Bureau for International Narcotics and Law Enforcement Affairs, together with the Department of Justice and the Department of the Treasury, should continue to provide and expand funding to support criminal justice training programs, which include trafficking; and

(8) the President's Interagency Council on Women should submit a report to Congress, not later than 6 months after the date of the adoption of this resolution, with regard to the implementation by the Secretary of State and the Attorney General of the duties described in this resolution.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President, the Secretary of State, and the Attorney General.

TRIBUTE TO DAVID MAURICE LOZANO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. ORTIZ. Mr. Speaker, I rise today to pay special tribute to an officer of the law, David Maurice Lozano, of Harlingen, Texas. David is retiring from the U.S. Probation and Parole Department in Brownsville, Texas.

As a former law enforcement officer myself, I know about the danger and difficulty of dealing with criminals and the havoc they create. Upholding the law is often a thankless task, yet it is critical to our society.

David Lozano served in the United States Air Force after high school. After he got a degree in education at Southwest Texas State College in San Marcos, Texas, he worked as a special agent for the Federal Bureau of Investigation (FBI). Later, he worked as a supervisor at the U.S. Social Security Administration in Harlingen.

He spent the last 20 years working for the federal government at the U.S. Probation and Parole Department in Brownsville, most recently as a supervising probation officer. David has a distinguished body of work doing a hard job to make his community a safer place to live.

As one terribly familiar with the various aspects of law enforcement, let me point out that Probation Officers have a difficult task in helping in the rehabilitation of those who have committed crimes against society, paid their debt and are trying to find their way outside the system. It is for those people like David, who can help difficult people re-enter our society, that we offer our gratitude today.

I ask my distinguished colleagues to join me today in commending an outstanding patriot and American, David Maurice Lozano, as he leaves government service. Please remember him again on March 19, when he will formally celebrate his retirement in the Rio Grande Valley.

HONORING PROFESSOR JOSEPH CREA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, just one block away from my district office is the campus of Brooklyn Law School. This year, Brooklyn Law School Professor Joseph Crea celebrates his fiftieth year as a member of the faculty. I believe that Professor Crea may hold the distinction of teaching more law students and training more lawyers than any other person in the United States and possibly in the world.

Professor Crea's path to the law is even more amazing than his longevity as a faculty member. He was born in 1915 and spent his early years growing up in Manhattan's Lower East Side. His family moved to the Gravesend section of Brooklyn and there he attended Bay Ridge High School as an evening student. By day, he drove a bread truck, and one day he drove past a pile of discarded books in an empty field. He found among them a legal treatise on corporate reorganizations and, when he read it, he discovered that the legal fees for reorganizing a small railroad, even in the depths of the Great Depression, amounted to $2 million. Then and there he decided that law school was for him.

But first he would serve his country in World War II. Then as a returning veteran, he attended Brooklyn Law School at night, while working for the Selective Service Administration by day. He started law school even before he eventually graduated from Brooklyn College. During this period he also met and married his beloved wife Regina and started a family of four daughters.

Despite his family and professional commitments, Joe Crea was such an able student that then Dean Carswell asked him to join the faculty. The first course he taught in 1948 was Torts. Since then, he has taught most of the courses in the curriculum at one time or another and continues to teach a full load of both Corporations and Commercial Paper courses as Professor Emeritus.

In addition to being a key teacher and mentor for five decades of students, Professor Crea has been a pivotal member of the faculty. Nearly thirty years ago, at a critical moment in the law school's history, Joe Crea provided the leadership, vision, and cohesiveness that allowed Brooklyn Law School to begin its evolution into a modern law school with a national curriculum, faculty, and student body.

Even today, he provides the history and wisdom that helps Brooklyn Law School face its new challenges as we approach the beginning of the 21st century and the one-hundredth anniversary of Brooklyn Law School.

This year Brooklyn Law School honors Professor Joseph Crea's fifty years of teaching with two separate gala celebrations. I offer this tribute which will be presented to him in commemoration of his years of service and the incomparable impact he has had on his colleagues and on tens of thousands of students.

Mr. Speaker, please join me in congratulating Professor Joseph Crea for his distinguished years of teaching at a Brooklyn Law School.

A TRIBUTE TO DONALD L. CLARK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. SKELTON. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to Donald L. Clark, a truly outstanding Missourian. It has come to my attention, that after 48 years of commendable service to the Laclede Electric Cooperative, Don Clark has decided to retire.

A native of Pulaski County, MO, Don Clark graduated from Waynesville R–6 High School in 1949, at the age of 16. After graduation, he attended the University of Missouri Extension Service and participated in Electrical Engineering Short Courses in Columbia, Missouri. In addition, Don attended several specialized electrical schools in order to prepare him for a career in the electrical field.

Immediately after high school, in December of 1949, Don began working with Laclede Electric Cooperative, and he has remained with this company for 48 year. Over the years, Don has worked as a Groundsman, Linesman, Area Foreman, Operating superintendent, and General Manager. He was recognized by state and national associations as a Co-op leader. Don also serves on the NRECA board and the board of Show-Me Power Electric Cooperative.

In addition to a career in electricity, Don Clark honorably served his country in the United States Army. Don served in the Army from November 1952 until November 1954, and was sent to the Republic of Korea for one and a half years. While in Korea, Don served in the Field Artillery Observation Battalion, where he surveyed battlefields in preparation for artillery attack. During his last six months in Korea, Don served as Survey Party Chief, and he was discharged from active duty with an E5 rank.

Don Clark's military and civilian careers are enhanced by his participation in many community activities. Don has served as Chairman of Deacons at First Baptist Church in Lebanon, Missouri, and on the Building and Personnel Committees therein. He has also served on the Waynesville, Missouri, City Council and the Waynesville Area Vocational School Advisory Board. Don organized and was chairman of the Waynesville City Park Board for 15 years, and he has served as President of the Waynesville-Fort Leonard Wood R–6 School District. In addition, for more than 20 years, Don has participated in the Association of the United States Army. He has also served on the Committee of Fifty, the Red Cross Board, the Boatman's Bank Board, and is a member of the Rotary Club.

Don Clark's dedication to his nation, his community, and his career is exemplary, and I am certain that the Members of the House will join me in paying tribute to this fine Missourian.

IN HONOR OF KYOKO INA AND JASON DUNGJEN: THE 1998 U.S. OLYMPIANS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to two outstanding individuals, Ms. Kyoko Ina and Mr. Jason Dungjen, in recognition of their incredible talents and accomplishments throughout their brilliant careers which culminated with their arrival in Nagano, Japan at the 1998 Winter Olympics. They are an example that the American dream is alive and well.

Ms. Kyoko Ina was born in Tokyo, Japan on October 11, 1972. She comes from a long tradition of athletes in her family. Ms. Ina's father was a 1924 Olympic track competitor, her grandmother played tennis at Wimbledon, and her mother is an Asian Games swimming champion. Her interests include jet skiing, horseback riding, tennis and car racing. It is an honor to have Ms. Ina's hometown of Guttenberg, New Jersey as part of my district.

Mr. Jason Dungjen, whose hometown is Nanuet, New York, was born in Detroit, Michigan on September 28, 1967. He won the U.S. Junior Pair Title in 1983 and finished second at the 1984 World Junior Championships with his sister, Susan.

Ms. Ina and Mr. Dungjen began skating at the ages of 4 and 11 respectively. Together they train in the town of Monsey, New York with the help of their coach, Mr. Peter Burrows, and choreographer Ms. Tatiana Tarasova. Ms. Ina and Mr. Dungjen have participated in numerous competitions including the National and World Championships.

It is an honor to have two such distinguished individuals who worked hard for their dreams and inspired the residents in my district and throughout America. I ask that my colleagues join me in honoring Kyoko Ina and Jason Dungjen who epitomize the good that can be accomplished when two people work together for a common goal.

TRIBUTE TO RANDOLPH NEWMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Randolph Newman. The death of Dr. Newman on February 27, 1998 was a sad day for anyone who knew Ran. He will be greatly missed, both as a dedicated supporter of Santa Rosa Junior College and as a generous and caring individual.

Dr. Newman was raised in Oakland, California. He began his career in education as a business education teacher at Healdsburg High School before serving in the Army Air Corps. He returned to the field of education and eventually received a doctorate in higher education at Berkeley.

The Santa Rosa Junior College family will forever remember Dr. Newman's dedication as President and close friend of the Foundation. As President, he expanded the college to become a community resource that offered, along with the traditional first two years of a baccalaureate degree, vocational and business training, adult education, and a variety of enrichment programs. He transformed the role of this junior college into a true community college—one of the best in the nation.

But Dr. Newman's work did not stop with S.R.J.C. His commitment to over 40 organizations, including his active membership in the Santa Rosa Symphony Association and the Sonoma County Library, is admirable. It is special people like Randolph Newman who make me proud to represent the California 6th District in Congress.

Mr. Speaker, it is with great sadness that I acknowledge the loss of Randolph Newman. He was a tremendous asset to our community and an inspiration to us all. I extend my deepest sympathies to the Newman family and all who knew this wonderful man.

SJOGREN'S SYNDROME

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise today to draw attention to a largely unrecognized and undiagnosed disease in our nation: Sjogren's Syndrome.

The month of March has been designated as Sjogren's Syndrome Awareness Month. Sjogren's Syndrome is an autoimmune disorder characterized by excessively dry mouth and eyes, although all of the body's glands that excrete sweat, saliva or oil can be affected. About half of all those affected experience Sjogren's Syndrome in connection with another disorder, such as rheumatoid arthritis, lupus or scleroderma.

An estimated four million Americans currently suffer with Sjogren's Syndrome, making it the most common autoimmune disorder in the United States according to the October 1997 International Symposium on Sjogren's Syndrome. The vast majority of Sjogren's patients are women and often go undiagnosed.

Tragically, Sjogren's Syndrome is incurable. The causes of this disorder have not yet been discovered, although scientists suspect a combination of infectious, hormonal and genetic factors aggravated by stress. Some basic steps can be taken to alleviate the symptoms of Sjogren's, but they are far from a cure.

The Sjogren's Syndrome Foundation is fighting to raise awareness and fund research into a cure, but they face a long road. I am proud to receive their 1998 Award for Exceptional Public Health Initiatives for my sponsorship of H.R. 306, the Genetic Information Nondiscrimination in Health Insurance Act. I hope my colleagues will join the Sjogren's Syndrome Foundation in working to raise awareness, educate our constituents, and work toward a cure for this devastating disorder.

HONORING THE LOS ANGELES UNIFIED SCHOOL DISTRICT MEXICAN AMERICAN EDUCATION COMMISSION ON THE OCCASION OF ITS 30TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TORRES. Mr. Speaker, I rise to recognize the Mexican-American Education Commission (MAEC) for its 30 years of dedicated service to the students of the Los Angeles Unified School District (LAUSD). On Friday, March 6, 1998, MAEC commemorated the 30th anniversary of the East Los Angeles ''Blowouts'' and the establishment of the Commission. At this special program, over 300 LAUSD students joined former MAEC directors, commissioners, and community and student leaders who participated in the 1968 walkouts. This program was an educational and historical reflection on an event that was significant to the city of Los Angeles and to the Mexican-American community.

For three decades, MAEC has worked to establish inroads to equitable educational opportunities for Chicano/Hispanic students and to fight the early discriminatory practices of the educational community. Today, MAEC continues to voice the community's concerns and make recommendations to the Board of Education about programs and issues related to the more than 435,000 Chicano/Hispanic students who comprise over 70 percent of the LAUSD student population. It has accomplished this task through pro-active assessments of the community's needs and recommendations on priorities. The Commission recommends projects and activities to improve the effectiveness of educational programs for Hispanic students. It also strengthens communication between the public and the LAUSD. To fulfill its mission of advising, assisting, and making recommendations to the Board of Education, the Commission conducts surveys and studies, participates in LAUSD committees, meets with school, community, and District groups, and advises students, parents and community members of the District's activities.

Dedicated to the principle of community involvement, MAEC membership is broad-based, and includes parents, educators, administrators, professionals, and civic and community leaders. The Commission has carried out its responsibilities through the generous support of its members who dedicate many hours of volunteer time and expertise to this worthy cause. I am proud to count myself as a current MAEC member and one of the 1968 Commission's original members, appointed by the Board of Education, the Educational Issues Coordinating Council and the Los Angeles Unified School District Office of Urban Affairs.

The dedicated efforts of its original members created an institution that has been instrumental in educational reform for the past 30 years. The members of the original MAEC were: Parents—Mr. Ben Carmona, Mr. Armando Chavez, Mrs. Sara MacPherson, Mr. Gordon Moreno, Mr. George Mount, Mrs. Celia Rodriguez, Mrs. Eva Romero; Educators—Dr. Rudolph Acuna, Mr. Raul Arreola, Mr. Ray Ceniceros, Mr. Joseph Conway, Mr. Marcos De Leon, Mr. William Forbes, Mr. Oscar L. Gallego, Dr. Simon Gonzales, Mr. Cesar Gonzales, S.J., Dr. Kenneth Martyn, Mr. Joseph Maytorena, Dr. David Sanchez, Mr. Fred Sanchez, Mr. Frank Serrano, Dr. Frank Synder; Students—Miss Maria Baeza, Mr. Henry Gutierrez, Miss Rosalinda Mendez, Mr. Carlos Munoz, Mr. Monte Perez, Mr. Jesus Trevino, Mr. Carl Vasquez; Professionals—Mr. Manuel Aragon, Jr., Dr. Francisco Bravo, Mr. Ben Gurule, Rev. Vahac Mardirosian, Mr. Robert Morales, Mr. Richard Orozco, Mr. Joseph Ortega, Rev. Horacio Quinones, Mr. J.J. Rodriguez, Mr. Raul Ruiz, Mr. Esteban E. Torres.

Present Commission members are: Parents—Mrs. Ruby Aguilar, Mr. Ben Carmona, Mr. Armando Chavez, Mrs. Mary Fernandez, Mrs. Kay Gurule, Mrs. Sara Fernandez, Mrs. Kay Gurule, Mrs. Sara MacPherson, Mr. Gordon Moreno, Mr. George Mount, Mrs. Monica Salinas, Mrs. Rita Zepeda; Educators—Mr. David Almeda, Mr. Ray Ceniceros, Mr. Al Cobos, Mr. Oscar Gallego, Dr. Simon Gonzales, Mr. Joe Maytoreno, Mr. Frank Serrano; Students—Mr. David Arellano, Miss Raquel Galan, Mr. Henry Gutierrez, Mr. Leonard Herrera, Mr. Carlos Ramirez; Professionals—Mr. Manuel Aragon, Jr., Rev. Vahac Mardirosian, Mr. Joe Ortega, Rev. Horacio Quinones, Mr. Esteban E. Torres.

Mr. Speaker, I ask my colleagues to join me in recognizing the Los Angeles Unified School District Mexican American Education Commission for its 30 years of outstanding and invaluable service to the students and greater Los Angeles community and for its dedication to tearing down barriers and ensuring that all students have equitable access to education.

INDIAN PRIME MINISTER THREATENS UNITED STATES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. TOWNS. Mr. Speaker, I would like to bring to my colleagues' attention the attached articles from the January and February, 1998 edition of News India-Times and Burning Punjab placed into the CONGRESSIONAL RECORD.

I was shocked to read an article from News India-Times stating that ''India will not tolerate the use of military force against Iraq.'' This threat was made by Inder Kumar Gujral, the caretaker Prime Minister of India, on January 30. ''Hindustan will not tolerate another attack on Iraq,'' the Reuters news service quoted Mr. Gujral as saying.

Members of this House have differing views about the wisdom of launching a military attack against Iraq, but one thing I think we can all agree on is that this decision should be made by the government of the United States without the threats or interference of any foreign power, especially one that depends on American aid.

Indian is one of the five largest recipients of foreign aid from the United States. Its economy is so bad that half the population lives below the international poverty line. Yet it has been a major exporter of dangerous weapons to Iran and other hostile countries. How can the United States continue to aid such a country?

If the shoe were on the other foot, Mr. Speaker, India would be decrying this interference in its internal affairs. But Mr. Gujral seems to think that it is OK for him to interfere in America's internal affairs. Sovereign countries are allowed to have and express their opinions, even to express them in strong language, but this kind of threat against the sovereignty of the United States is unacceptable and must not be tolerated.

I also find its ironic that a country that has murdered almost 60,000 Muslims in Kashmir in the past decade is taking such a strong position in support of a Muslim country. If India's repression against the Sikhs of Khalistan, the Christians of Nagaland, the Dalits, the Muslims of Kashmir, and other minorities of South Asia were not reason enough to support the independence movements of South Asia, this kind of threat ought to make us support them for strategic reasons. Let us make it clear to India and all the countries of the world that we will not tolerate this kind of interference with our national sovereignty.

I am introducing the News India-Times article from its February 6 issue into the RECORD:

[From the News-India Times, Feb. 6, 1997]

ATTACK ON IRAQ WON'T BE TOLERATED: GUJRAL

CALCUTTA.—India will not tolerate the use of military force against Iraq, Prime Minister Inder Kumar Gujral told an election rally Jan. 30.

Reuters quoted the premier as saying: ''Hindustan will not tolerate another attack on Iraq,'' Gujral told the rally in the eastern city of Calcutta. ''An attack on Iraq will jeopardize the peace in the entire Middle East region where more than 2.5 million Indians live.''

Gujral said he had written to President Bill Clinton stating that an attack on Iraq would endanger the lives of expatriate Indians and had sent similar letters to leaders of the other four nations with permanent seats on the United Nations Security Council.

''However, India was of view that use of military force against Iraq will complicate the situation and will not contribute to the ends to which the UN is committed. Further, it will greatly aggravate the acute sufferings which the Iraqi people had undergone, he said, PTI reported.

In his letter to Clinton, Gujral drew attention to the geographical proximity and traditional cultural links which India has with the Gulf region and the substantial growth of New Delhi's interaction over the years with all the countries in the region, especially in the economic field.

''The Gulf countries, are among India's leading trading partners and sources of energy and are home to sizeable Indian community,'' Gujral said.

PUNJAB POLICE FRAME TWO MORE YOUNG SIKHS

Mr. Speaker, I was distressed by a recent report from Burning Punjab that two more young Sikhs were falsely arrested at Gurdwara Guru Nanak in Jalandhar by the Punjab police. These two Sikh youths were innocently riding by the Gurdwara on their bicycles, according to Burning Punjab, when they were beaten and shoved into a police jeep. Later about 150 police surrounded the Gurdwara.

No crime was committed, but the police falsely alleged that the two Sikhs they picked up were ''militants,'' an odd claim considering that the Indian government is fond of telling the world that they have crushed the militancy in Punjab. How is it that none of these ''militants,'' has ever been brought to trial?

Human-rights activists have appealed to the National Human Rights Commission for action. Let's see if anything happens.

Unfortunately, this is all too typical of Indian "democracy" in action. With the instability in India increased by the recent election results, I expect that this kind of abuse will continue no matter who winds up in the Prime Minister's chair. Is this a country that should be receiving U.S. aid and trade? I don't think so.

I would like to introduce the Burning Punjab article on this incident into the RECORD.

[From the Burning Punjab News, Feb. 13, 1998]

MILITANTS ARREST AT JALANDHAR A FARCE

CHANDIGARH.—Militants arrested by the Jalandhar police at Gurudwara Guru Nanak Mission is nothing more than a farce as claimed by a joint committee of Human Right organisations. According to Kuldip Singh Jolly, Secretary of the Gurudwara Committee, the two Sikh Youth arrested by the police were neither going inside the Gurudwara nor were they coming out of it. In fact, both of them were moving on their bicycles when the cops pounced upon them. When they raised an alarm the cops started beating them and tried to push both of them into a waiting police jeep. Later on, according to Jolly, about 150 policemen surrounded the Gurudwara Sahib under the overall command of the SSP Hardip Singh Dhillon. According to the joint committee Maj. Gen. Narinder Singh, * * * Rama Krishnan (Advocate) and others, the police action is nothing more than a "drama" enacted by the Punjab police to defame Gurudwaras. Human Rights Organisations have decided to approach the National Human Rights Commission for intervention. Meanwhile police have identified the two arrested "Militants" as Baljinder Singh * * * Hardyal Nayar (Jalandhar) and Dhian Singh * * * Kapurthala. However, many a residents of Jalandhar are of the opinion that the episode of "Militants arrest" is just an election gimmick to give publicity to Prime Minister Inder * * * Gujral.

INTRODUCTION OF H.R. 3411, THE COMMISSION FOR AMERICAN MATHEMATICS LEADERSHIP ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mrs. MORELLA. Mr. Speaker, I rise to announce the introduction of H.R. 3411, the Commission for American Mathematics Leadership (CAML) Act to create a commission on mathematics education. I am very pleased to join with my distinguished colleague from the other body, Senator FRIST of Tennessee, who is introducing the bill today in the Senate.

The need for the bill is clear. Just two weeks ago, the most comprehensive and rigorous international comparison of mathematics education ever undertaken revealed American high school seniors—even our nation's best students in advanced classes—to be among the world's least prepared. The results of this study, the Third International Mathematics and Science Study (TIMSS), cry out for a comprehensive reexamination of our current approach to mathematics education in the United States. This bill will provide the commission necessary to achieve that goal.

H.R. 3411

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission for American Mathematics Leadership Act".

SEC. 2 FINDINGS.

The Congress finds the following:

(1) Students in the United States should be the world leaders in mathematics achievement within the next decade.

(2) The Third International Mathematics and Science Study (hereinafter in this Act referred to as the "TIMSS"), the largest international study ever undertaken of how students perform in mathematics and science, demonstrated that the mathematics skills of students in the United States (including the top 10 percent of students in the United States) lag far behind the skills of students in many other nations, even though students in the United States spend more class time on mathematics and science and usually are assigned more homework.

(3) Research indicates that the problems of mathematics and science education in the United States stem largely from the lack of a coherent and focused curriculum designed for high-level learning goals, the lack of assessment instruments aligned with such curricula, and the lack of a sufficient commitment by colleges and universities in the United States to high-quality teacher preparation and professional development programs.

(4) Core problems exist with the courses of study and the teaching style on which many schools in the United States rely to instruct students in mathematics and science, as reflected in the conclusion of the National Science Foundation that schools in the United States teach math concepts in superficial, and ultimately ineffective, ways.

(5) A developed framework for mathematics and science should be coherent, focused, and give balanced attention to basic skills, conceptual understanding, problem solving, reasoning, and communication skills, and appropriate uses of technology.

(6) The failure of mathematics and science teaching methods in the United States requires a systemic retraining of, and an increased emphasis on the professional development of, teachers in the United States.

(7) Teachers of mathematics and science should be well-trained professionals who combine sound knowledge of subject matter with the necessary skills and a good understanding of student learning and assessment.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission for American Mathematics Leadership" (in this Act referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 12 members as follows:

(1) Four members appointed by the President.

(2) Four members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(3) Four members appointed by the President pro tempore of the Senate, in consultation with the minority leader of the Senate.

SEC. 4. DUTIES OF COMMISSION.

The Commission shall, in coordination with the National Academy of Sciences—

(1) review the existing research base on mathematics education leadership, including the status of mathematics education in the United States relative to international competitors;

(2) propose professional development priorities to assure that the teaching of mathematics at all educational levels in the United States is strengthened; and

(3) formulate an implementation proposal, including specific recommendations which can be implemented by appropriate public and private agencies, for assuring world class achievement of the United States in mathematics education within a decade.

SEC. 5. REPORT.

Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report including the findings and recommendations of the Commission under section 4.

SEC. 6. POWERS.

The Commission may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

SEC. 7. COMMISSION PROCEDURES.

(a) CHAIRMAN.—A chairman of the Commission shall be elected by the members of the Commission.

(b) QUORUM.—Seven members of the Commission shall constitute a quorum for the purpose of conducting meetings.

SEC. 8. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall not be paid by reason of their service as members.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed, while away from their homes or regular places of business in the performance of services for the Commission, travel expenses (including per diem in lieu of subsistence) in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 9. ADMINISTRATIVE SUPPORT.

The National Academy of Sciences shall provide the administrative support services necessary for the Commission to carry out its duties under this Act.

SEC. 10. FUNDING.

Out of any amounts appropriated for the National Science Foundation, $750,000 shall be available for activities of the Commission.

SEC. 11. TERMINATION OF COMMISSION.

The Commission shall terminate 30 days after submitting the report required under section 5.

A UNIQUE TRIBUTE TO THE IRISH

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. BROWN of Ohio. Mr. Speaker, St. Patrick's Day is fast approaching, that time of year when we all feel a little Irish. On this day, we honor Ireland's patron saint in a variety of ways, but Chippewa Lake Village, a small town in my northeast Ohio district, is home to perhaps the most unique celebration. At the urging of councilman Leonard English and other local residents, its town council has recently declared March 17 to be a legal holiday.

As the only municipality in the state, and possibly the nation, to honor St. Patrick's Day in this manner, Chippewa Lake Village is the proud inheritor of a tradition established in 1980 by neighboring Briarwood Beach which merged with Chippewa-on-the-Lake on January 1 of this year to form the new community of Chippewa Lake.

The history of Irish contributions to American and world achievements is a story well

worth celebrating. I am sure my colleagues will join me today in recognizing this unique and fitting tribute to a distinguished people and their heritage.

TERRORISM IN PESHAWAR, PAKISTAN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1998

Mr. MANTON. Mr. Speaker, I rise today to express my deep concern for the ongoing situation in the city of Peshawar in the Northwest Frontier territory of the Islamic Republic of Pakistan. For the past decade, Peshawar has been the breeding ground for terrorism and religious extremism. Peshawar is the unfortunate home to the infamous ''Jihad University'', a training camp where young men are forcibly molded into hardened terrorists. After completing their ''studies'' the ''graduates'' of ''Jihad University'' are then sent across Pakistan's border to spread death and destruction on Pakistan's neighbors.

For the past decade, people living in India's northern-most state of Jammu and Kashmir and its western state of Punjab have been victims of bombings, assassinations, and other deadly actions. Similarly, terrorists from Peshawar have been sent west from Pakistan into neighboring Afghanistan to join the Taliban forces. Mr. Speaker, the Tabilan rule most part of Afghanistan in one of the most repressive regimes on earth.

''Graduates'' of Jihad University also have made their way to the United States. Those convicted of the World Trade Center bombings are believed to have been trained in Peshawar.

Mr. Speaker, we now learn that Pakistan's neighbor to the northwest, Uzbekistan, has also been the victim of Peshawar's terrorist tentacles. On February 16th of this year, Abdulaziz Kamilov, the Foreign Minister of Uzbekistan, held a special briefing in Tashkent to discuss the serious threats emanating from Peshawar. According to Minister Kamilov, more than 400 young people from Uzbekistan are undergoing ''special training'' on ''different forms of terrorist activity at special camps located in Peshawar.'' Upon completion of their trainings according to Minister Kamilov, ''these so-called students get back to Uzbekistan illegally . . . with a view of carrying out illegal subversive activities.'' Minister Kamilov also noted that special training centers have been established in Islamabad, Mardon, and Karachi.

Mr. Speaker, Uzbekistan and Pakistan have historically enjoyed good relations. Both are Muslim countries. Minister Kamilov pointed out that his government believes these terrorist activities originating in Pakistan are ''carried out without knowledge of official authorities in Pakistan.'' Indeed, Minister Kamilov said his government has concluded that these activities are ''beyond the control of the concerned governmental bodies there'' and the Ministry found it necessary to bring this grave matter to the attention of the Pakistani Government.

Mr. Speaker, Pakistan has long been a source of terrorism throughout South and Central Asia. Many governments, including our own, have repeatedly stated that they do not believe Pakistan has an official involvement with these terrorist organizations in Peshawar or other locations in Pakistan. Yet, these militant cells continue to operate openly with impunity. It is long past time for the Government of Pakistan to eliminate the terrorist gangs within its own borders. Continued failure to do so can only lead to the conclusion that the Government of Pakistan is much more than an innocent bystander

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S1665–S1713

Measures Introduced: Eight bills and four resolutions were introduced, as follows: S. 1733–1740, S. Con. Res. 82–83, and S. Res. 194–195. **Page S1697**

Report of a Committee: Reports were made as follows:

Final Report entitled ''Investigation of Illegal or Improper Activities in Connection With 1996 Federal Election Campaigns''. (S. Rept. No. 105–167) **Page S1697**

ISTEA Authorization: Senate resumed consideration of S. 1173, to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, with a modified committee amendment in the nature of a substitute (Amendment No. 1676), taking action on amendments proposed thereto, as follows: **Pages S1665–80, S1682–96**

Adopted:

By 96 yeas to 4 nays (Vote No. 25), D'Amato Modified Amendment No. 1931 (to Amendment No. 1676), to reauthorize the mass transit programs of the Federal Government. **Pages S1665–80, S1682–92**

Allard-Grams Amendment No. 1940 (to Amendment No. 1931), to make the Fixed Guideway Program more equitable. **Pages S1678–79**

Specter Amendment No. 1941 (to Amendment No. 1931), to make reverse commute project grants eligible for assistance under the job access grants program. **Pages S1682–84**

Thomas/Johnson Amendment No. 1942 (to Amendment No. 1931), to increase funding for assistance for areas other than urbanized areas. **Page S1686**

D'Amato (for Nickles) Amendment No. 1943 (to Amendment No. 1931), to permit States to use assistance under the mass transit account of the Highway Trust Fund for capital improvements to, and operating support for, intercity passenger rail service. **Pages S1688–89**

Reed (for Boxer) Amendment No. 1944 (to Amendment No. 1931), relating to capital projects and small area flexibility. **Page S1689**

Graham/Murray Amendment No. 1945 (to Amendment No. 1931), relating to criteria for grants and loans for Fixed Guideway Systems. **Pages S1689–90**

Senate will continue consideration of the bill on Wednesday, March 11, 1998.

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled ''The 1996 Annual Report on Alaska's Mineral Resources''; to the Committee on Environment and Public Works. (PM–108). **Pages S1696–97**

Transmitting the report concerning Federal agency climate change programs and activities; referred to the Committee on Foreign Relations. (PM–109). **Page S1697**

Nominations Confirmed: Senate confirmed the following nominations: Brian Scott Roy, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years. **Page S1713**

Nominations Received: Senate received the following nominations:

Shirley Elizabeth Barnes, of New York, to be Ambassador to the Republic of Madagascar.

Charles Richard Stith, of Massachusetts, to be Ambassador to the United Republic of Tanzania.

William Lacy Swing, of North Carolina, to be Ambassador to the Democratic Republic of the Congo.

3 Coast Guard nominations in the rank of admiral.

1 Navy nomination in the rank of admiral. **Page S1713**

Nomination Withdrawn: Senate received notification of the withdrawal of the following nomination:

Tracy D. Conwell, of Texas, to be Member of the National Museum Services Board for a term expiring December 6, 2001, which was sent to the Senate on February 11, 1997. **Page S1713**

Messages From the President: **Pages S1696–97**

Messages From the House: **Page S1697**

Statements on Introduced Bills: **Pages S1697–S1702**

Additional Cosponsors: **Page S1702**

Amendments Submitted: Pages S1706–08

Authority for Committees: Page S1709

Additional Statements: Pages S1709–13

Record Votes: One record vote was taken today. (Total—25) Pages S1691–92

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:07 p.m., until 9 a.m., on Wednesday, March 11, 1998. (For Senate's program, see the remarks of the Majority Leader in today's Record, on page S1713.)

Committee Meetings

(Committees not listed did not meet)

FEDERAL CROP INSURANCE PROGRAM

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine the current Federal crop insurance program and proposals to improve the system, after receiving testimony from Representatives Pomeroy and Collin Peterson; Dallas R. Smith, Deputy Under Secretary of Agriculture for Farm and Foreign Agricultural Services, on behalf of the Risk Management Agency; Ernest L. Ross, American Association of Crop Insurers, Washington, D.C.; Robert E. Fulwider, West Liberty, Iowa, on behalf of the Independent Insurance Agents of America and the National Association of Crop Insurance Agents; Dee Vaughan, Lone Star Corn Growers Association, Dumas, Texas, on behalf of the National Corn Growers Association and the American Farm Bureau Federation; and Phil Cyre, South Dakota Farmers Union, Hazel, South Dakota, on behalf of the National Farmers Union.

APPROPRIATIONS—MILITARY CONSTRUCTION

Committee on Appropriations: Subcommittee on Military Construction concluded hearings on proposed budget estimates for fiscal year 1999 for military construction programs, focusing on Air Force and Navy projects, after receiving testimony from Robert B. Pirie, Jr., Assistant Secretary of the Navy (Installations and Environment); Rear Adm. David Nash, Chief, Naval Facilities Engineering Command; Brig. Gen. James M. Hayes, Assistant Deputy Chief of Staff for Installations and Logistics (Facilities), United States Marine Corps; Rear Adm. John B. Totushek, Deputy Director of Naval Reserve; Rodney A. Coleman, Assistant Secretary of the Air Force (Manpower, Reserve Affairs, Installations, and Environment); Maj. Gen. Eugene A. Lupia, Civil Engineer, Deputy Chief of Air Force Staff, Installations and Logistics; Maj. Gen. Paul A. Weaver, Director, Air National Guard; and Brig. Gen. Ralph S. Clem, Deputy to the Chief of Air Force Reserve.

APPROPRIATIONS—AGRICULTURE

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, and Related Agencies held hearings on proposed budget estimates for fiscal year 1999 for the Food and Nutrition Service, Department of Agriculture, receiving testimony from Shirley R. Watkins, Under Secretary, Food, Nutrition, and Consumer Services, Yvette Jackson, Administrator, and Ronald J. Vogel, Associate Deputy Administrator, Special Nutrition Programs, both of the Food and Nutrition Service, and Dennis Kaplan, Deputy Director, Budget, Legislation, and Regulatory Systems, all of the Department of Agriculture.

Subcommittee will meet again on Tuesday, March 17.

CHILD PORNOGRAPHY ON THE INTERNET

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary and Related Agencies concluded hearings to review the progress of the Federal Bureau of Investigation on-line investigation into the scope of child pornography and sexual exploitation of children on the Internet and to examine whether additional funding is necessary to continue the project, after receiving testimony from Louis J. Freeh, Director, Federal Bureau of Investigation, Department of Justice; and Ernest E. Allen, National Center for Missing and Exploited Children, Arlington, Virginia.

APPROPRIATIONS—DOE

Committee on Appropriations: Subcommittee on Energy and Water Development held hearings on proposed budget estimates for fiscal year 1999 for the Department of Energy, receiving testimony in behalf of funds for their respective activities from Dan W. Reicher, Assistant Secretary for Energy Efficiency and Renewable Energy, and Martha A. Krebs, Director, Office of Energy Research, both of the Department of Energy.

Subcommittee will meet again on Thursday, March 26.

APPROPRIATIONS—HHS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held hearings on proposed budget estimates for fiscal year 1999 for the Department of Health and Human Services, receiving testimony from Donna E. Shalala, Secretary of Health and Human Services.

Subcommittee will meet again on Wednesday, March 18.

MEDICARE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held hearings to examine the status of the Health Care Financing Administration's efforts to establish resource-based practice expenses under the Medicare physician fee schedule as directed by the Balanced Budget Act of 1997, receiving testimony from Nancy-Ann Min DeParle, Administrator, Health Care Financing Administration, Department of Health and Human Services; Neil H. Brooks, Rockville, Connecticut, on behalf of the American Academy of Family Physicians; Arthur L. Day, University of Florida, Gainesville, on behalf of the Practice Expense Coalition; Timothy J. Gardner, University of Pennsylvania, Philadelphia, on behalf of the Society of Thoracic Surgeons and the American Association for Thoracic Surgery; and Alan R. Nelson, American Society of Internal Medicine, Washington, D.C.

Hearings were recessed subject to call.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Seapower held hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on littoral warfare missions in the 21st century, receiving testimony from Vice Adm. Conrad C. Lautenbacher, Jr., USN, Deputy Chief of Naval Operations for Resources; Major Gen. Edward Hanlon, Jr., USMC, Director Expeditionary Warfare; Rear Adm. Daniel J. Murphy, Jr., USN, Director, Surface Warfare; Rear Adm. Edmund P. Giambastiani, Jr., USN, Director, Submarine Warfare; and Rear Adm. Dennis V. McGinn, USN, Director, Air Warfare.

Subcommittee will meet again on Tuesday, March 17.

FINANCIAL REGULATORY RELIEF

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on S. 1405, to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, and to provide for improved consumer credit disclosure, after receiving testimony from Laurence H. Meyer, Member, Board of Governors of the Federal Reserve System; John D. Hawke, Jr., Under Secretary for Domestic Finance, and Ellen Seidman, Director, Office of Thrift Supervision, both of the Department of the Treasury; Andrew C. Hove, Jr., Acting Chairman, Federal Deposit Insurance Corporation; Utah Commissioner of Financial Institutions G. Edward Leary, Salt Lake City, on behalf of the Conference of State Bank Supervisors; Stephen A. Yoder, AmSouth Bank, Birmingham, Alabama, on behalf of the American Bankers Association; E. Lee Beard, First Federal Savings and Loan Association of Hazleton, Hazleton, Pennsylvania; and Joseph S. Bracewell, Century National Bank, on behalf of the Independent Bankers Association of America, Margot Saunders, National Consumer Law Center, on behalf of the Consumer Federation of America and the U.S. Public Interest Research Group, and Frank C. Torres, III, Consumers Union, all of Washington, D.C.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nominations of Orson Swindle, of Hawaii, and Mozelle Willmont Thompson, of New York, each to be a Federal Trade Commissioner; Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs, John Charles Horsley, of Washington, to be Associate Deputy Secretary of Transportation, and Christy Carpenter, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, after the nominees testified and answered questions in their own behalf. Mr. Swindle was introduced by Senators Inouye and Akaka, Mr. Thompson was introduced by Representative Nadler, Ms. Carpenter was introduced by Senators Hutchison and Boxer, Mr. Horsley was introduced by Senators Gorton and Murray and Representative Dicks, and Mr. Shapiro was introduced by Senators Lieberman and Moynihan.

MONTAGNARD PEOPLE IN VIETNAM

Committee on Foreign Relations: Committee concluded hearings to examine the current situation confronting the Montagnard people in Vietnam, including their limited access to medical care and education, focusing on the United States historical relationship with the Montagnards, and immigration difficulties experienced by the Montagnards and other Vietnamese refugees, after receiving testimony from Stanley O. Roth, Assistant Secretary for East Asian and Pacific Affairs, and Julia Taft, Assistant Secretary for Population, Refugees, and Migration, both of the Department of State; John F. Sommer, Jr., American Legion, Washington, D.C.; Nguyen Dinh Thang, Boat People S.O.S., Fairfax, Virginia; Rong Nay, Montagnard Foundation, Inc., Cary, North Carolina; and Y Hin Nie, Montagnard Dega Association, Inc., Greensboro, North Carolina.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following bills:

S. 981, to provide for the analysis of regulatory rules by Federal agencies, with an amendment in the nature of a substitute; and

S. 1364, to eliminate unnecessary and wasteful Federal reports, with an amendment.

U.S. MARSHALS SELECTION PROCESS

Committee on the Judiciary: Committee concluded hearings to examine the need to develop a competitive selection process for the United States Marshals Service, and a related measure H.R. 927, to provide for appointment of United States Marshals by the U.S. Attorney General, after receiving testimony from Eduardo Gonzalez, Director, Henry E. Hudson, former Director, and Nancy J. McGillivray-Shaffer, United States Marshal for the District of Massachusetts, Boston, all of the United States Marshals Service, Department of Justice; Victor Oboyski, Federal Law Enforcement Officers Association, East Northport, New York; and Steve Young, Fraternal Order of Police, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 24 public bills, H.R. 3409–3432; and 1 resolution, H. Con. Res. 239, were introduced. **Pages H1020–21**

Reports Filed: Reports were filed today as follows:

H.R. 2883, to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports, amended (H. Rept. 105–429);

H. Res. 382, providing for consideration of H.R. 992, to end the Tucker Act shuffle (H. Rept. 105–430);

H. Res. 383, providing for consideration of H.R. 1432, to authorize a new trade and investment policy for sub-Saharan Africa (H. Rept. 105–431); and

Conference Report on H.R. 1757, to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999 (H. Rept. 105–432). **Pages H956–H1008, H1020**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Emerson to act as Speaker pro tempore for today. **Page H911**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Reverend Dr. Thomas F. Gulbronson of Alexandria, Virginia. **Pages H917–18**

Journal: By a yea and nay vote of 365 yeas to 39 nays, Roll No. 40, the House agreed to the Speaker's approval of the Journal of Monday, March, 9. **Pages H918, H925–26**

Recess: The House recessed at 12:50 p.m. and reconvened at 2:00 p.m. and the House recessed at 2:20 and reconvened at 4:21 p.m. **Page H920**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Commemoration of the Victims of the Holocaust: H. Con. Res. 206, permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust (agreed to by a yea and nay vote of 406 yeas with none voting "nay", Roll No. 41); and **Pages H920, H926–27**

Birth Defects Prevention Act: S. 419, to provide surveillance, research, and services aimed at prevention of birth defects (passed by a yea and nay vote of 405 yeas to 2 nays, Roll No. 42)—clearing the measure for the President. **Pages H920–25, H927**

Recess: The House recessed at 4:49 and reconvened at 5:00 p.m. **Page H925**

Appointment of Conferee: The Chair removed Representative Leach as a conferee on H.R. 1757, to consolidate international affairs agencies and to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and appointed Representative Burton of Indiana to fill the vacancy. **Page H926**

Presidential Messages: Read the following messages from the President:

Alaska Mineral Resources: Message wherein he transmitted the 1996 Annual Report on Alaska's Mineral Resources—referred to the Committee on Resources; and **Page H1014**

Climate Change Programs: Message wherein he transmitted an account of all Federal agency climate change programs and activities—referred to the Committees on Science, International Relations, and Appropriations and ordered printed (H. Doc. 105–226). **Page H1014**

Senate Messages: Messages received from the Senate today appear on page H911.

Referrals: S. 1668, to encourage the disclosure to Congress of certain classified and related information was referred to the Permanent Select Committee on Intelligence. **Page H1018**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H1021–22.

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H925–26, H926–27, and H927. There were no quorum calls.

Adjournment: Met at 12:30 p.m. and adjourned at 11:24 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Food Safety and Inspection Service. Testimony was heard from the following officials of the USDA: Catherine Woteki, Under Secretary, Caren A. Wilcox, Deputy Under Secretary, Thomas J. Billy, Administrator and William West, Assistant Deputy Administrator, Management, all with the Food Safety and Inspection Service; and Stephen B. Durhurst, Budget Officer.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on the Department of Energy. Testimony was heard from Federico Pena, Secretary of Energy.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Secretary of the Interior. Testimony was heard from Bruce Babbitt, Secretary of the Interior.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on the Director, National Institutes of Health. Testimony was heard from Harold E. Varmus, M.D., Director, NIH, Department of Health and Human Services.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the FAA. Testimony was heard from Jane F. Garvey, Administrator, FAA, Department of Transportation.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on EPA. Testimony was heard from Carol M. Browner, Administrator, EPA.

CHILD NUTRITION PROGRAMS

Committee on Education and the Workforce: Subcommittee on Early Childhood, Youth, and Families held a hearing on Child Nutrition Programs. Testimony was heard from Ed Cooney, Deputy Administrator, Special Nutrition Programs, Food, Nutrition, and Consumer Services, USDA; Bob Robinson, Director, Issue Area, GAO; Joyce Holmes Benjamin, Associate Superintendent, Department of Education, State of Oregon; and public witnesses.

OVERSIGHT INVESTIGATION—TEAMSTERS ELECTION

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations began consideration of the issuance of subpoena duces tecum in the oversight investigation of the International Brotherhood of Teamsters election.

CONGRESSIONAL REVIEW ACT IMPLEMENTATION

Committee on Government Reform and Oversight: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs held a hearing on the Office of Information and Regulatory Affairs implementation of the Congressional Review Act. Testimony was heard from Robert Murphy, General Counsel, GAO; and a public witness.

MISCELLANEOUS MEASURE; MIDDLE EAST—DEVELOPMENTS

Committee on International Relations: Began markup of H. Con. Res. 277, directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from the Republic of Bosnia and Herzegovina.

Will continue tomorrow.

The Committee also held a hearing on developments in the Middle East. Testimony was heard from Martin Indyk, Assistant Secretary, Near Eastern Affairs, Department of State.

JUDICIAL REFORM ACT

Committee on the Judiciary: Began markup of H.R. 1252, Judicial Reform Act of 1997.

Will continue March 24.

CONSUMER BANKRUPTCY ISSUES

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the consumer bankruptcy issues in H.R. 3150, Bankruptcy Reform Act of 1998; H.R. 2500, Responsible Borrower Protection Bankruptcy Act; and H.R. 3146, Consumer Lenders and Borrowers Bankruptcy Accountability Act of 1998. Testimony was heard from Representatives McCollum, Boucher and Moran of Virginia; Edith Holan Jones, Judge, U.S. Court of Appeals, Fifth Circuit; Randall J. Newsome, U.S. Bankruptcy Judge, Northern District of California; and public witnesses.

MARITIME ADMINISTRATION AND PANAMA CANAL COMMISSION AUTHORIZATIONS

Committee on National Security: Special Oversight Panel on the Merchant Marine held a hearing on the fiscal year 1999 Maritime Administration authorization request and related matters, and the fiscal year 1999 Panama Canal Commission authorization request and related matters. Testimony was heard from John F. Graykowski, Acting Maritime Administrator, Department of Transportation; Togo D. West, Jr., Chairman, Board, Panama Canal Commission and Secretary of the Army; and Alberto Aleman, Administrator, Panama Canal Commission.

MILITARY HOUSING PRIVATIZATION INITIATIVE

Committee on National Security: Subcommittee on Military Installations and Facilities held a hearing on the implementation of the military housing privatization initiative. Testimony was heard from the following officials of the Department of Defense: John B. Goodman, Deputy Under Secretary (Industrial Affairs and Installations); Paul W. Jonson, Deputy Assistant Secretary, Army (Installations and Facilities); Duncan Holaday, Deputy Assistant Secretary, Navy (Installations and Facilities); and Jimmy Dishner, Deputy Assistant Secretary, Air Force (Installations).

DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on National Security: Subcommittee on Military Procurement and the Subcommittee on Military Research and Development continued joint hearings on the fiscal year 1999 National Defense authorization request, with emphasis on Air Force Modernization. Testimony was heard from Lt. Gen. George K. Muellner, USAF, Principal Deputy, Acquisition, Department of the Air Force.

OVERSIGHT—INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Interior Columbia Basin Ecosystem Management Project. Testimony was heard from Michael Dombeck, Chief, Forest Service, USDA; Martha Hahn, Idaho State Director, Bureau of Land Management, Department of the Interior; and public witnesses.

AFRICA GROWTH AND OPPORTUNITY ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 2 hours of debate on H.R. 1432, Africa Growth and Opportunity Act. The rule provides for consideration of the committee amendment in the nature of a substitute now printed in the bill, as modified by the amendments printed in part 1 of the report of the Committee on Rules, as an original bill for the purpose of amendment which shall be considered as read. The rule waives points of order against the committee amendment for failure to comply with clause 7 of Rule XVI (prohibiting nongermane amendments). The rule makes in order only those amendments printed in part 2 of the report of the Committee on Rules. The rule provides that the amendments will be considered only in the order specified in the report, may be offered only by the Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided between a proponent and an opponent and are not subject to amendment. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Gilman, Representatives Crane, Collins, Miller of Florida, Menendez, Brown of Ohio, Rangel, Spratt, Waters, Bishop and Davis of Illinois.

TUCKER ACT SHUFFLE RELIEF ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 992, Tucker Act Shuffle Relief Act of 1997. The rule makes in order as an original bill for the purpose of amendment the Judiciary Committee amendment in the nature of a substitute, which shall be considered as read. The rule provides that Members who have preprinted their amendments in the Congressional Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules. The rule allows the chairman of the Committee of the Whole

to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Smith of Texas and Watt of North Carolina.

ADVANCEMENT OF WOMEN IN SCIENCE, ENGINEERING, AND TECHNOLOGY DEVELOPMENT ACT

Committee on Science: Subcommittee on Technology and the Subcommittee on Basic Research Subcommittee on Technology held a joint hearing on H.R. 3007, Advancement of Women in Science, Engineering, and Technology Development Act. Testimony was heard from public witnesses.

SUPERFUND ACCELERATION, FAIRNESS, AND EFFICIENCY ACT

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment continued markup of H.R. 2727, Superfund Acceleration, Fairness, and Efficiency Act.

Will continue tomorrow.

OVERSIGHT—PENSION ISSUES

Committee on Ways and Means: Subcommittee on Oversight held an oversight hearing of pension issues. Testimony was heard from David Strauss, Executive Director, Pension Benefit Guaranty Corporation; William J. Scanlon, Director, Health Financing and Systems Issues, GAO; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, MARCH 11, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Navy and Marine Corps programs, 10 a.m., SD–192.

Committee on Armed Services, Subcommittee on Readiness, to resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on environmental and military construction programs, 9 a.m., SR–232A.

Subcommittee on Airland Forces, to hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on land forces modernization, 10 a.m., SR–222.

Subcommittee on Personnel, to resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on the defense health program, 2 p.m., SR–222.

Subcommittee on Strategic Forces, to hold hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on U.S. national security space programs and policies, 2:30 p.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Financial Services and Technology, to hold hearings on S. 1594, to facilitate the use of electronic authentication techniques by financial institutions, 10 a.m., SD–538.

Committee on the Budget, business meeting, to mark up a proposed concurrent resolution setting forth the fiscal year 1999 budget for the Federal Government, 2 p.m., SD–608.

Committee on Commerce, Science, and Transportation, to resume hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, business meeting, to consider pending calendar business, 9:30 a.m., SD–366.

Committee on Foreign Relations, business meeting, to consider S. Res. 187, expressing the sense of the Senate regarding the human rights situation in the People's Republic of China, 11 a.m., SD–419.

Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine developments in the Middle East, 2 p.m., SD–419.

Committee on the Judiciary, to hold an additional hearing on the nomination of Frederica A. Massiah-Jackson, to be United States District Judge for the Eastern District of Pennsylvania (reported by Committee), 10 a.m., SD–226.

Subcommittee on Administrative Oversight and the Courts, to hold hearings on S. 1301, to provide for consumer bankruptcy protection, 2 p.m., SD–226.

Committee on Labor and Human Resources, business meeting, to mark up S. 1648, to provide for reductions in youth smoking, for advancements in tobacco-related research, and the development of safer tobacco products, and to consider the nominations of Richard M. McGahey, of New York, to be an Assistant Secretary, and Ida L. Castro, of New York, to be Director of the Women's Bureau, both of the Department of Labor, 10 a.m., SD–106.

Committee on Indian Affairs, business meeting, to mark up those provisions which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1999 with a view towards making its recommendations to the Committee on the Budget; to be followed by an oversight hearing on sovereign immunity, focusing on contracts involving Indian tribes and alleged difficulties in collecting State retail taxes, 9:30 a.m., SH–216.

Select Committee on Intelligence, to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on Forestry, Resource Conservation, and Research, hearing to review the status of the USDA's farm loan programs, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Marketing and Regulatory Programs, 1 p.m., 2362–A Rayburn.

Subcommittee on Commerce, Justice, State, and Judiciary, on Supreme Court, Architect of the Capitol, 10 a.m., and on the National Institute of Standards and Technology, the Patent and Trademark Office and the Technology Administration, 2 p.m., H–309 Capitol.

Subcommittee on Energy and Water Development, on Energy Resources, 10 a.m., 2362–B Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on the Export-Import Bank, the Overseas Private Investment Corporation and the Trade and Development Agency, 10 a.m., H–144 Capitol.

Subcommittee on Interior, on Fish and Wildlife Service, 10 a.m., and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on the National Institute of Environmental Health Sciences, the National Institute on Deafness and on Other Communication Disorders, 10 a.m., and on the National Institute of Diabetes, Digestive and Kidney Diseases, 2 p.m., 2358 Rayburn.

Subcommittee on National Security, executive, on Intelligence Programs, 9:30 a.m., H–409 Capitol and on FY 98 Supplemental, 2 p.m., 2359 Rayburn.

Subcommittee on Transportation, on Federal Railroad Administration and the National Railroad Passenger Corporation (AMTRAK), 1 p.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, to continue on EPA, 9:30 a.m., 2359 Rayburn.

Committee on Banking and Financial Services, hearing to review the Supreme Court's decision regarding the credit union common bond requirement and the appropriate Congressional response to the ruling, 10 a.m., 2128 Rayburn.

Committee on Education and the Workforce, to mark up the following measures: H.R. 3246, Fairness for Small Business and Employees Act of 1998; H.R. 2864, Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1997; H.R. 2877, to amend the Occupational Safety and Health Act of 1970; H.R. 3096, to correct a provision relating to termination of benefits for convicted persons; and H. Res. 267, expressing the sense of the House of Representatives that the citizens of the United States must remain committed to combat the distribution, sale, and use of illegal drugs by the Nation's youth, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, hearing on H.R. 1704, Congressional Office of Regulatory Analysis Creation Act, 2 p.m., 2154 Rayburn.

Committee on International Relations, to continue markup of H. Con. Res. 277, directing the President pursuant to section 5 (c) of the War Powers Resolution to remove United States Armed Forces from the Republic of Bosnia and Herzegovina; and to mark up the following: H.R. 2870, Tropical Forest Conservation Act of 1998; and H. Res. 364, urging the introduction and passage of a resolution on the human rights situation in the People's Republic of China at the 54th Session of the United Nations Commission on Human Rights; H. Res. 36l, calling for free and impartial elections in Cambodia; and the Committee's Views and Estimates on the Fiscal Year 1999 budget requests, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, hearing on H.R. 3303, Department of Justice Appropriations Authorization Act, Fiscal Years 1999, 2000, and 2001, 10 a.m., 2141 Rayburn.

Committee on National Security, hearing on the implementation of the November 1997 Defense Reform Initiative, 9:30 a.m., 2118 Rayburn.

Subcommittee on Military Readiness, hearing on mission capability rates, 2 p.m., 2212 Rayburn.

Committee on Resources, to consider the following measures: H.R. 2186, to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, WY; H.R. 2376, National Fish and Wildlife Foundation Establishment Act Amendments of 1997; H.R. 2416, to provide for the transfer of certain rights and property to the U.S. Forest Service in exchange for a payment to the occupant of such property; H.R. 2574, to consolidate certain mineral interests in the National Grasslands in Billings County, ND, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection; H.R. 2807, Rhino and Tiger Product Labeling Act; H.R. 3087, to require the Secretary of Agriculture to grant an easement to Chugach Alaska Corporation; H.R. 3113, Rhinoceros and Tiger Conservation Reauthorization Act of 1998; and H.R. 3164, Hydrographic Service Improvement Act of 1998; 11 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 2883, Government Performance and Results Act Technical Amendments of 1997 and the Committee's Fiscal Year 1999 Budget views and estimates, 1 p.m., H–313 Capitol.

Subcommittee on Legislative and Budget Process, hearing on the Line Item Veto After One Year, the Process and Its Implementation, 9:30 a.m., H–313 Capitol.

Committee on Science, oversight hearing on Defining Successful Partnerships and Collaborations in Scientific Research, 10 a.m., 2318 Rayburn.

Subcommittee on Energy and Environment, oversight hearing on Fiscal Year 1999 Budget Authorization Request: Environmental Protection Agency Research and Development, 1:30 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: Committee's Budget Views and Estimates for Fiscal Year 1999; Public Building Resolutions; Water Resources Survey Resolutions; and H.R. 2843, Aviation Medical Assistance Act of 1997, 3 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, to continue markup of H.R. 2727, Superfund Acceleration, Fairness, and Efficiency Act, following full Committee meeting, 2167 Rayburn.

Committee on Veterans' Affairs, to mark up the following bills: H.R. 3039, Veterans' Transitional Housing Opportunities Act of 1997; H.R. 3211, to amend title 38, United States Code, to enact into law eligibility requirements for burial at Arlington National Cemetery; and H.R. 3213, to amend title 38, United States Code, to clarify enforcement of veterans' employment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, 1 p.m., 334 Cannon.

Committee on Ways and Means, to consider Committee's Fiscal Year 1999 Budget views and estimates, 2:30 p.m., 1100 Longworth.

Next Meeting of the SENATE

9 a.m., Wednesday, March 11

Senate Chamber

Program for Wednesday: After the recognition of five Senators for speeches and the transaction of any morning business (not to extend beyond 11 a.m.), Senate will resume consideration of S. 1173, ISTEA Authorization, and may vote on a motion to close further debate on the modified committee amendment.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, March 11

House Chamber

Program for Wednesday: Consideration of H.R. 1432, Africa Growth and Opportunity Act (structured rule, 2 hours of general debate); and

Consideration of H.R. 992, to end the Tucker Act shuffle (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Bass, Charles F., N.H., E331
Bonior, David E., Mich., E331
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