United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, THURSDAY, OCTOBER 1, 1998 No. 135

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. EWING).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 1, 1998.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

With all people of goodwill, O God, we ask for Your guidance and Your direction in our lives, in our communities, and in our world. Give us, we pray, the knowledge we need to chart our course and also wisdom to encompass justice and truth. Give us integrity of spirit so we can focus on the paths of righteousness just as we beseech Your mercy and Your forgiveness.

With adoration and thanksgiving, we recall how people throughout our history have sought Your blessing. And so now in our time and place, we pray for those same gifts of the spirit that will lift us up and express a unity of heart and soul.

In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1836. An act to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes.

H.R. 3412. An act to amend and make technical corrections in title III of the Small Business Investment Act.

H.R. 4110. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to make various improvements in education, housing, and cemetery programs of the Department of Veterans Affairs, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3616) ''An Act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1677. An act to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 2531. An act to designate a portion of Interstate Route 70 in Missouri as ''Mark McGwire Interstate Route 70''.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1355) ''An Act to designate the United States courthouse located in New Haven, Connecticut, as the 'Richard C. Lee United States Courthouse'.''

BREAST CANCER AWARENESS MONTH

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

Ms. DUNN. Mr. Speaker, today is a significant day. It marks the beginning of National Breast Cancer Awareness Month. While the greatest news in this battle is the number of mothers, daughters, sisters, wives and friends who survive breast cancer, we must continue to promote the importance of early detection and early diagnosis, which continue to remain our best weapons against this devastating disease.

This year alone approximately 180,000 new cases of breast cancer will be diagnosed; more than 43,000 women will die. That is why the gentleman from New Hampshire (Mr. BASS), who has shown so much concern about this problem, and I are introducing a resolution today that underscores the importance of mammograms and biopsies in the fight against breast cancer.

The Bass resolution helps raise awareness that early detection through screening mammograms and breast biopsies are vitally important. As all women know, mammograms detect lumps and biopsies confirm whether these lumps are cancerous or noncancerous. Our resolution encourages

Printed on recycled paper.

women to take an active role in fighting this deadly disease through regular self-examinations, annual mammograms, and breast biopsies when a lump is detected. When it is detected early, women can conquer breast cancer.

I ask my colleagues to support this vitally important resolution.

ON KOSOVO

(Mr. SKAGGS asked and was given permission to address the House for 1 minute.)

Mr. SKAGGS. Mr. Speaker, recent reports of atrocities against Kosovo civilians by Serb security forces are certainly appalling. It is further evidence of President Milosevic's criminality in repressing ethnic Albanians.

It is entirely understandable why many people would therefore support military intervention by the United Nations or by NATO with U.S. leadership. But it is very important to realize that such military action, if it were to occur with U.S. forces, needs to be a decision taken by the Congress, not by the President.

Air strikes within the borders of Yugoslavia in order to stop attacks by Serbian forces against civilians in an area that the United States recognizes as sovereign Yugoslav territory simply could not be construed as ''defensive'' within the inherent authority of the President as Commander in Chief. Rather, they would be offensive in nature, involving the invasion of the air space of a nation which has not attacked the United States.

That is the sort of action which falls within the exclusive powers of the Congress under the United States Constitution.

ALICE IN WONDERLAND

(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, in Alice's Adventures in Wonderland, Lewis Carroll writes the following:

> When I use a word, Humpty Dumpty said, in a rather scornful tone, it means just what I choose it to mean, neither more nor less.
>
> The question is, said Alice, whether you can make words mean so many different things.

Mr. Speaker, the Humpty Dumpty's of our political landscape use words to mean what they want them to mean. Yet the fact remains, words have very specific meanings, meanings that no common person would dispute. Alone means alone; is means is; sex means sex. No matter what mental gymnastics someone goes through. Words have meanings. When someone uses words in a court of law to mean things that they do not actually mean, that is called lying under oath. That is wrong. It is dishonorable and worthy of a congressional inquiry.

MORE ON KOSOVO

(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, once again genocide has reared its ugly head. Serbian President Milosevic is brutally exterminating ethnic Albanians in Kosovo. Women, children, even the elderly are being slaughtered. After all this, France says, and I quote, ''We must send a strong message.''

Beam me up, Mr. Speaker. The last I heard, NATO did not work for the Western Union. It is time for NATO to do their job. It is time for France to step up once in a while. It is time for Europe to help us out, and it is time for independence in Kosovo.

One last thing, Mr. Speaker. Milosevic must be stopped. It is about time for France to do their job, too.

TAX CUTS

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

Mr. BALLENGER. Mr. Speaker, what do liberals, in the bottom of their hearts, think about tax cuts?

Well, you do not have to speculate any more because the liberals these days, from the President on down, are saying out loud exactly what they think about tax cuts. They call tax cuts an election year gimmick.

Last year the President called the people in Virginia who supported a tax cut selfish, selfish for daring to suggest that people should be able to keep more of their own money. The truth is, liberals really do believe that tax cuts are nothing more than an election year gimmick. It is simply inconceivable to the liberal mind-set that the Republicans believe as a matter of principle that the government takes too much of your money and then wastes too much of what it takes.

Allowing the people to keep more of what already belongs to them is a gimmick to liberals. To Republicans, it is a fundamental freedom issue. To people who work very hard to build a life for themselves and their family, to pursue the American dream, this must be a surprising bit of news indeed.

HMO REFORM

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, I rise today to urge the Republican Congress to step up to the plate and to pass real managed care reform. We need to fix the health insurance system to give patients the protections that they need.

After one year of ignoring the President's call for a strong, enforceable bipartisan Patients Bill of Rights, the Republican House leadership has done nothing more than pass a bill that treats cancer with Band-Aids.

We ignore at our own risk what the American people demand, and they demand health care reform. They do not want their health plan to abandon them when they need it the most.

Speaker GINGRICH once promised to let Medicare wither on the vine. This year he is going to let the Patients Bill of Rights wither on the vine. I ask, will he also let Social Security wither on the vine?

The leadership has the ability to pass legislation that protects Americans in the few days that we have left before adjournment. Will they act on behalf of millions of Americans? It is time to stop playing politics and pass HMO reform now.

BUDGET SURPLUS

(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, Will Rogers once said that you have to be an optimist to be a Democrat and you have got to be a humorist to stay one.

Yesterday the President must have thought that he was using humor when he said that the creation of the surplus is due to the fiscal restraint and leadership of his administration. I believe the only thing that the President left out of his speech was a line from the Wizard of Oz, Toto, ''I do not think we are in Kansas anymore,'' because this make-believe yellow brick road theory that his administration is responsible for the surplus is nothing but simple pure comedy.

I think of myself as a person who recognizes and appreciates humor. I certainly did not mind laughing at the President's stand-up comedy routine yesterday. But we have thrown back the curtain and we have seen that the voice behind the curtain is a very same voice whose only budget proposal projected a $241 billion deficit for this year.

Mr. Speaker, it is time to get back to reality. It is the Republican Congress and Republican leadership that deserves the credit for this surplus. It was their commitment in 1995 to get this country on the right track back toward fiscal responsibility and fiscal stability.

WOMEN'S CONTRACEPTION

(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, a bunch of fellows from this body are running around the Treasury, Postal conference committee trying to get into the contraception business, women's contraception business, that is. But women's contraception is nobody's business but theirs. Yet there is stealth action in this House to overturn a bill that passed both houses, that contraception be treated like other prescriptions in

Federal health plans. Passed unanimously in the Senate, passed twice in the House, we must not tolerate Soviet-style reversals of noncontroversial provisions.

I am outraged at a substitute that would allow only the diaphragm to be required in plans. Women need options. Some do not work. Some make us sick. There is no more sensitive issue for women than contraception. The bipartisan Women's Caucus supports the Lowey provision, and so do the majority of the House, the majority of the Senate and the majority of the American people.

ON TAX CUTS

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

Mr. KINGSTON. Mr. Speaker, Americans pay on the average about 40 percent of their total household income in taxes. In 1996, recognizing this, the Republican leadership pushed for a middle class tax cut, despite the President's and most of the Democrats' objections that people who want to pay less taxes are just selfish.

Well, we are back at it again, another middle class tax cut. It has already passed the House. Marriage tax relief, ending the marriage tax penalty, relief for farmers and tax relief for the death tax penalty.

And what are the Democrats and the President saying? They are saying this is going to adversely affect Social Security. Well, what does the Director of the Congressional Budget Office say? That the tax plan has no effect on Social Security. This is a Democrat chart so the word ''effect'' is misspelled. But then, again, we knew Democrats would be reading this and we wanted to share the information with them so we had to put it in their language.

But the fact is, the point is right. The tax cut does not affect Social Security. Just how much is this? In the total budget scheme, Mr. Speaker, of $9.6 trillion, it is barely a slither of a slither of $80 billion in middle class tax relief over a 5-year period of time.

TAX RELIEF

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

Mr. BLUNT. Mr. Speaker, people in America understand that they need tax relief. They understand that it is only fair, as we begin to balance the budget, that they get to keep part of the money they are sending to Washington. We see these two charts here that clearly point out that the amount of tax relief has no impact on Social Security.

They cannot imagine why we would possibly let the marriage penalty stay in the tax code one year longer, let alone forever. They cannot imagine why we would not do everything necessary to go ahead and make health insurance automatically deductible for small business people, once we have decided that needs to be done, rather than to wait 6 or 7 years in the future.

□ 1415

They cannot imagine why, out of $1.6 trillion in surplus, that $80 billion of that cannot go to tax relief and go to tax relief right now.

TAXPAYER PROTECTION ACT

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in my district in Western Pennsylvania people are concerned with real pocketbook issues, like having the money to send their kids to college. The Taxpayer Protection Act, which we passed last week, provides much needed tax relief for working families and middle class taxpayers by building on our previous accomplishments.

Last year, this Republican Congress provided tax exempt status to qualified state prepaid tuition account programs. These programs will allow families to buy college credits at today's prices and bank them for the future, avoiding tuition inflation and making college costs more manageable for many families on tight budgets.

The Republican tax bill goes one step further than last year's bill by leveling the playing field and awarding the same preferential tax treatment to private prepaid programs.

Mr. Speaker, the Taxpayer Relief Act helps students achieve their dream of a college education and, through it, the American dream. This is good legislation that lifts some of the tax burden on the middle class and gives them the opportunity to save for their children's college education.

THERE IS NO SURPLUS

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, I rise today to give a reality check. The President claims the government has a surplus. All Americans need to know that this just is not true. There is no surplus.

The President was going to borrow $100 billion from Social Security to pay for his proposed current level of spending, but our good economy means now he will only borrow $35 billion. Now, the $65 billion difference that the Republicans said must be left in the Social Security Trust Fund is what the President now claims is a surplus. It is not a surplus. It is payroll taxes that the government collects to pay for Social Security checks each month.

We need to save Social Security, not spend it. That is why I voted against the tax plan, not an easy vote, because it borrows still from Social Security. Believe me, I do support tax cuts, but we need to do it without compromising Social Security.

Now, we may have a true surplus by next year. Then we can make sure that Social Security will be there when people need it. Then we can have tax cuts, too. That is my goal, Mr. Speaker.

CENSUS SAMPLING

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, from day 1, this administration has conducted affairs of state more like King George than George Washington. Its ethic has been summed up in the book title by Clinton hit-man James Carvel: ''We're Right and You're Wrong.''

Now, in the latest census sampling wrinkle, the Clinton people show they are willing to ignore Federal Court rulings in pursuit of their agenda. Two separate decisions have declared it illegal to sample the population for the purposes of congressional reapportionment. Yet administration officials continue to forge ahead anyway with plans to sample in the next census, spending millions on a discredited idea at a time when preparations for the 2000 Census are at a very critical stage.

It is almost as if the Clinton Commerce Department wants the next census to fail so that the political pressure for their sampling agenda will be even greater in 2010.

Mr. Speaker, it is past time for the President to begin enforcing the laws, even those he does not like.

PRESIDENT SHOULD NOT GO TO WAR WITHOUT CONSENT OF CONGRESS

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

Mr. CAMPBELL. Mr. Speaker, a letter is presently being circulated that has been authored by my good friend and colleague, the gentleman from Colorado (Mr. SKAGGS), and myself. I would ask for my colleagues' attention to it, please, if they could sign it.

The letter is addressed to the President of the United States and it vindicates the most important obligation that we have, and that is in the area of warmaking. The Constitution says that we do not go to war unless the representatives of the people, in this House and in the other body, vote for it. It does not give the President the right to go to war on his own.

My colleagues, we are about to go to war. We are about to go to war in Kosovo. If it is the right thing, so be it. The President should make the case it is the right thing here in the people's House. Have us approve it or not. But

to go ahead without the approval of the Congress violates the Constitution and, almost as important, undercuts the sense of resolve for the important work that we may be able to accomplish in Kosovo.

I ask my colleagues to please sign the Skaggs-Campbell letter and ask the President to abide by the Constitution. Do not go to war without the approval of the American people.

REREFERRAL OF H.R. 2349, AUGUSTUS F. HAWKINS POST OFFICE BUILDING, TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 2349) to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building,'' and that the bill be referred to the Committee on Government Reform and Oversight.

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

There was no objection.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS FROM COMMITTEE ON RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee on the legislative day of October 1 or October 2, 1998, providing for consideration or disposition of a conference report to accompany a bill or joint resolution making general appropriations for the fiscal year ending September 30, 1999, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 558 would waive clause 4(b) of Rule XI against certain resolutions reported from the Committee on Rules. Clause 4(b) requires a two-thirds vote of the House to consider a rule on the same day it is reported from the Committee on Rules.

This resolution would apply the waiver to a special rule reported on October 1st or October 2nd, 1998, providing for consideration or disposition of a conference report to accompany a bill or a joint resolution making general appropriations for the fiscal year ending September 30th, 1999, or any amendment reported in disagreement from a conference thereon.

Mr. Speaker, this proposed waiver is essential in order for the House to consider, in a timely fashion, one or more appropriations conference reports that may be available later today or tomorrow.

I know all of my colleagues share a desire to move as expeditiously as possible through the remaining legislative matters that must be completed prior to our adjournment. Therefore, I encourage Members on both sides of the aisle to support this resolution.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear friend, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary half-hour.

Mr. Speaker, today is the beginning of the fiscal year and, once again, my Republican colleagues have not finished their appropriations bills. As many people know, in order to keep the government open for business, President Clinton had to sign a continuing resolution last week, but we still have to pass eight appropriations bills and send them to the White House for signature. Mr. Speaker, that is a tall order. By the end of next week we have to do this.

Normally, conference reports have to be available at least 3 days before they are considered on the House floor. The idea behind that rule is very simple. It is that appropriations bills are very important spending bills and Members have to have enough time to look at them and consider them very carefully.

So although we must hurry and finish these bills before they are any more overdue, I hesitate to support such rules except in the case of extreme circumstances. Martial law rules nearly always diminish the rights of the minority, and I think my Republican colleagues have really had plenty of time to finish the appropriations process. But, Mr. Speaker, in this case the rule is narrowly focused to apply only to appropriations conference reports, and it is only in effect until the end of this week.

In all likelihood, Mr. Speaker, the Agriculture and Treasury Postal appropriations conference reports, which came before the Committee on Rules the other day, will be brought to the floor under this scenario. That means that they could be on the floor later today. These bills contain very important spending on programs from Federal drug control programs to badly needed disaster assistance for American farmers who have been very hard hit by severe weather conditions this summer. So we need to pass these bills and get them signed into law as quickly as possible.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain special orders without prejudice to the resumption of legislative business until 4:30 p.m.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

BAD CONDUCT IS NOT GROUNDS FOR IMPEACHMENT

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in defense not of the President but rather of the Presidency.

TRENT LOTT, the majority leader of the Senate, has just spun to the press that, quote-unquote, bad conduct is grounds for impeachment. To me, this is shocking. I actually could not believe that he was serious. But, sadly, he was.

Today, we are at a turning point in this debate and we have to put this thing in park and take a break.

□ 1430

The removal of the President of the United States is different from the removal of a judge, is different from the removal of a Member of Congress or a college president. The situation cannot be equated, as it often is, with the CEO or a college president who would be removed for similar types of acts that the President is accused of.

To remove the President of the United States would be to paralyze the entire government. Because, whereas a judge, a legislator, and certainly not a private citizen represents an entire branch of government, the President is

the executive branch of government, and to suggest his removal entails a constitutional crisis and a disruption of our whole political system.

We have all been slapped in the face by not only the President's action, but also the Starr inquisition, and we have been so busy holding our cheeks that we have not even examined the evidence and made a deliberative assessment of it. I myself have educated myself about the severity of the Articles of Impeachment, and I want to share with my colleagues and the American people some of the thoughts that I have learned.

As we all know, the Congress has been down this road only twice before in American history, and we need to wake up right now as to the severity of today's issue and what it means to the Republic and this Congress's place in U.S. history.

I asked Larry Tribe, perhaps our Nation's most renowned constitutional scholar, to describe the upcoming vote to begin, just to begin, an impeachment inquiry; and his answer, my colleagues, captures everything that I want to say today.

Professor Tribe likened a vote simply to begin the impeachment proceeding to that of breaking the glass of a fire alarm, that would trigger a mad rush and a state of emergency. He said once the glass is broken and the alarm goes off, we cannot put the pieces back together. Such an action will make it almost impossible to restore a sense of stability and order in this country. Impeachment proceedings are just like pulling a fire alarm in a crowded room; you better think before you pull, lest many people or this Nation get hurt in the process.

To be sure, if we are going to go down the road to impeachment, it must be taken with a keen sense of understanding and purpose. Otherwise, we will be blind to the consequences of our actions. And we must begin with what constitutes the ground for an impeachable offense.

Is this what Ken Starr says it is? Is this what TRENT LOTT says it is? Is this what the gentleman from Illinois (HENRY HYDE) or I should say the gentleman from Georgia (NEWT GINGRICH) says it is? Or should it be the definition of the entire Congress before we begin an inquiry into impeachment?

I like the fact that, in fact, the gentleman from Illinois (Mr. HYDE) has said that we should have hearings on what constitutes grounds for impeachment. That seems to be the right course to take. Yet it seems the gentleman from Illinois (Mr. HYDE) and the gentleman from Georgia (Mr. GINGRICH) intend to proceed with an impeachment inquiry before such hearings on the working definition of what impeachment really is could even take place.

Do they want to make it up as they go along? It sure sounds as though they do. In my opinion, to make up a definition or to proceed with an inquisition before we have had the time to understand what truly constitutes impeachment and we have a frame of reference to judge our actions against when we continue with an inquiry, constitutes sounding the fire alarm before we know there is even a fire, and it flies in the face of the due process set forth by our Constitution, which says that we need to know what to prosecute before we know whether a crime has been committed.

The reason the majority wants to vote on an impeachment inquiry next Monday, before they know what impeachment really is, is because they would never vote to initiate an inquiry once they really know what they are talking about. And once we know what is truly impeachable, then we need to ask one more question.

REQUEST FOR ADDITIONAL TIME

The SPEAKER pro tempore (Mr. EWING). The time of the gentleman from Rhode Island (Mr. KENNEDY) has expired.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent to proceed for an additional 3 minutes.

The SPEAKER pro tempore. The time is limited to 5 minutes. The Member will close.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Member should avoid reference to personal conduct of the President and reference to statements of members of the other body.

Mr. KENNEDY of Rhode Island. In conclusion, once we know what impeachable offense is, then we need to ask another question. Is it the kind of offense in which the President's remaining in office is far worse for this country than what will happen to this country if we remove a President from office? We need wisdom to prevail over politics.

The SPEAKER pro tempore. The time of the gentleman from Rhode Island (Mr. KENNEDY) has expired.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I ask unanimous consent to proceed for an additional 2 minutes.

The SPEAKER pro tempore. The Chair cannot entertain the request for any additional time. The gentleman's time has expired.

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

(Mr. FOSSELLA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.).

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

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mrs. CAPPS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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 addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. TALENT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

MILITARY ACTION AGAINST YUGOSLAVIA REQUIRES AUTHORITY FROM CONGRESS

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

Mr. SKAGGS. Mr. Speaker, yesterday we heard news of horrible massacres of ethnic Albanians by Serbian forces in Kosovo: women, children, the elderly all shot in cold blood. The same reports say that these massacres may now spur NATO to take military action.

As terrible as these events are, I want to remind my colleagues that under our Constitution, Congress has the responsibility to decide whether

America goes to war, even a limited war. It may well be that if this body voted on military action against Yugoslavia, we would support it overwhelmingly.

But there is no doubt in my mind that attacks by U.S. forces, whether under NATO or not, against a sovereign nation, even if it is Milosevic's Yugoslavia, constitute an act of war. Actions NATO may decide to take with absolutely no congressional involvement could lead to an expensive, perhaps lengthy involvement which, most importantly, puts American lives at risk.

There are legitimate policy questions Congress should ask about the kind of military involvement NATO is contemplating. Would air strikes do any good? Against what kind of targets? If air strikes do not make Milosevic stop, are we willing to send in ground forces in a shooting war into the mountains of Kosovo?

We may be over the Vietnam syndrome, but that conflict, in which I served, should remind us of one critical lesson for any military involvement: that we should secure the Nation's understanding and support before major military action is taken. That is what military officers learned from Vietnam, and that support is best assured when Congress debates and votes.

The framers of the Constitution vested the war power in Congress for very good reason: Both as a check against precipitous action by a President and as a way to be sure that the American people, through their elected representatives, have been consulted before the Nation goes to war.

The framers placed the war power in Congress because they saw it as an essential part of our democracy, reflecting the fact that it is the people's lives and funds that are put at risk. They expressly rejected the idea that this kind of power should be entrusted to a single individual, the President.

Some people object that the Constitution is inconvenient in this respect, that there is something wrong with taking the relatively small amount of time that would be needed to secure Congress' approval. The situation in Kosovo has been worsening for months. The President has had plenty of time to seek authorization from Congress for military action, and he still has time to do so.

Our participation in NATO does not supersede Congress' role in deciding about war. In fact, Congress conditioned U.S. participation in NATO on the requirement that it retain its constitutional prerogatives. This point was underscored by then Secretary of State Dean Acheson at the time the North Atlantic Treaty was ratified, who said,

> The treaty does not mean that the United States would automatically be at war, even if one of the other signatory nations were the victim of an armed attack. Under our Constitution, the Congress alone has the power to declare war.

Congress' war power is one of its most important and most basic responsibilities. The American people have a right to expect Congress to do its job. As my colleague, the gentleman from California (Mr. CAMPBELL), mentioned a few minutes ago, he and I have drafted a letter to our colleagues urging signature on a letter to the President of the United States that the President respect that exclusive power in Congress and have the authority of Congress before military action may be taken against Yugoslavia.

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

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mrs. CAPPS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE HIGH COST OF PRESCRIPTION DRUGS

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Rhode Island.

BAD CONDUCT IS NOT GROUNDS FOR IMPEACHMENT

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to thank the gentleman for yielding.

Mr. Speaker, I apologize that I was cut off but those are the Rules of the House and that is the nature of the floor proceedings, but I did want to conclude with my remarks because I cannot emphasize enough to the people in this Chamber, my colleagues watching on TV and the American people at large, that this is no light matter that we have been talking about.

We seem to be taking such a cavalier attitude to this, and I know that obviously a lot has to do with the politics of this season. I dare say, though, what we are embarking on truly goes to the nature of our whole form of government.

I just had the opportunity last week, as a member of the Committee on National Security, to go to New York to listen to the President's speech on global terrorism, and I met many diplomats who have a working relationship with our allies, democracies around the world, in Europe and the former Soviet bloc countries, and all of them are so perplexed about what is going on here in this country.

My friend who deals with them on a day-to-day basis told me that his judgment of why they are so perplexed is because they have not been at the democracy game as long as we have. They have been under tyranny, the tyranny of fascism and Communism, within their own lifetimes, and they know that the miracle of this system of government is not to be messed with. That is why they feel so strongly about what we are doing in this country is so wrong for the future of our constitutional form of government.

As I was saying, in my opinion, what we are doing now by putting the cart before the horse, so to speak, by saying that we are going to have a preliminary inquiry before we know what the definition of impeachment is, to me violates the fundamental process of due process, where you know what the crime is before you begin to prosecute it.

The reason the majority wants to vote on an impeachment inquiry before they know what impeachment really is is because they could never vote to initiate such an inquiry once they really knew what they were talking about. Once they knew what was really impeachable, then we would have to ask one more question: Is the impeachable offense, such as perjury, is the impeachable offense the kind of offense in which the President's remaining in office is worse for this country than the excruciating process of impeachment that it will take to remove the President from office?

We need wisdom to prevail over politics. We must see past the passions of this moment and look to the true nature of this offense, which in my opinion is better judged by God and family than by the Congress and the media.

What we have here is a reckless, embarrassing, personal act. It was wrong. The President was human in trying to hide it, and that was wrong, too. None of this, however, shows that the President was on a course that was dangerous to the public.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). The Chair would admonish the Member not to refer to the personal conduct of the President and to address those outside the chamber.

□ 1445

Mr. KENNEDY of Rhode Island. Mr. Speaker, that was not dangerous to the future of this republic. It did not justify throwing this democracy into a constitutional tailspin, and it will not justify it. Gifts, testimony, executive privilege, all these things, do these justify paralyzing our constitutional form of government?

People say this is about a certain offense, perjury, and we should not let anyone off the hook. But during the Watergate scandal, President Nixon perjured himself in his tax returns, and this was dismissed, this was dismissed, as not an impeachable offense. And what about when Caspar Weinberger

lied to this Congress about a secret war? Remember the Iran contra scandal? When asked, Caspar Weinberger said he had no details of such a military offensive, no details whatsoever. He lied to this Congress. Guess who pardoned Caspar Weinberger? Republican president George Bush, and he did so at the behest of Senator Bob Dole, who pushed him to pardon Caspar Weinberger.

I just want to make a concluding couple of thoughts: Joe McCarthy, remember him? He used details of people's sex lives to extort cooperation from them and from former communists by threatening to expose what happened in their bedrooms.

J. Edgar Hoover, remember J. Edgar Hoover? He tried to get Martin Luther King, Jr., to drop out of the civil rights movement by sending Coretta Scott King a copy of an illegally obtained elicit tape recording. It is documented.

Ken Starr has done the same thing. Through his dump of lurid sexual details, he is trying to embarrass this president so much so that he disrupts our whole constitutional form of government by forcing him to resign. To me, this amounts to simply sexual McCarthyism.

The bottom line is this: I would say that the majority needs to heed the words of your own party. President Gerald Ford was featured in the Hill Newspaper last week. You recall what he said? He said an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history.

But that is only what Gerald Ford meant with respect to a judge. He was asked to clarify his comments and apply them to a president of the United States, and I want everyone to listen to me, because they are so misunderstanding what President Ford said. President Ford added that the removal of a duly-elected president in midterm ''Would indeed require crimes of the magnitude of treason and bribery.''

Mr. Speaker, we have a constitutional debate here, and I will venture to say that in my whole time in the United States Congress, I will not cast a more important vote in my whole time in Congress than the vote I cast next Monday against moving this country down such a reckless course that will imperil this republic and permanently damage this Constitution and the definition of what is an impeachable offense.

In my mind, this is a sacrosanct document, and what is sacred in it is it is only used in those most extreme circumstances. To me, this inquiry does not rise to that level and threshold, and, for that reason, I encourage all my colleagues to join with me and put politics aside and say what is right for the Constitution, and that is to stand with the Constitution and vote against any inquiry down this maddening road.

I thank the gentleman from Texas (Mr. TURNER) for yielding to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would admonish all Members that they should avoid references to the personal conduct of the President.

Mr. TURNER. Mr. Speaker, I rise today to address an issue that is important to every senior citizen in our country, the problem of the increasing cost of prescription medications. This is an issue that has been growing in intensity in recent years as the costs of drugs have gone up and up and up.

A number of Members of this body have joined together to try to address this problem and to pass legislation that would lower the cost of prescription medication. There are currently over 75 Members of this House who have joined in sponsoring legislation to deal with the high cost of prescription drugs. It is my pleasure to yield to one of the leaders in this effort to combat the cost of prescription medication, the gentlewoman from California (Mrs. CAPPS). I want to mention in passing that Lois is a proud new grandmother of a five-week-old boy, Walter Holden Brostrom, named after his grandfather, Walter Holden Capps, a former member of this body.

The gentlewoman has been a hard worker on behalf of those who are fighting the high cost of prescription medication. She has a background in nursing, and, as the representative of the 22nd district of California, it is my honor to yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER). Of course, you warm my heart by talking about my grandson. It is a point of reference that I have with many grandparents throughout my Congressional district. It is with their faces in my mind's eye and with their stories in my heart that I rise today to speak about what I consider to be a real scandal going across this country that I have uncovered in my Congressional District out on the central coast of California.

Seniors throughout the area are, we are finding out, paying outrageously high prices for their prescription drugs. Even worse, these inflated prices are subsidizing the very discounts that high profit HMOs get for these very same medications.

A report we have released gives to the public our study, which uncovers this fact in my Congressional District and gives the reason why some of these costs are so high. There are very startling findings. I know the gentleman from Texas (Mr. TURNER) is going to go into detail with the charts he has that show him the kinds of studies done in his district as well.

Seniors in California on the central coast are paying on the average 133 percent more for the 10 drugs most commonly used by seniors. This is 133 percent more than the HMOs are paying at the discounted rates they get for these very same prescriptions. These are drugs like Zocor, which reduce cholesterol, Norvasc for common blood pressure medication, and Relafen, which provides relief from arthritis.

Prescription drug companies give these big discounts to managed care companies for these drugs, these same 10 drugs and other drugs as well, and then other buyers, like pharmacists must pay substantially more for the same drugs and then pass these higher costs on to seniors.

For example, my study found that Ticlid, one of the most widely prescribed medications for people who have had strokes, sells to the HMOs for around $34 for 60 tablets. Yet in my area of the country the average pricing that seniors pay for this drug themselves when they are buying it out of their own pocket is more than $130, nearly a 300 percent markup over the price that the HMO pays.

The huge difference in prices is not going to the retail pharmacist in Santa Barbara or Santa Maria or Arroyo Grande. On average these local pharmacists are paying $100 to $110 for the same medication. The final price the seniors pay includes only a reasonable markup to the pharmacists and then they are bearing the burden of the profit that is going to the HMOs.

That seniors are paying more money for drugs than they should while HMOs reap profits is based partly on the huge discounts they get from the drug companies. But there is an even sadder story. Many seniors simply cannot afford these high prices because of the fixed incomes they are living on, so they have done a variety of things, such as taking half the prescription or choosing of the several prescriptions that are needed for their life for life and death issues in many cases, or for the quality of life that they want or for their relief from pain and discomfort, and they end up just taking part of the medications that the doctors prescribe.

I have a couple of examples that I will share with you. Clyde Vann of Pismo Beach told my staff he pays over $300 a month for seven prescription drugs, and he really needs to be taking two additional medications, but that would add an extra $150 to his monthly costs. He is on a fixed income, and he just cannot take these two other medications that he really needs to be taking.

Harriet MacGregor of Santa Barbara told my staff that because of the high cost of her five prescriptions, she must sometimes skip or reduce her dosage. This is not the kind of health care we want to be providing for seniors in our country. They should not have to subsidize the profits of the HMOs. They should not have to choose between filling their prescription or buying food or paying the rent.

So I was proud to sign onto the legislation of the gentleman from Texas (Mr. TURNER) last week to address this issue. H.R. 4646 will allow pharmacies the opportunity to receive the same discounts that HMOs get for the drugs that they dispense to seniors. I believe that this is a long overdue measure.

I am happy to yield back now. I want to continue the discussion at some point about what is happening also in parts of our country that are rural areas and where the reimbursement rate to the HMOs from Medicare is so little that the HMOs are pulling out because of their inability to make a profit in our rural areas. This is a double whammy for our seniors. It is giving them now fewer options for their health care in general, and also then when they do just have Medicare and then have to pay the full price, they are running into this problem that you and we have uncovered.

The other thing that is interesting to me is that I have done this study on the central coast of California, the gentleman lives in Texas, we have other Members of Congress from Maine, from Arkansas, from around the country, and we know that this is going on all too many places right now.

So it is something we want to address. I am pleased that the gentleman has this time on the floor this afternoon and we can be talking about this very serious issue.

I will turn it back to the gentleman now and am prepared to talk a little bit more later on.

Mr. TURNER. Mr. Speaker, I thank the gentlewoman from California (Mrs. CAPPS). We appreciate her strong leadership on this very important issue.

Another leader in the fight to lower the cost of prescription medications for our senior citizens is the gentlewoman from the 10th District of Indiana (Ms. CARSON). The gentlewoman, I know from talking to her, knows firsthand the problems that seniors are facing, because I have talked to her many times about how she represents her district, and she works at the grassroots, so I know she has got some interesting insight on this issue.

Ms. CARSON. Mr. Speaker, I thank the very distinguished colleague from Texas for yielding, and I want to commend the gentleman for his insight and foresight in bringing this vital issue not only to the United States House of Representatives, but to the ears and eyes of America, because it is imperative that the American people understand that the Congress is in fact concerned about their well-being, especially those who are recipients of Medicare at this particular time, the senior citizens of our country.

Mr. Speaker, I rise today again, along with my distinguished colleagues. It is kind of difficult to follow the eminence of my colleague the gentleman from Texas (Mr. TURNER), and certainly the gentlewoman from California (Mrs. CAPPS). The senior citizens are very privileged to have this kind of representation in the Congress that is very sensitive to their needs.

Of course, I rise, being on the verge of being a senior citizen, I would like to announce in the beginning I probably have a conflict of interest, because I want my medication affordable when I advance to the age of requiring Social Security. The skyrocketing prices for prescription drugs are unabated and they are hitting the senior citizens of our country very, very hard.

Many of our seniors are on fixed incomes, and when they have to pay higher prices for prescription drugs, obviously they have less money for food, to pay for their heating bills, to pay their property tax or to pay their rent, if that is the case, and to accommodate some of their other vital needs for their own well-being. Seniors are paying too much in higher prices for prescription drugs than HMOs and other most-favored-customers who buy drugs in large quantities at a discount.

In my district in Indianapolis, we did do a survey among the drugstores on drug prices based on the widely used common drugs. Albuteral, a common inhaler, costs as much as $18.35 in some stores, twice as much as at the cheapest store. HMOs can charge much less.

□ 1500

The drug, I think it is Vicodin, varies between 39 cents and $2.34 per dose in Indianapolis.

These high prices are feeding drug companies' growing profits. Our pharmacists are complaining that when they obtain these items, that the major cost is theirs to pay and they have to pass along those costs to the senior citizens at a very limited profit.

It is just plain wrong for drug companies to be charging the high prices in behalf of our Nation's senior citizens. That is why I join the gentleman from Texas (Mr. TURNER) and the gentlewoman from California (Mrs. CAPPS) and other colleagues in introducing H.R. 4646, the Prescription Drug Fairness Act.

As my colleagues know, the legislation will allow retail pharmacies to buy medications commonly used by senior citizens directly from the Federal General Services Administration. GSA is able to buy prescription medications at much lower prices than individuals, allowing our pharmacists to pass on the savings to senior citizens.

No one should be forced to choose between buying food or medicine, least of all our senior citizens to whom we owe so much. So I would urge my colleagues to join me in cosponsoring this legislation. I would encourage the leadership to set it on the calendar for hearing and for ultimate passage. Let us do something important for a change, especially in behalf of our senior citizens.

I am more than happy to yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I thank the gentlewoman for her support on this important issue and for her leadership.

Another Member of the House that has taken a very prominent role of leadership on this issue is the gentleman from Maine (Mr. ALLEN). The gentleman is a sponsor of legislation to deal with this issue, along with many others that have joined with him, and it is an honor to have the gentleman here to talk about this issue that he has worked so long and hard on.

I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank my friend and colleague for yielding. I want to say to the gentleman from Texas (Mr. TURNER) that I appreciate his organizing this Special Order today and for his leadership on this particular issue.

I found, as many of us have back in our districts as we travel around and talk to seniors, that the high price of prescription drugs comes up at every meeting of seniors. It does not matter where we are or who we are talking to. As long as there is a senior in the room, it seems, this subject will come up, particularly if we give people an opening.

There are some reasons for that. Seniors use one-third of all prescriptions in this country. While the average American under age 65 uses only 4 prescriptions a year, the average senior uses 14 prescriptions a year. In particular, older Americans suffer more from those chronic conditions such as hypertension, diabetes, arthritis, glaucoma and circulatory problems that require the taking of regular prescription drugs.

When Medicare was created in 1965, it was designed as a system of acute care, so it did not cover prescription drugs. Now, the number of hospital beds is shrinking, people are not spending as much time in the hospital, and they are not there because of advancements in prescription drugs, and yet 37 percent of all seniors have zero coverage for prescription drugs.

We all know that the prices have been going up at a rapid rate. The studies that have now been replicated in a number of districts are very revealing. Last June I requested that the Committee on Government Reform and Oversight staff investigate whether pharmaceutical companies are taking advantage of older Americans because of the high price of prescription drugs. There is a recent statement in a report on the pharmaceutical industry which reads, ''Drugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care companies. This practice is known as cost-shifting.''

I understand that the studies that have now been replicated in our districts around the country are the first studies to quantify the extent of price discrimination and how it affects seniors. The study investigated the prices of the 10 brand name drugs with the highest sales to the elderly. Ticlid, Zocor, Fosamax, Prilosec, Norvasc, Relafen, Procardia XL, Cardizem CD, Zoloft and Vasotec.

The study looked at the price differential between what seniors pay when they walk into a local pharmacy and what the best customers of the pharmaceutical companies pay. And

the best customers are big HMOs, the Federal Government, like the VA. The study found in my district, and it is pretty much the same I believe in the district of the gentleman from Texas (Mr. TURNER) and in the district of the gentlewoman from California (Mrs. CAPPS), that seniors pay 105 percent of the price, on average, that the drug companies' most favored customers get.

Now, for comparison purposes, one thing is clear: That is, the markup or the price discrimination on prescription drugs is far higher than it is on other consumer goods. In fact, the price differential is about 5 times greater than the average price differential for other consumer goods.

Now, I wanted to say a couple of things about the pharmacists, because one of the things we found in the study is that the high price of prescription drugs is not the fault of pharmacies. Whether one is a chain drugstore or a local pharmacy, the markup is on average 3 and at times all the way up to 22 percent, but more often it is a reasonable markup of 3, 4, 5, 6 percent. In fact, it is the large pharmaceutical companies that are driving up the prices. Drug manufacturers makes 6 times more profit on prescriptions than retail pharmacies.

Mr. Speaker, I think that we obviously have to do something about this, and I am pleased that the release of a report in my district showed what it did, that the study has been replicated in districts around the country. This is, as we well know, a nationwide problem, not just a local problem.

Despite the very important contributions that the pharmaceutical companies have made in improving the quality and the effect of prescription drugs, the fact remains, bring it down right to the grassroots level. The gentleman knows, the gentlewoman knows, I know people in our district who get about $600 or $700 a month in a Social Security check and that is all they have, and a good number of them are paying $100, $200, $300 a month are for prescription drugs.

The math does not work. They cannot pay for food and rent and other necessities and still pay the cost of their prescription drugs. So what do they do? They do not take the drugs that their doctors tell them they have to take. That is the bottom line. Seniors in this country are not taking the drugs that their doctors tell them they have to take.

Vi Karion from Maine traveled down to our press conference last week and she spoke of her difficulties and those of her friends and neighbors. She gets about $900 a month from Social Security, but cannot afford supplemental coverage for her prescription medication and she cannot always afford all of her prescription drugs.

That is why I introduced the Prescription Drug Fairness For Seniors Act, very similar to the bill that the gentleman from Texas (Mr. TURNER) and others have introduced. These two pieces of legislation are complementary, not competitive. We believe that the legislation will drive down the cost of prescription drugs for seniors by over 40 percent.

Mr. Speaker, it is too late in this session to have this bill become law, but I can tell my colleagues this: We are going to be back next year. This issue will not go away.

We need to do something about the high cost of prescription drugs, and what our legislation would do, without adding to the Federal budget, without fixing prices, we would put the Federal Government on the side of every senior buying pharmaceutical drugs. And if we do that, the buying power of the Federal Government is strong enough to compensate for the high prices charged by the pharmaceutical companies, to drive down the cost of prescription drugs and really give our seniors a chance to eat the food they are supposed to eat and still take the medication that their doctors tell them they have to take.

Mr. Speaker, I thank the gentleman. I am very pleased to have been here today.

Mr. TURNER. Mr. Speaker, I thank the gentleman for his strong leadership on this very, very important issue.

Another Member of this body who has worked hard on this particular issue is the gentleman from Georgia (Mr. BISHOP), from the Second District of Georgia. I would like to yield to the gentleman.

Mr. BISHOP. Mr. Speaker, I rise today as a cosponsor of H.R. 4646, which is a bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries.

Mr. Speaker, this is a time when seniors seem to be taking the brunt of the cuts in health care costs, specifically in areas such as home health care and venipuncture. So I am honored to support legislation that would make prescription drugs affordable for our seniors.

Today our parents and our grandparents are being forced to pay much steeper prices for prescription drugs than the so-called most favored customers of drug companies, such as HMOs, large hospital chains, and indeed the Federal Government. This is wrong. These entities are able to buy drugs at discounted prices, and drug companies subsequently raise their prices to seniors and others who pay for needed prescriptions for themselves.

A Federal study that was initiated by the gentleman from Texas (Mr. TURNER), who was the originator of this bill, and we congratulate him, asserts that our senior citizens are paying twice what the most favored customers are paying. This bill provides the solution to the problem by creating a level playing field. It allows retail pharmacies to buy medications used by senior citizens directly from the General Services Administration of the Federal Government. Because the GSA is one of the entities that is able to purchase these prescription medications at much lower prices, this procedure will allow pharmacists to pass on significant cost savings to our senior citizens.

Mr. Speaker, I ask my colleagues to support this concept, and I congratulate the gentleman from Texas (Mr. TURNER) for his foresight in working on this issue, and all of the other cosponsors who have joined, such as the gentlewoman from California (Mrs. CAPPS), to make sure that we lift this issue up to our Nation's consciousness and that as soon as possible we try to provide some relief for our seniors in the purchase of their much-needed prescription drugs.

I thank the gentleman for yielding, and I again congratulate him for the hard work that he has done in pursuing this issue.

Mr. TURNER. Mr. Speaker, I thank the gentleman. The gentleman has given outstanding leadership not only to this issue but to many others on behalf of the people of his district, and his support means a great deal to this issue. I thank the gentleman for his part in this Special Order.

I would like to yield once again to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding to me and I thank the gentleman from Georgia (Mr. BISHOP) for his support. I want to echo that it is now becoming clear, as we are taking part in these Special Orders, how widespread this has become in certain areas of our country.

To pick up on a theme that the gentleman from Texas (Mr. ALLEN) mentioned when we talked about the terrible choices that seniors have to make, as we have done our studies and as we have been engaged with the seniors in our own districts, as I have, and their faces come to my mind as I am standing here on the floor of Congress, the people who have come up to me with real fear and pain in their eyes about what they are facing on a daily basis. It is a shame, because the part of health care that seniors value the most is their ability to get their medications that keep them alive in many instances, that really prolong the kind of health that they now have become accustomed to because of the advances in medicine.

It is to the pharmaceutical companies, for the research they have done, that we owe the advances in medicine for many of our seniors, so that they can keep their blood pressure under control and their cholesterol level down, and their arthritis aches and pains are not incapacitating our seniors as they once were.

□ 1515

What a shame that right now, in this day and age, when we have the resources to give them, that they are being asked to bear the burden of discounted prices.

In other words, what the drug companies are coming back to us with after they see our studies is saying, this sounds like price-fixing. But what we know from our studies is that what the drug companies are doing is cost-shifting. That is what we need to address.

They are shifting the costs in the savings that they are giving to large buyers, such as the insurance companies, such as the HMOs, they are shifting the cost from this large entity onto the backs of individual seniors in my district in California; in the district of the gentleman from Texas (Mr. NICK LAMPSON); in the the district of the gentleman from Texas (Mr. TURNER); in Maine, in Arkansas, in Indianapolis. We are seeing this is happening across the country.

Mr. Speaker, that is why we need to stand here today on behalf of these seniors and speak out for them and for the fear that they are experiencing, and the choices they are making between buying food for their tables or buying the medication that will prolong their lives.

Actually, when we think of the cost, the cost of a senior then becoming ill because they are not able to take their medication, and having to go into a high-skilled nursing facility, is much more of a burden on their families, on themselves, and on society, really. So we are wise to take note of this and do something about it. It is not price-fixing, it is cost-sharing. That is what we want to make sure, that the seniors are not bearing an overburden of the price of the prescriptions that they need to be making.

I applaud the gentleman from Texas (Mr. TURNER) again for the work that he is doing for the seniors of our country, really. I am a proud co-signer of the gentleman's bill, and on the efforts that are going on around the country.

Mr. TURNER. Mr. Speaker, I thank the gentlewoman from California, and I thank her again for sharing her insight. I guess it is the gentlewoman's nursing background that causes her to be so very sensitive to what we all see when we go out in our districts and talk about this issue. It is the seniors who are having trouble just making ends meet, who are faced with these high costs of prescription medications that we are trying to help here today.

I had a lady come up to me in Orange, Texas, as I was talking about this legislation at one of my local pharmacies, a lovely lady named Frances Staley. She happened to be blind. She was very a proud lady, and she was telling me about how important she thought this issue was and how much she supported what we are trying to do.

I began to ask her about her situation. She told me that she has $650 a month in social security. That is her total check. She told me that she has $540 worth of prescription drug bills every month. She has nine different medications that she has to take.

We were standing there, with her pharmacy over there, and she looked over and said, I am just glad that my pharmacist will give me credit. I still said to her, but if you have $540 in prescription drug bills every month and you only have $650 from social security, how do you live? And she leaned over to me in that proud sort of way, and said, well, sometimes I just take half my medication.

Now, no senior citizen should have to make that choice. That is why we are here today.

Mrs. CAPPS. The gentleman is absolutely right.

Mr. TURNER. That is why we have introduced this bill. I appreciate so much the gentlewoman's leadership on this.

Mr. Speaker, I yield to my dear friend and colleague, the gentleman from the 9th District of Texas (Mr. NICK LAMPSON), another leader in the fight to help our senior citizens.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in support of the Prescription Drug Fairness Act. I really want to thank the gentleman from Texas (Mr. TURNER) for the hard work that he has done on this extremely important piece of legislation. Obviously, we hope it is a success, and a big success, along the way.

I say to the gentleman from Texas (Mr. TURNER), as I was growing up, thinking back to the time that I was in Beaumont as a kid and knowing that I lived probably about a mile or so from the pharmacy that we used, the Highland Avenue Pharmacy, I know the relationship we built with the Masons, who owned and ran that drugstore.

I remember that when we were sick, my mother could call them. They would send a prescription to our home in instances when we could not get there, and there were some difficult times in our own family when I was growing up that would prevent us from driving even that mile to pick up a prescription from the pharmacist.

I knew if my mother needed to, instead of sending me to a doctor and spending that extra $5 or $10 or whatever she might have had to spend on me or my sisters or brothers, that she could sometimes pick up the phone and call Mr. Mason and ask a question, and get some advice about what we might need to do. There were instances where that relationship saved a significant amount of money.

I know that as we face similar problems today with pricing of pharmaceuticals, we are in many instances losing that ability to have that relationship with our neighborhood pharmacist, with the people who provide much more than just an opportunity to retail-sale drugs to the people in the neighborhoods.

I absolutely imagine the choices, the difficult choices that a loved one, perhaps my own mother, would have to face, as the gentleman was talking about a minute ago, when they were faced with the choice of buying medicine or buying food. I do not want my mother having to make that kind of a choice.

I know that when I went to the White House Conference on Aging as a delegate in 1995, I heard the plea of the 2,500 or so elderly people who were there as designees from all over the United States asking that we keep those programs in place; that Congress, and I was not a Member of Congress then, but that we keep those programs in place that would help them keep their dignity and their independence, so they would be able to continue to live at home and not be a burden either on their children or on society.

It is strange to me that we continue to enact, or try to deenact, if you will, so many things that are putting so many of these folks into troubled times, as the gentleman from Texas just spoke of, such as the woman who may not be able to live in her home if she cannot take the full amount of the medicine that the doctor says is necessary to keep her health good for her quality of life as she reaches those golden years, that are longer today than what they used to be, that we are so proud of. But if we cannot enjoy those days, why live them?

That is not a question that our seniors need to be asking. They are paying too high a price, in many instances, as elderly folks, and even oftentimes we are, ourselves. Drug companies charge seniors on an average, I think the gentleman said earlier, 103 percent more than they charge their most favored customers.

I looked at the chart that the gentleman has there. I have a copy here. I look across to some medicine that I have to take. I have a stomach problem and I take Prilosec. I want to ask the gentleman a question.

From what I understand here, if I can buy, as a favored customer, my bottle of Prilosec that I have to buy every month and I pay $58.38 for it, if I go to my pharmacy at home in Texas I have to pay, for this same bottle, $107.97?

Mr. TURNER. The gentleman is correct.

Mr. LAMPSON. Mr. Speaker, if the gentleman will continue to yield, that is a 90 percent difference. What the gentleman is saying is that for this bottle that I am holding in my left hand I have to pay $58.38, but for the bottle that I am holding in my right hand I have to pay $107.97. That does not make logical sense to me.

When I look at the problems that I know that my own mother faces in attempting to face these same decisions, I have a hard time accepting it, not just for her, but for all of the people in this country.

Our neighborhood pharmacies may be put out of business because of these pricing practices. That is something that we all have to be concerned about. It will make senior citizens' lives worse, because they will not be able to depend on their neighborhood pharmacies for advice or even personal care.

All of these other figures that the gentleman has cited, that the gentleman has put together through his study, are impressive, but they are also absolutely frightening. The Prescription Drug Fairness Act would protect older Americans from this type of discriminatory pricing. The legislation will create a level playing field by allowing retail pharmacies to buy medication used by senior citizens directly from the General Services Administration, the GSA of the Federal Government.

Since the General Services Administration is able to purchase prescription medication at much lower prices, at those favored prices, then pharmacists will be able to pass on a significant cost savings to our senior citizens. Again, our senior citizens should not ever have to choose between their health or other necessities.

One more time, it is the difference between the price of the bottle that I hold in my right hand or the price of the bottle that I hold in my left hand. I think we need to pass this legislation for the sake of all America. I thank the gentleman. I appreciate the great work he has been doing. I hope to be able to stand by the gentleman and continue to make a success of this bill.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Texas (Mr. LAMPSON). I thank him for his leadership.

It is hard to understand how that same bottle of medication can cost $58 when it is sold to the big HMOs and the big hospitals and the insurance companies, and yet our senior citizens, walking into their local pharmacies, are having to pay $107. It is just not right. I thank the gentleman for his leadership on this.

Mr. Speaker, I want to thank the gentleman from California (Mr. WAXMAN) personally for his leadership as the ranking Democrat on the Committee on Government Reform and Oversight in initiating with our minority staff the studies that many of us have been able to do in our own districts, to point out the problem that we are talking about here today.

I thank the gentleman from California for his leadership on this issue, for the many years he has been working on this cause.

Mr. Speaker, I am proud to yield to the honorable gentleman from the 29th District of California (Mr. HENRY WAXMAN), the ranking member of our Committee on Government Reform and Oversight, a leader on health care issues for many years, and another Member of this body who has for many, many years been a leader in the fight to try to lower the cost of prescription medication for senior citizens.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding to me.

Mr. Speaker, I want to underscore the importance of this special order this afternoon in the House of Representatives, and the gentleman's leadership, and the leadership which the gentleman from Maine (Mr. ALLEN), the gentlewoman from California (Mrs. CAPPS), the gentleman from Texas (Mr. LAMPSON), and so many others have given to this very question.

It is so unfair that our seniors are paying, on average, we have found, all across the country, twice as much for prescription drugs as those who are being treated in a more favorable light by the pharmaceutical manufacturers.

This is an issue that affects American seniors all across this Nation. There is very little variation between what we have found in one part of this country as opposed to another. We see all over our seniors being asked to pay the most for these drugs.

Of course, the reason they have to pay the most for drugs is that each senior goes individually to buy drugs. They do not have anybody acting on their behalf the way that the veterans have through the Veterans Administration, or the people in managed care plans have, when those managed care plans step in and negotiate a better price for all of their members who have drug coverage, or what we have even done for Medicaid recipients who have prescription drug coverage.

On Medicare, our Medicare beneficiaries do not have prescription drug coverage under Medicare. I wish they did. It is a logical thing for them to have that coverage. Medicare covers doctor bills, hospital bills, all sorts of other services, medical services. But when it comes to prescription drugs that they use on an outpatient basis, Medicare will not cover it. Each person has to come in individually and pay the price.

The manufacturers of these drugs have found that in order to keep their profits up when they have to give a discount to others, they just raise the price higher for individual seniors, often elderly women. Most people on Medicare are women, and they are the ones who have to pay that price.

We have heard the story today, and all Members of Congress have heard it from our constituents, how the elderly are forced to choose between paying their rent, their food bill, their heating bill, or their pharmaceutical costs.

A lot of people go without taking their drugs, or try to take them every other day, or cut the drugs in half and make them last longer. Many of them end up in hospitals because they get sicker as a result of not taking the pharmaceuticals that can keep them healthy. Then the government pays a lot more money under Medicare for their hospital bills.

It does not make sense, and I think that the approach that the gentleman has taken and others have taken in trying to address this problem is very, very important.

□ 1530

The approach that is taken in the legislation is to say that we are going to insist as a function of government that seniors not be disadvantaged when they buy drugs and that we will use the buying power of the Federal Government to make sure they get that preferred price as well as other citizens.

The way that this has been portrayed here today with the charts, with the demonstration of just showing right hand to left hand the same pharmaceuticals, but someone is left holding the bag, and it is usually our most vulnerable people, our seniors who do not want to be on welfare.

Most of them are not on welfare. They have played by the rules. They paid throughout their working years for the Medicare program. When they need that program and are relying on it, we should not leave them adrift when it comes to high pharmaceutical prices. We ought to be there to protect them.

If we are not going to cover drugs, at least we ought to assure them that, when they buy those pharmaceuticals, they are going to pay a preferred price and not an unfair price.

I want to commend the gentleman. I think this is an important opportunity on the House floor to bring this issue home to people. It is the kind of issue people care about. So often here in Washington we are talking about things that I do not think most Americans think affect their lives in any way. But this issue affects every senior and their family members in every part of this country.

This is the kind of thing we ought to be dealing with, just like we should be dealing with the protections for people who are in HMOs or managed care to be sure that they are not taken advantage of, that they have their rights protected as consumers. We ought to be addressing issues like this.

We have only got 1 week left here in the Congress. We are going to go home at the end of this next week without passing a Patients' Bill of Rights for managed care, without addressing this pharmaceutical pricing issue, without doing anything about protecting our kids from being the subject of the tobacco companies' campaigns to get them to smoke at 12 and 13 years of age, without probably the most important thing, passing legislation to reform our campaign finance system, which, without the reform in that area, leads to the inordinate power of special interest groups like the tobacco companies, like the insurance companies, and like the pharmaceutical manufacturers.

I commend the gentleman for his leadership and for taking this opportunity on the House floor for many of us to speak on the issue.

Mr. LAMPSON. Mr. Speaker, if the gentleman will yield, one of the points that the gentleman from California (Mr. WAXMAN) made is we continue to see the direction go like this where it is harder and harder for seniors to meet the demands that they have on the medicines that they need to buy and they make choices and not take all

of their medicine or not take the medicine at all, ultimately they will end up probably going back into institutionalized care.

The gentleman from California just mentioned a number of things that we are facing right now, balancing our budget, passing appropriations bills we have not yet done. What are we going to have to be doing in the future if we see an increase in the number of people who are going back into institutionalized care, not being able to stay at home and take care of themselves?

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield, one of the short sides of this in the way that we approach these problems is we look at the cost of hospital care under Medicare, which is extraordinarily high, and we do not connect it to the fact that we have caused those costs to be incurred because we have not done anything to protect the elderly from the high cost of medications and the fact that many of them will go without the medications, forcing them to get sick and then to use more expensive care.

Mr. LAMPSON. Mr. Speaker, if the gentleman will yield, then who is going to pay for that?

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield, we are going to pay for it. The country is going to pay for it. The elderly is going to pay for it. It is a cost of the Medicare program.

When we look at the Federal Government expenditures, what we spend in Medicare is one of our very largest expenditures. It is not just from taxpayers, it is partly paid for by the premiums that the elderly pay for their Medicare. It is paid for also by the working people of this country who pay into the Medicare system in hopes that they will have it available to them when they need it when they become eligible because of their age to take out that Medicare policy.

Mr. LAMPSON. Mr. Speaker, if the gentleman will yield, it really would make sense if we can cut the costs of seniors particularly who are in greater need of some of these medications than perhaps other citizens of the country are that we would perhaps be able to save money in the long run in our budget. We would have to appropriate fewer dollars in the future because of these cost saving measures that we take today.

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield, I think that is absolutely right. If we simply want to look at it as a dollar and cents issue, I think the case can be made that we would save money if we have protected the elderly from the high cost of prescription drugs and not have to pay that amount in hospital care costs for them.

But even without just looking at it from a dollar point of view from a Federal Government standpoint, just from a common sense humanitarian point of view, how can we say to the elderly that we are going to protect them from being wiped out financially when health care costs hit them after they paid into this Medicare program during their working years, and we leave them vulnerable to such high out-of-pocket costs for their prescription drugs that they will not be able to afford their drugs or other necessities.

Some people cannot even afford to pay their Medicare Part B premium. They are like people who are not even in Medicare Part B because of the high cost of that, or they cannot go out and buy supplemental insurance because of the cost of that added onto everything else they have to pay for.

So we ought to recognize that, while we have done a great job in this country reducing the poverty levels of elderly people which used to be the single largest group under the poverty line, we still have a lot of people who are having difficulties especially when they have to pay for those high cost drugs.

Mr. LAMPSON. Mr. Speaker, if the gentleman will yield, I would ask all of our colleagues to join the gentleman from Texas (Mr. TURNER) and the gentleman from California (Mr. WAXMAN) and myself in supporting the Prescription Drug Fairness Act. Let us pass it and maybe we will be able to save those dollars.

Mr. WAXMAN. Absolutely.

Mr. LAMPSON. And help a lot of elderly folks along the way.

Mr. TURNER. Mr. Speaker, I again thank the gentleman from California (Mr. WAXMAN) for his leadership on this issue. He has been a tireless worker for many years on behalf of health care for children, for senior citizens, and for all Americans.

I again want to thank the gentleman for directing the staff of our Committee on Government Reform and Oversight, as our ranking member, to prepare these studies to document this very serious problem that we are talking about here today.

The gentleman from Texas (Mr. LAMPSON) mentioned the difference in the price of one particular drug. On the chart to my right, we have depicted the results of the study that the Committee on Government Reform and Oversight staff did in my congressional district.

What it did, Mr. Speaker, was to take the 10 most commonly prescribed drugs for senior citizens, and it took a look at the prices that those drug manufacturers are charging their most favored customers, those big HMOs, those big insurance companies, the big hospital chains, and even the Federal Government. Those prices are depicted here in this column.

The one the gentleman from Texas mentioned right here was $58 that the favored customers paid. In the same study, pharmacies in my district on average were having to charge $107 to our senior citizens who walk in without insurance for that same quantity of prescription medication. This quantity here is about a month's supply of each of those prescription drugs. So you see in the last column the price differential.

As the gentleman said, it was 90 percent for the drug that you take. The average of all of these 10 commonly prescribed prescription drugs in my district was 103 percent.

We have heard others here today say it was 105 percent in their district, but, roughly, senior citizens are paying twice for prescription medication than what the drug manufacturers are charging their most favored customers.

We talked about this in my district in a series of about 25 little meetings I had with pharmacists all across my 19 counties. I want to make it very clear today, and it is shown on this third chart that I have, that the problem is not a problem created by our local pharmacies. It is the drug manufacturers that are responsible for this disparity, not the retail pharmacist.

In fact, in most of our districts, we see independent pharmacies going out of business every month because their margins are so small caused by this discriminatory pricing scheme that they are not able to make ends meet as pharmacies and are having to close down their businesses.

What this chart shows you is that, of the total price differential shown in blue on the left-hand side, the average retail markup from average wholesale by pharmacies in my district was about 1 percent, a little over 1 percent. In fact, the highest markup for any prescription medication that we studied by retail pharmacists in my district was 19 percent. So it is not the local pharmacies that are making the money.

We looked, not only at the 10 most commonly prescribed prescription drugs for seniors, but we looked at a few other drugs. Ticlid, for example, look at the price differential on Ticlid. It is absolutely unbelievable to think the line in blue shows what senior citizens are paying for Ticlid and the line in the pink shows what the most favored customers are paying. It is just almost hard to believe that Ticlid could be costing senior citizens $117 and the favored customers, the big insurance companies and the hospital chains, get it for $33.

Another one, Synthroid, was even more dramatic. Synthroid costs our senior citizens shown here in blue $25.86 when they go into our local pharmacy. The most favored customers can buy the same quantity of Synthroid for $1.78.

Micronase, another drug that is prescribed for diabetics, costs our senior citizens and local pharmacists $45.60. The most favored customers or the big drug manufacturers get that same quantity for $6.89.

So we see the problem. What we are trying to do about it in this legislation is to allow our local pharmacists to buy prescription drugs for Medicare eligible seniors directly from the Federal Government who is one of these most favored customers. We believe that is

the right thing to do. We think that it is the right thing for our senior citizens.

I wanted to thank every Member of this Congress who has joined with us in cosponsoring this legislation. We hope we can pass it for our senior citizens so folks like Ms. Frances Staley, my constituent in Orange, Texas, can be able to afford her prescription medication.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 1998.

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

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Tuesday, September 29, 1998 at 12:45 p.m.

That the Senate Agreed to Conference Report H.R. 6.

That the Senate Agreed to Conference Report H.R. 4103.

With warm regards,

ROBIN H. CARLE,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 1998.

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

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Wednesday, September 30, 1998 at 10:45 a.m.

That the Senate Agreed to Conference Report H.R. 4060.

With warm regards,

ROBIN H. CARLE,
Clerk.

TRIBUTE TO DAN QUISENBERRY

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

Mr. SNOWBARGER. Mr. Speaker, the Kansas City area, our national past time of baseball, and everyone who admires courage and grit suffered a tragic loss yesterday. Dan Quisenberry, former relief ace for the Kansas City Royals, lost his battle with brain cancer at the age of 45.

Quiz faced death with the same unblinking fearlessness with which he faced a Wade Boggs or a Don Mattingly or a Reggie Jackson. His courage in the face of adversity was inspiration for all of us. Dan Quisenberry became the second Kansas City Royal to fall victim to this disease, joining manager Dick Howser, who died in 1987, just 2 years after leading the Royals to the world's championship.

Dan Quisenberry developed a reputation as a ''flake'', based on his friendly banter with reporters who always sought him out for a good quote. This is a man who, finding success after a rare downturn in his pitching fortunes, told a reporter that he had found a delivery in his flaw. But, Quisenberry also was an intelligent and articulate man, a witty man who turned to poetry after his retirement from baseball.

He also was the best relief pitcher the Kansas City Royals had ever known. He was the first pitcher to save 40 games in a season, and he still holds the American League record for most saves in two consecutive seasons with 89. At the peak of his career, he was a factor in every game; unique for a pitcher.

Baseball writer and fellow Kansan Bill James put it best in his baseball abstract, ''The logic was this: let's say that the Royals were one ahead in the fifth inning, but the other team had a man on and Babe Ruth at the plate. You'd be thinking 'Well, if he gets the Babe out here he's got the bottom of the order up in the sixth. That means that Babe and Lou and company don't come up again until the seventh at worst, and if it really gets tough in the seventh inning, Quiz can come in and the Royals will still win. So if he just gets Babe out here in the fifth inning, then the Royals win.''

□ 1545

Well, it was not just the Royals who threw this way, either. Managers would use their pinch hitters in the 5th and 6th innings, trying to keep Quisenberry out of the game. In a sense every Royals game revolved around trying to get to Quisenberry, and it was something that you started thinking about really as soon as you got to the park.

This is about a man who threw underhand to major league hitters and got them out. But Dan Quisenberry was more than a great baseball player. He was a great human being. He was active in Harvesters, an organization that collects food for the homeless, and Village Presbyterian Church. He gave something even more precious than his money, he gave of his time. His dedication to charity and to children was admirable.

I think it is appropriate to remember at this moment the immortal words of the fabled sportswriter Grantland Rice, words which very well might have been written for Dan Quisenberry:

> When the one great scorer comes to write against your name, he marks not that you won or lost but how you played the game.

Mr. Speaker, I ask this body to join me in offering condolences to the Quisenberry family. Let them take comfort in the fact that life is not measured by its length but by its quality.

FIRST SURPLUS SINCE 1969

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

Mr. WELLER. Mr. Speaker, I thought I would take a few minutes to just talk about something that is pretty exciting, I find, for the folks back home in the south suburbs of Chicago and the South Side of Chicago and the rural areas and the bedroom communities I have the privilege of representing back home in Illinois.

October 1 is a big day. It is a big day that many of us, particularly in my generation, have been waiting a long time to see come. The reason October 1 is such a big day is, today is the first surplus that Washington has seen since 1969. Thanks to this new majority that has been in place here, the Republican majority that has been in place now for the last 3½ years, we have the first balanced budget in 29 years, a balanced budget that is projected to generate $1.6 trillion in extra surplus tax dollars over the next 10 years.

Essentially the folks back home are sending more money to Washington than we need, producing a mammoth surplus, thanks to the fiscal responsibility that began with the Contract with America in 1995. I find that folks back home are pretty excited, because we talk about what we are going to be doing with this surplus. There are some, particularly down at the White House, that want to spend it. They would rather take that surplus and spend it on whatever they can call emergency spending, trying to avoid the budget rules and, of course, avoid the budget discipline that we have.

That is what a lot of folks back home say. They say, if we do not set aside that surplus now and give it to a specific purpose, those Washington politicians will spend that extra money. We made a commitment here 10 days ago to do something with that $1.6 trillion surplus. We made a commitment to save Social Security. We made a commitment to eliminate the marriage tax penalty. We made a commitment, essentially, to give $1.4 trillion, two times what President Clinton originally asked for back in January, to saving Social Security, $1.4 trillion.

Now, the $1.6 trillion in the budget surplus, of course, the 90–10 plan, as we now call it, sets aside 90 percent of the extra tax revenue and makes a commitment to put that money aside for Social Security. The remaining 10 percent we are going to give back to the American people, because we do not want it spent here in Washington. We want to use it to help families.

I have often raised the issue of the marriage tax penalty over the last year, asking a simple question: Is it fair, is it right that under our Tax Code

that 28 million married working couples pay higher taxes today just because they are married? Is it right that our Tax Code charges a married working couple with two incomes more in taxes than an identical couple with identical incomes living together outside of marriage?

I think we all agree that that is wrong. This House made a bipartisan commitment, by adopting the 90–10, plan not only to save Social Security, setting aside $1.4 trillion to save Social Security, but also to work to eliminate the marriage tax penalty.

When I think of Social Security, I think of my mom and dad but. When I think of the marriage tax penalty. I think of my sister, Pat, and brother-in-law Rich, a school teacher and a farmer back home in Sheldon, Illinois who are just like 28 million other married working couples. They suffer the marriage tax penalty.

Under our legislation, by doubling the standard deduction for joint filers to twice that of a single filer, raising it from $6900 to $8300, we save 28 million married working couples $243 under the 90–10 plan. That saves Social Security and helps eliminate the marriage tax penalty.

Back home in the south suburbs, towns like Joliet, Illinois, $243, that is a car payment, that is a couple months' worth of day care for a family with kids that need to be in day care while mom and dad are forced to go to work just to pay the taxes. That is a big victory.

I am also proud that not only does doubling the standard deduction for joint filers to twice that of a single filer save $243 but it also simplifies the Tax Code, one of the other goals of our Republican Congress. By simplifying our Tax Code, in fact, our marriage tax relief not only saves $243 each for 28 million couples, but we allow 6 million married working couples to no longer have to file a schedule A. They will only need to file a schedule 1040 EZ, meaning they will no longer need to itemize. We are simplifying their tax filing process.

Mr. Speaker, that is a big victory. My colleagues on the other side of the aisle keep raising this ogre. They always say somehow by working to eliminate the marriage tax penalty that somehow because you are doing that you are somehow hurting the Social Security trust fund.

As a member of the Committee on Ways and Means, two weeks ago we asked a representative of the Social Security Administration, the deputy commissioner, and her name, Judy Chesser, the gentleman from Texas (Mr. ARCHER) asked Judith Chesser, he asked her, now, as a result of the tax bill, the tax cuts contained in the 90–10 plan, that the committee was planning to vote out, will there be any impact on the Social Security trust fund. Judith Chesser said, absolutely, no.

The 90–10 plan is good for families back home. It helps farmers in Illinois. It helps small business people in Illinois. Helps those who want to send their kids off to college. We eliminate the marriage tax penalty for a majority of those who suffer it. The bottom line is, we also save Social Security by setting aside $1.4 trillion.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 3 o'clock and 53 minutes p.m.), the House stood in recess until approximately 4:30 p.m.

□ 1633

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 4 o'clock and 33 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 3874, CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3874) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Education and the Workforce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. GOODLING, RIGGS, CASTLE, CLAY and MARTINEZ.

From the Committee on Agriculture, for consideration of sections 2, 101, 104(b), 106, 202(c) and 202(o) of the House bill, and sections 101, 111, 114, 203(c), 203(r), and titles III and IV of the Senate amendment, and modifications committed to conference: Messrs. SMITH of Oregon, GOODLATTE, and STENHOLM.

There was no objection.

APPOINTMENT OF CONFEREES ON S. 2073, JUVENILE CRIME CONTROL AND DELINQUENCY ACT OF 1998

Mr. GOODLING. Mr. Speaker, in accordance with rule XX and by direction of the Committee on Education and the Workforce, with the concurrence of the Committee on the Judiciary, I move to take from the Speaker's table the Senate bill (S. 2073) to authorize appropriations for the National Center for Missing and Exploited Children, with House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GOODLING) is recognized for one hour.

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

Mr. Speaker, I rise in support of my motion. The bill addresses the problem of juvenile crime in this country. We all know that juvenile crime is not going to go away on its own.

For two Congresses we have attempted to address the problem of juvenile crime through legislation supporting accountability and prevention programs. Yet we have not produced a final bill. While the states have their own initiatives to combat juvenile crime, they rely on the resources we have provided them through laws such as the Juvenile Justice and Delinquency Prevention Act, which expired in 1996. Today's action is merely an effort to get to conference with the Senate. H.R. 3 passed the House by a vote of 286 to 123. H.R. 1818 passed the House by a vote of 413 to 14.

We need to address juvenile crime through a two-pronged approach. First, we must send a message to our youth that we will not tolerate their involvement in criminal activity. We can do this through the imposition of appropriate punishment for each crime they commit.

Second, we need to work with the youth at risk of committing juvenile acts and those who have already been in touch with the juvenile justice system to prevent their involvement in criminal activities.

I realize that some of the body have problems with certain of the provisions of the bill, that it is not perfect legislation. However this motion to go to conference is the way to address these concerns. I believe the conferees will have a much better chance to produce an approach to address the problems of juvenile crime with which we can all agree. I encourage my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding me time. I will be brief, since I know we promised the minority we would not have any extended debate on this particular issue.

Mr. Speaker, I wanted to rise to say that I am particularly pleased in the waning days of this Congress, the 105th Congress, in our country's history, we are going to be able to go to conference with the Senate on hopefully a comprehensive approach to combating juvenile crime.

As the chairman mentioned, there are two measures that have passed the House, both with strong bipartisan support; H.R. 3, the Committee on the Judiciary bill, and H.R. 1818, the bill that

originated in and was reported out of our Committee on Education and the Workforce. The two bills combined represent very tough anti-crime legislation and legislation that is focused on delinquency prevention.

I think all of us can agree, as I said on the floor when we debated this matter, that the best way to address the problem of increasing or rising juvenile crime in this country is to identify those young people who are at risk of engaging in delinquent behavior, who are at risk of committing crimes, and through appropriate intervention by interceding in their lives early on to provide them and their families, their parents and their guardians, with help and with the resources to divert them out of the juvenile justice system. That is what the comprehensive or combined approach of the two bills attempts to do.

Mr. Speaker, I do hope that we will be able to come back to the House with a comprehensive measure that is balanced, that is bipartisan and that is tough on punishment but smart on prevention. Obviously, I am very much in support of the motion to go to conference.

Mr. Speaker, I thank the chairman for yielding me time, and look forward to being able to get into those deliberations with our colleagues in the other body.

Ms. DUNN. Mr. Speaker, today I rise to speak in support of this motion, and to remind my colleagues that not only will this bill reauthorize the National Center for Missing and Exploited Children, it will also strengthen the process already in place where communities will be notified when a violent sexual predator is released.

Action on sexual predators was prompted years ago in my home state of Washington by the grisly crimes of repeat sexual offender Earl Shriner. Shriner had a 24-year history of violent sexual assaults on young people and confirmed all the studies of high rates of recidivism. He was repeatedly jailed and released—committing the same crimes for which he was first incarcerated over and over again.

After a series of other crimes committed by repeat sexual offenders like Earl Shriner, the Washington State legislature met in a 1990 special session and passed the Sexually Violent Predators Act.

The Senior Senator from Washington then brought our state model back to D.C. to implement on the federal level. I worked in the House to include the model in the 1994 Crime bill. The sad incident in New Jersey with Megan Kanka was unfortunately an additional factor, and the impetus for including sexually violent predator language in the 1994 Crime bill. With the Senior Senator's help, Mr. Zimmer and I were able to convince conferees on the 1994 crime bill to include community notification, registration, and tracking of sexually violent predators in the bill.

Since the 1994 crime law, and the subsequent enactment of Megan's Law, almost all states have developed tracking programs that require convicted sexual predators to register with local law enforcement agencies upon release and allow officials to notify local communities of their presence.

Empowering families, women, and children with the knowledge that a potential threat is present in their community enables them to take the necessary precautions to ensure that there are not second, third or fourth victims. Communities must know when a sexual predator has moved in next door or down the street. Now, Mr. Speaker, it is time that we take this good law one step further before we are shocked once again to hear of a needless death or crime committed by a violent sexual offender.

Included in this bill is an amendment I offered with my colleagues, Mr. PAPPAS, Mr. DEAL, and Mr. CUNNINGHAM. This amendment requires each state to create a method by which it will notify parents when a juvenile sex offender is enrolled in their child's elementary or secondary school.

This is a simple refinement of the work we have done in the past, in order for the law to accomplish what Congress intended: ensuring the safety and well-being of our children as they attend school.

Some of our colleagues may wonder why notification under Megan's Law is not enough. Oftentimes our schools include students from a variety of nearby communities. Community notification, therefore, will not reach some of the parents of these children. Without this knowledge, parents would not be able to take the necessary precautions to protect their children from being victims of a possible re-offense. Parents deserve the peace of mind of knowing that their children will be safe from sexual predators as they attend school.

Mr. Speaker, this provision complements Megan's Law and empowers parents whose children attend schools outside their communities, as well as those whose children go to neighborhood schools.

We simply cannot let what happened to Megan Kanka happen again. Not in any community and, especially, not on a playground during recess.

I urge my colleagues to show their support for children and families and vote to send this bill to conference.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Further proceedings on this motion will be postponed until 5 p.m.

RECESS

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

Accordingly (at 4 o'clock and 40 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1702

AFTER RECESS

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

APPOINTMENT OF CONFEREES ON S. 2073, JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

The SPEAKER pro tempore. The pending business is the vote on the motion to request a conference on S. 2073 offered by the gentleman from Pennsylvania (Mr. GOODLING) on which further proceedings were postponed earlier today.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 36, not voting 22, as follows:

[Roll No. 474]

YEAS—376

Abercrombie	Carson	Forbes
Ackerman	Castle	Ford
Aderholt	Chabot	Fox
Allen	Chambliss	Frank (MA)
Andrews	Chenoweth	Franks (NJ)
Archer	Christensen	Frelinghuysen
Armey	Clay	Frost
Bachus	Clayton	Gallegly
Baesler	Clement	Ganske
Baker	Coble	Gejdenson
Baldacci	Coburn	Gekas
Ballenger	Collins	Gephardt
Barcia	Combest	Gibbons
Barr	Condit	Gilchrest
Barrett (NE)	Cook	Gillmor
Barrett (WI)	Cooksey	Gilman
Bartlett	Costello	Gonzalez
Barton	Cox	Goode
Bass	Coyne	Goodlatte
Bateman	Cramer	Goodling
Becerra	Crapo	Gordon
Bentsen	Cubin	Graham
Bereuter	Cummings	Granger
Berman	Cunningham	Green
Berry	Danner	Greenwood
Bilbray	Davis (FL)	Gutierrez
Bilirakis	Davis (IL)	Gutknecht
Bishop	Davis (VA)	Hall (OH)
Blagojevich	DeGette	Hall (TX)
Bliley	DeLauro	Hamilton
Blumenauer	DeLay	Hansen
Blunt	Deutsch	Hastert
Boehlert	Diaz-Balart	Hastings (FL)
Boehner	Dickey	Hastings (WA)
Bonilla	Dingell	Hayworth
Bono	Dixon	Hefley
Borski	Doggett	Hefner
Boswell	Dooley	Herger
Boucher	Doolittle	Hill
Boyd	Doyle	Hilleary
Brady (PA)	Dreier	Hinojosa
Brady (TX)	Duncan	Hobson
Brown (CA)	Dunn	Hoekstra
Brown (FL)	Edwards	Holden
Brown (OH)	Ehlers	Hooley
Bryant	Ehrlich	Horn
Bunning	Emerson	Hostettler
Burr	Engel	Houghton
Burton	English	Hoyer
Buyer	Ensign	Hunter
Calvert	Eshoo	Hutchinson
Camp	Etheridge	Hyde
Campbell	Evans	Istook
Canady	Everett	Jackson (IL)
Cannon	Ewing	Jefferson
Capps	Fattah	Jenkins
Cardin	Foley	John

Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—36

Bonior
Clyburn
Conyers
DeFazio
Delahunt
Farr
Fazio
Filner
Furse
Hilliard
Hinchey
Jackson-Lee (TX)
Kennedy (RI)
Lee
Lewis (GA)
Lofgren
McDermott
McKinney
Mink
Nadler
Oberstar
Olver
Owens
Payne
Pelosi
Rahall
Roybal-Allard
Sabo
Sanders
Scott
Slaughter
Stark
Waters
Woolsey
Wynn
Yates

NOT VOTING—22

Callahan
Crane
Deal
Dicks
Fawell
Fossella
Fowler
Goss
Harman
Hulshof
Inglis
Kennelly
King (NY)
Martinez
McCrery
McInnis
Packard
Poshard
Pryce (OH)
Quinn
Rothman
Thompson

□ 1723

Messrs. YATES, OWENS, OLVER and OBERSTAR changed their vote from ''yea'' to ''nay.''

Mr. HILL and Ms. KILPATRICK changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. EVERETT). Without objection, the Chair appoints the following conferees: Messrs. GOODLING, CASTLE, SOUDER, HYDE, MCCOLLUM, HUTCHINSON, MARTINEZ, SCOTT, CONYERS and Ms. JACKSON-LEE of Texas.

There was no objection.

PERSONAL EXPLANATION

Mr. FOSELLA. Mr. Speaker, on rollcall No. 474, I was unavoidably detained. Had I been present, I would have voted ''yea.''

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3789, CLASS ACTION JURISDICTION ACT OF 1998

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–758) on the resolution (H. Res. 560) providing for consideration of the bill (H.R. 3789) to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions, which was referred to the House Calendar and ordered to be printed.

EXTENDING DATE BY WHICH AUTOMATED ENTRY-EXIT CONTROL SYSTEM MUST BE DEVELOPED

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 4658) to extend the date by which an automated entry-exit control system must be developed, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4658

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

SECTION 1. EXTENSION OF DATE FOR DEVELOPMENT OF AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Section 110 of division C of Public Law 104–208 is amended by striking ''2 years after the date of enactment of this Act'' and inserting ''October 15, 1998''.

Mr. SMITH of Texas. Mr. Speaker, today I introduced H.R. 4658, which briefly extends the deadline for implementing Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

Section 110(a) of the 1996 Act required that the Attorney General establish an automated entry-exit control system for all aliens at all ports of entry—land, air and sea—''no later than two years after the date of enactment'' of the 1996 Act. Since the 1996 Act was enacted on September 30, 1996, the two year deadline for implementation is now.

The Immigration and Naturalization Service has indicated that it needs more time to implement a control system at the land and sea ports.

As a result, the House of Representatives passed the Solomon bill, H.R. 2920, by a vote of 325 to 90 on November 10, 1997. This bill extends the deadline for implementing Section 110 on land borders to October 1, 1999, and requires that the system ''not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry.''

The Senate passed a different version of H.R. 2920. The Senate version does not require the implementation of Section 110 at the land and sea ports. Rather, it merely requires that the Attorney General conduct a 2 year study on the feasibility and cost of developing and implementing an automated entry-exit control system at land and seaports. The report only requires that the INS estimate how long it will take to implement Section 110 but does not require implementation.

The Senate also inserted a provision into the Commerce, Justice, State (CJS) appropriations bill that would repeal Section 110.

We know that the deadline for implementation is upon us. However, due to other issues that have arisen in recent weeks, the House and Senate have not yet reached an agreement on how to amend Section 110.

This bill prohibits the Attorney General from implementing Section 110(a) before October 15, 1998. This brief two-week extension will allow the House and the Senate enough time to come up with a compromise on this issue.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2392) to encourage to disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2392

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 ''Year 2000 Information and Readiness Disclosure Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1)(A) At least thousands but possibly millions of information technology computer systems, software programs, and semiconductors are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process those dates.

(B) The problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, government, and safety and defense systems, in the United States and throughout the world.

(C) Reprogramming or replacing affected systems before the problem incapacitates essential systems is a matter of national and global interest.

(2) The prompt, candid, and thorough disclosure and exchange of information related to year 2000 readiness of entities, products, and services—

(A) would greatly enhance the ability of public and private entities to improve their year 2000 readiness; and

(B) is therefore a matter of national importance and a vital factor in minimizing any potential year 2000 related disruption to the Nation's economic well-being and security.

(3) Concern about the potential for legal liability associated with the disclosure and exchange of year 2000 readiness information is impeding the disclosure and exchange of such information.

(4) The capability to freely disseminate and exchange information relating to year 2000 readiness, solutions, test practices and test results, with the public and other entities without undue concern about litigation is critical to the ability of public and private entities to address year 2000 needs in a timely manner.

(5) The national interest will be served by uniform legal standards in connection with the disclosure and exchange of year 2000 readiness information that will promote disclosures and exchanges of such information in a timely fashion.

(b) PURPOSES.—Based upon the powers contained in article I, section 8, clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to promote the free disclosure and exchange of information related to year 2000 readiness;

(2) to assist consumers, small businesses, and local governments in effectively and rapidly responding to year 2000 problems; and

(3) to lessen burdens on interstate commerce by establishing certain uniform legal principles in connection with the disclosure and exchange of information related to year 2000 readiness.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given to it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition; and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) CONSUMER.—The term ''consumer'' means an individual who acquires a consumer product for purposes other than resale.

(3) CONSUMER PRODUCT.—The term ''consumer product'' means any personal property or service which is normally used for personal, family, or household purposes.

(4) COVERED ACTION.—The term ''covered action'' means civil action of any kind, whether arising under Federal or State law, except for an action brought by a Federal, State, or other public entity, agency, or authority acting in a regulatory, supervisory, or enforcement capacity.

(5) MAKER.—The term ''maker'' means each person or entity, including the United States or a State or political subdivision thereof, that—

(A) issues or publishes any year 2000 statement;

(B) develops or prepares any year 2000 statement; or

(C) assists in, contributes to, or reviews, reports or comments on during, or approves, or otherwise takes part in the preparing, developing, issuing, approving, or publishing of any year 2000 statement.

(6) REPUBLICATION.—The term ''republication'' means any repetition, in whole or in part, of a year 2000 statement originally made by another.

(7) YEAR 2000 INTERNET WEBSITE.—The term ''year 2000 Internet website'' means an Internet website or other similar electronically accessible service, clearly designated on the website or service by the person or entity creating or controlling the content of the website or service as an area where year 2000 statements concerning that person or entity are posted or otherwise made accessible to the general public.

(8) YEAR 2000 PROCESSING.—The term ''year 2000 processing'' means the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date data from, into, and between the 20th and 21st centuries, and during the years 1999 and 2000, and leap year calculations.

(9) YEAR 2000 READINESS DISCLOSURE.—The term ''year 2000 readiness disclosure'' means any written year 2000 statement—

(A) clearly identified on its face as a year 2000 readiness disclosure;

(B) inscribed on a tangible medium or stored in an electronic or other medium and retrievable in perceivable form; and

(C) issued or published by or with the approval of a person or entity with respect to year 2000 processing of that person or entity or of products or services offered by that person or entity.

(10) YEAR 2000 REMEDIATION PRODUCT OR SERVICE.—The term ''year 2000 remediation product or service'' means a software program or service licensed, sold, or rendered by a person or entity and specifically designed to detect or correct year 2000 processing problems with respect to systems, products, or services manufactured or rendered by another person or entity.

(11) YEAR 2000 STATEMENT.—

(A) IN GENERAL.—The term ''year 2000 statement'' means any communication or other conveyance of information by a party to another or to the public, in any form or medium—

(i) concerning an assessment, projection, or estimate concerning year 2000 processing capabilities of an entity, product, service, or set of products and services;

(ii) concerning plans, objectives, or timetables for implementing or verifying the year 2000 processing capabilities of an entity, product, service, or set of products and services;

(iii) concerning test plans, test dates, test results, or operational problems or solutions related to year 2000 processing by—

(I) products; or

(II) services that incorporate or utilize products; or

(iv) reviewing, commenting on, or otherwise directly or indirectly relating to year 2000 processing capabilities.

(B) NOT INCLUDED.—For the purposes of any action brought under the securities laws, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), the term year 2000 statement does not include statements contained in any documents or materials filed with the Securities and Exchange Commission, or with Federal banking regulators, pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 781(i)), or disclosures or writing that when made accompanied the solicitation of an offer or sale of securities.

SEC. 4. PROTECTION FOR YEAR 2000 STATEMENTS.

(a) EVIDENCE EXCLUSION.—No year 2000 readiness disclosure, in whole or in part, shall be admissible against the maker of that disclosure to prove the accuracy or truth of any year 2000 statement set forth in that disclosure, in any covered action brought by another party except that—

(1) a year 2000 readiness disclosure may be admissible to serve as the basis for a claim for anticipatory breach, or repudiation of a contract, or a similar claim against the maker, to the extent provided by applicable law; and

(2) the court in any covered action shall have discretion to limit application of this subsection in any case in which the court determines that the maker's use of the year 2000 readiness disclosure amounts to bad faith or fraud, or is otherwise beyond what is reasonable to achieve the purposes of this Act.

(b) FALSE, MISLEADING AND INACCURATE YEAR 2000 STATEMENTS.—Except as provided in subsection (c), in any covered action, to the extent that such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable under Federal or State law with respect to that year 2000 statement unless the claimant establishes, in addition to all other requisite elements of the applicable action, by clear and convincing evidence, that—

(1) the year 2000 statement was material; and

(2)(A) to the extent the year 2000 statement was not a republication, that the maker made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) with a reckless disregard as to the accuracy of the year 2000 statement; or

(B) to the extent the year 2000 statement was a republication that the maker of the republication made the year 2000 statement—

(i) with actual knowledge that the year 2000 statement was false, inaccurate, or misleading;

(ii) with intent to deceive or mislead; or

(iii) without notice in that year 2000 statement that—

(I) the maker has not verified the contents of the republication; or

(II) the maker is not the source of the republication and the republication is based on information supplied by another person or entity identified in that year 2000 statement or republication.

(c) DEFAMATION OR SIMILAR CLAIMS.—In a covered action arising under any Federal or State law of defamation, trade disparagement, or a similar claim, to the extent such action is based on an allegedly false, inaccurate, or misleading year 2000 statement, the maker of that year 2000 statement shall not be liable with respect to that year 2000 statement, unless the claimant establishes by clear and convincing evidence, in addition to all other requisite elements of the applicable action, that the year 2000 statement was made with knowledge that the year 2000 statement was false or made with reckless disregard as to its truth or falsity.

(d) YEAR 2000 INTERNET WEBSITE.—

(1) IN GENERAL.—Except as provided in paragraph (2), in any covered action, other than a covered action involving personal injury or serious physical damage to property, in which the adequacy of notice about year 2000 processing is at issue, the posting, in a commercially reasonable manner and for a commercially reasonable duration, of a notice by the entity charged with giving such notice on the year 2000 Internet website of that entity shall be deemed an adequate mechanism for providing that notice.

(2) EXCEPTION.—Paragraph (1) shall not apply if the court finds that the use of the mechanism of notice—

(A) is contrary to express prior representations regarding the mechanism of notice made by the party giving notice;

(B) is materially inconsistent with the regular course of dealing between the parties; or

(C) occurs where there have been no prior representations regarding the mechanism of notice, no regular course of dealing exists between the parties, and actual notice is clearly the most commercially reasonable means of providing notice.

(3) CONSTRUCTION.—Nothing in this subsection shall—

(A) alter or amend any Federal or State statute or regulation requiring that notice about year 2000 processing be provided using a different mechanism;

(B) create a duty to provide notice about year 2000 processing;

(C) preclude or suggest the use of any other medium for notice about year 2000 processing or require the use of an Internet website; or

(D) mandate the content or timing of any notices about year 2000 processing.

(e) LIMITATION ON EFFECT OF YEAR 2000 STATEMENTS.—

(1) IN GENERAL.—In any covered action, a year 2000 statement shall not be interpreted or construed as an amendment to or alteration of a contract or warranty, whether entered into by or approved for a public or private entity.

(2) NOT APPLICABLE.—

(A) IN GENERAL.—This subsection shall not apply—

(i) to the extent the party whose year 2000 statement is alleged to have amended or altered a contract or warranty has otherwise agreed in writing to so alter or amend the contract or warranty;

(ii) to a year 2000 statement made in conjunction with the formation of the contract or warranty; or

(iii) if the contract or warranty specifically provides for its amendment or alteration through the making of a year 2000 statement.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall affect applicable Federal or State law in effect as of the date of enactment of this Act with respect to determining the extent to which a year 2000 statement affects a contract or warranty.

(f) SPECIAL DATA GATHERING.—

(1) IN GENERAL.—A Federal entity, agency, or authority may expressly designate a request for the voluntary provision of information relating to year 2000 processing, including year 2000 statements, as a special year 2000 data gathering request made pursuant to this subsection.

(2) SPECIFICS.—A special year 2000 data gathering request made under this subsection shall specify a Federal entity, agency, or authority, or, with its consent, another public or private entity, agency, or authority, to gather responses to the request.

(3) PROTECTIONS.—Except with the express consent or permission of the provider of information described in paragraph (1), any year 2000 statements or other such other information provided by a party in response to a special year 2000 data gathering request made under this subsection—

(A) shall be exempt from disclosure under subsection (b)(4) of section 552 of title 5, United States Code, commonly known as the ''Freedom of Information Act'';

(B) shall not be disclosed to any third party; and

(C) may not be used by any Federal entity, agency, or authority or by any third party, directly or indirectly, in any civil action arising under any Federal or State law.

(4) EXCEPTIONS.—

(A) INFORMATION OBTAINED ELSEWHERE.—Nothing in this subsection shall preclude a Federal entity, agency, or authority, or any third party, from separately obtaining the information submitted in response to a request under this subsection through the use of independent legal authorities, and using such separately obtained information in any action.

(B) VOLUNTARY DISCLOSURE.—A restriction on use or disclosure of information under this subsection shall not apply to any information disclosed to the public with the express consent of the party responding to a special year 2000 data gathering request or disclosed by such party separately from a response to a special year 2000 data gathering request.

SEC. 5. TEMPORARY ANTITRUST EXEMPTION.

(a) EXEMPTION.—Except as provided in subsection (b), the antitrust laws shall not apply to conduct engaged in, including making and implementing an agreement, solely for the purpose of and limited to—

(1) facilitating responses intended to correct or avoid a failure of year 2000 processing in a computer system, in a component of a computer system, in a computer program or software, or services utilizing any such system, component, program, or hardware; or

(2) communicating or disclosing information to help correct or avoid the effects of year 2000 processing failure

(b) APPLICABILITY.—Subsection (a) shall apply only to conduct that occurs, or an agreement that is made and implemented, after the date of enactment of this Act and before July 14, 2001.

(c) EXCEPTION TO EXEMPTION.—Subsection (a) shall not apply with respect to conduct that involves or results in an agreement to boycott any person, to allocate a market or fix prices or output.

(d) RULE OF CONSTRUCTION.—The exemption granted by this section shall be construed narrowly.

SEC. 6. EXCLUSIONS.

(a) EFFECT ON INFORMATION DISCLOSURE.—This Act does not affect, abrogate, amend, or alter the authority of a Federal or State entity, agency, or authority to enforce a requirement to provide or disclose, or not to provide or disclose, information under a Federal or State statute or regulation or to enforce such statute or regulation.

(b) CONTRACTS AND OTHER CLAIMS.—

(1) IN GENERAL.—Except as may be otherwise provided in subsections (a) and (e) of section 4, this Act does not affect, abrogate, amend, or alter any right established by contract or tariff between any person or entity, whether entered into by a public or private person or entity, under any Federal or State law.

(2) OTHER CLAIMS.—

(A) IN GENERAL.—In any covered action brought by a consumer, this Act does not apply to a year 2000 statement expressly made in a solicitation, including an advertisement or offer to sell, to that consumer by a seller, manufacturer, or provider of a consumer product.

(B) SPECIFIC NOTICE REQUIRED.—In any covered action, this Act shall not apply to a year 2000 statement, concerning a year 2000 remediation product or service, expressly made in an offer to sell or in a solicitation (including an advertisement) by a seller, manufacturer, or provider, of that product or service unless, during the course of the offer or solicitation, the party making the offer or solicitation provides the following notice in accordance with section 4(d):

''Statements made to you in the course of this sale are subject to the Year 2000 Information and Readiness Disclosure Act (___ U.S.C. ___). In the case of a dispute, this Act may reduce your legal rights regarding the use of any such statements, unless otherwise specified by your contract or tariff.''.

(3) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preclude any claims that are not based exclusively on year 2000 statements.

(c) DUTY OR STANDARD OF CARE.—

(1) IN GENERAL.—This Act shall not impose upon the maker of any year 2000 statement any more stringent obligation, duty, or standard of care than is otherwise applicable under any other Federal law or State law.

(2) ADDITIONAL DISCLOSURE.—This Act does not preclude any party from making or providing any additional disclosure, disclaimer, or similar provisions in connection with any year 2000 readiness disclosure or year 2000 statement.

(3) DUTY OF CARE.—This Act shall not be deemed to alter any standard or duty of care owed by a fiduciary, as defined or determined by applicable Federal or State law.

(d) INTELLECTUAL PROPERTY RIGHTS.—This Act does not affect, abrogate, amend, or alter any right in a patent, copyright, semiconductor mask work, trade secret, trade name, trademark, or service mark, under any Federal or State law.

(e) INJUNCTIVE RELIEF.—Nothing in this Act shall be deemed to preclude a claimant from seeking injunctive relief with respect to a year 2000 statement.

SEC. 7. APPLICABILITY.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this section, this Act shall become effective on the date of enactment of this Act.

(2) APPLICATION TO LAWSUITS PENDING.—This Act shall not affect or apply to any lawsuit pending on July 14, 1998.

(3) APPLICATION TO STATEMENTS AND DISCLOSURES.—Except as provided in subsection (b)—

(A) this Act shall apply to any year 2000 statement made beginning on July 14, 1998 and ending on July 14, 2001; and

(B) this Act shall apply to any year 2000 readiness disclosure made beginning on the date of enactment of this Act and ending on July 14, 2001.

(b) PREVIOUSLY MADE READINESS DISCLOSURE.—

(1) IN GENERAL.—For the purposes of section 4(a), a person or entity that issued or published a year 2000 statement after January 1, 1996, and before the date of enactment of this Act, may designate that year 2000 statement as a year 2000 readiness disclosure if—

(A) the year 2000 statement complied with the requirements of section 3(9) when made, other than being clearly designated on its face as a disclosure; and

(B) within 45 days after the date of enactment of this Act, the person or entity seeking the designation—

(i) provides individual notice that meets the requirements of paragraph (2) to all recipients of the applicable year 2000 statement; or

(ii) prominently posts notice that meets the requirements of paragraph (2) on its year

2000 Internet website, commencing prior to the end of the 45-day period under this subparagraph and extending for a minimum of 45 consecutive days and also by using the same method of notification used to originally provide the applicable year 2000 statement.

(2) REQUIREMENTS.—A notice under paragraph (1)(B) shall—

(A) state that the year 2000 statement that is the subject of the notice is being designated a year 2000 readiness disclosure; and

(B) include a copy of the year 2000 statement with a legend labeling the statement as a ''Year 2000 Readiness Disclosure''.

(c) EXCEPTION.—No designation of a year 2000 statement as a year 2000 readiness disclosure under subsection (b) shall apply with respect to any person or entity that—

(1) proves, by clear and convincing evidence, that it relied on the year 2000 statement prior to the receipt of notice described above and it would be prejudiced by the retroactive designation of the year 2000 statement as a year 2000 readiness disclosure; and

(2) provides to the person or entity seeking the designation a written notice objecting to the designation within 45 days after receipt of individual notice under subsection (b)(1)(B)(i), or within 180 days after the date of enactment of this Act, in the case of notice provided under subsection (b)(1)(B)(ii).

SEC. 8. YEAR 2000 COUNCIL WORKING GROUPS.

(a) IN GENERAL.—

(1) WORKING GROUPS.—The President's Year 2000 Council (referred to in this section as the ''Council'') may establish and terminate working groups composed of Federal employees who will engage outside organizations in discussions to address the year 2000 problems identified in section 2(a)(1) to share information related to year 2000 readiness, and otherwise to serve the purposes of this Act.

(2) LIST OF GROUPS.—The Council shall maintain and make available to the public a printed and electronic list of the working groups, the members of each working group, and a point of contact, together with an address, telephone number, and electronic mail address for the point of contact, for each working group created under this section.

(3) BALANCE.—The Council shall seek to achieve a balance of participation and representation among the working groups.

(4) ATTENDANCE.—The Council shall maintain and make available to the public a printed and electronic list of working group members who attend each meeting of a working group as well as any other individuals or organizations participating in each meeting.

(5) MEETINGS.—Each meeting of a working group shall be announced in advance in accordance with procedures established by the Council. The Council shall encourage working groups to hold meetings open to the public to the extent feasible and consistent with the activities of the Council and the purposes of this Act.

(b) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the working groups established under this section.

(c) PRIVATE RIGHT OF ACTION.—This section creates no private right of action to sue for enforcement of the provisions of this section.

(d) EXPIRATION.—The authority conferred by this section shall expire on December 31, 2000.

SEC. 9. NATIONAL INFORMATION CLEARINGHOUSE AND WEBSITE.

(a) NATIONAL WEBSITE.—

(1) IN GENERAL.—The Administrator of General Services shall create and maintain until July 14, 2002, a national year 2000 website, and promote its availability, designed to assist consumers, small business, and local governments in obtaining information from other governmental websites, hotlines, or information clearinghouses about year 2000 Processing of computers, systems, products and services, including websites maintained by independent agencies and other departments.

(2) CONSULTATION.—In creating the national year 2000 website, the Administrator of General Services shall consult with—

(A) the Director of the Office of Management and Budget;

(B) the Administrator of the Small Business Administration;

(C) the Consumer Product Safety Commission;

(D) officials of State and local governments;

(E) the Director of the National Institute of Standards and Technology;

(F) representatives of consumer and industry groups; and

(G) representatives of other entities, as determined appropriate.

(b) REPORT.—The Administrator of General Services shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than 60 days after the date of enactment of this Act regarding planning to comply with the requirements of this section.

Ms. ESHOO. Mr. Speaker, I rise today in support of the Year 2000 Information and Readiness Disclosure Act.

As the lead Democratic co-sponsor of the House version of S. 2392, I'm pleased the House is considering this very critical legislation which will assist businesses and government agencies in solving the Year 2000 problem. This legislation enjoys broad bipartisan support here in the House, the Administration, and a wide spectrum of American industry.

The threat of lawsuits as a result of Year 2000 problems has kept some companies from releasing information for fear the information could be used against them in law suits. This fear of liability has put a stranglehold on public disclosures about Year 2000 readiness.

Mr. Speaker, I've met with senior executives from the high technology industry—in particular, I've spoken with several General Counsels from these companies. They've told me that without this legislation, they must recommend to their companies that Year 2000 information remain locked up.

The bill addresses this very serious problem by facilitating the voluntary exchange of information for Year 2000 preparedness solutions through the issuance of statements to assist in Year 2000 remediation.

Mr. Speaker, businesses and government organizations need to be candid about their progress on Year 2000 readiness. This legislation frees organizations to communicate more openly with the public and, just as importantly, with each other, about the status of Year 2000 work on critical systems.

This legislation is not about limiting liability, it's about limiting disincentives to disclosure. We need to create an environment that fosters cooperation and consultation, not fear and paranoia.

There are 456 days until January 1, 2000. This bi-partisan legislation sends a strong signal in helping our Nation prepare its computer systems for the new millennium.

I thank my colleague from California, Mr. DREIER for his work on this issue. I believe this legislation goes a long way to solving the Y2K problem.

Mr. DREIER. Mr. Speaker, we are 456 days from January 1, 2000. The dawn of the new millennium. A time of great hope and anticipation for many Americans; in fact, for people the world over.

You can bet that there will be some very serious time and effort put into preparing festivities befitting a truly historic moment. Even so, as big a day as January 1, 2000 promises to be, most Americans probably think it's a little time early to prepare their New Year's resolutions and parties. I have to agree.

However, the same does not hold true for the federal government. People are increasingly coming to grips with the fact that there is a potential Year 2000 computer problem. Some people call it a millennium bug, and if we don't focus on solving this problem, it may have a ripple effect that impacts virtually every aspect of daily life.

When we talk about this issue, we must underscore the word ''potential'' problem. I am not an alarmist. We don't know what will happen to hundreds of millions of computer and electronic systems when their internal clocks turn from year ''99'' to year ''00.'' In many cases, the answer may be nothing.

However, being prudent is completely different from being an alarmist. We need to be prudent because the more the federal government does to detect and solve this problem, the more local governments and public utilities do to detect and avoid this problem and the more private businesses do to detect and avoid this problem, the less impact it is likely to have on American families.

Prudence and problem solving were the principles that led me to join my colleague from Atherton, California, ANNA ESHOO in sponsoring H.R. 4455, the Year 2000 Readiness Disclosure Act on August 6th. This legislation, which served as a basis for the bipartisan product of the Senate Judiciary Committee that we are considering here today, encourages our nation's private sector, the most creative and energetic force for change that can be harnessed in this effort, to get down to business on this problem.

The first important step that must be taken, and this is the view of a broad spectrum of experts including John Koskinen, the Executive Branch point-man on the Year 2000 transition, is to dramatically increase the sharing of information on this ''potential'' problem. The reality is that most companies are not sharing very much news on the status of their Year 2000 preparations. The reason they cite is litigation concerns.

Now, the sad fact is that if real problems are caused by the transition to the Year 2000, and we all hope our efforts today will make that less likely, there are sure to be plenty of lawsuits trying to place blame and win damages. Some people estimate a trillion dollars in litigation. Those numbers can chill any corporate legal counsel into advising clients to say as little as possible.

Mr. Speaker, this bill is not the whole Year 2000 litigation answer, but it is a start. It will give businesses more confidence that they can talk about the state of their Year 2000 readiness—problems and solutions—without the fear that they are simply arming lawyers planning to hit them with big Year 2000 lawsuits.

There is more to be done to ensure that national energies and resources, both in the government and in the private sector, are directed at solving and avoiding problems rather than preparing for and fighting litigation. That is in the best interest of American families.

In addition, we need to make sure that America's high technology industry, one of the fastest growing and most important sectors of our economy, creating millions of good jobs for working Americans, is not bankrupted as a scapegoat for a problem set in place decades ago.

Mr. Speaker, there is much to do next year, but today, this is the right first step. I encourage all of my colleagues to support this truly bipartisan bill so that it can be sent to the President and we can begin to eliminate one of the hurdles to solving the potential Year 2000 problem.

Mr. DOYLE. Mr. Speaker, I rise to urge my colleagues to support this important effort to deal with the Year 2000 computer problem.

This bill is the Senate counterpart to a House bill, H.R. 4355, that I was pleased to cosponsor on behalf of the Administration. This bill has now been amended to represent a bipartisan agreement on how we can encourage companies to pool their information as they deal with the Y2K problem.

At the same time, this bill would not shield companies from liability for products that fail.

I'd like to commend the fine men and women from the House and Senate authorizing Committees who have put so much hard work into this issue over the past few years, as well as the many people in the Administration who have been working this for a long time as well.

When taken together, I'm pleased to be able to say that this bill shows that the important work of governing in Washington is still going on. There's still a lot of work to be done to make the Year 2000 computer fix happen, and it's going to take more of this kind of cooperation to get it done. Again, I'd like to thank my colleagues who've put in so much hard work on this bill, and I urge all the rest of us to support it.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2392, the legislation just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize special orders without prejudice to resumption of business.

□ 1730

WORLD FINANCIAL MARKETS

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

Mr. PAUL. Mr. Speaker, the world financial markets have been in chaos now for nearly a year and a half. The problem surrounding long-term capital investment is only one more item to add to the list. The entire process represents the unwinding of speculative investments encouraged by years of easy credit. By the way, Long Term Credit Management is not even an American corporation. It is registered in the Cayman Islands, I am sure for tax purposes.

The mess we are witnessing in the world today was a predictable event. Artificially low interest rates and easy credit causes malinvestment, overcapacity, excessive borrowing and uncontrolled speculation.

We have had now for 27 years a world saturated with fiat currencies and not one has had a definable unit of account.

There have been no restraints on the world monetary managers to expand their money supplies, fix short-term interest rates or deliberately debase their currencies. Although.

Short-term benefits were enjoyed, it is clear now they were not worth the resulting chaos. We need not look for the cause which puts the dollar, our economy and our financial markets at risk. The previous boom supported by the illusion of wealth coming from money creation is the cause of current world events, and it guarantees further unwinding of the speculative orgy of the past decades.

This cannot be prevented. All that we can hope for is to not prolong the agony, as our monetary and fiscal policies did in the U.S. in the 1930s and as they are currently doing in Japan and elsewhere in the world.

More Federal Reserve fixing of interest rates and credit expansion can hardly solve our problems when this has been precisely the cause of the mess in which we currently find ourselves.

Price fixing of interest rates contradicts the basic tenets of capitalism. Let it no more be said that today's mess with financial markets is a result of capitalism's shortcomings. Nothing is further from the truth. Allowing the market to operate even under today's dangerous conditions is still the best option for dealing with hedge fund's gambling mistakes, both current and future.

A Federal Reserve orchestrated and arm-twisting bailout of LTCM associated with less than a coincidentally announced credit expansion only puts long-term pressure on the dollar. All Americans suffer when the dollar is debased. Congress's responsibility is to the dollar and not foreign currencies, not foreign economies or international hedge funds which get in over their heads.

No amount of regulation could have prevented or in the future prevent the inevitable mistakes made in an economy that is misled by rigged interest rates or a money supply dictated by central planners in a fiat money system. Hedge fund operations, because they are international in scope, are impossible to regulate and for the current ongoing crisis it is too late anyway.

Credit conditions that allow a company with less than $1 billion in capital to buy $100 billion worth of stock with borrowed money and manage $1.2 trillion worth of derivatives is about as classic an example as one could ever find of speculative excess brought on by easy credit. As long as capital is thought to come from a computer at the Federal Reserve and not from savings, the financial problems the world faces today will persist.

Our problems today should not be used to justify a worldwide central bank, as has been proposed. What we need is sound money without the central planning efforts of a Federal Reserve system fixing interest rates and regulating the money supply. Let us give freedom a chance.

ON EDUCATION

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

Mrs. CAPPS. Mr. Speaker, we will vote later this week to reauthorize the Higher Education Act. This is bipartisan legislation at its best. It will open the doors of opportunity to millions of young people. Increasing financial aid will bring the priceless advantages of college education to many who now cannot afford it.

I am very proud of this bill, proud to be a cosigner, but it is not enough. In order for our children to excel in higher education, we must ensure that they have acquired a solid academic foundation in their elementary and secondary schools. Sadly, this Congress has paid little or no attention to the issues plaguing elementary and secondary education. After I was elected in March, I surveyed the schools in my district. The findings were shocking. They showed skyrocketing enrollments, overcrowded classes, aging buildings, inadequate classrooms and poor facilities in general.

My survey called out for more classrooms, more teachers, more access to technology.

Sadly, these problems are nothing new. My own daughter attended Santa Barbara's Roosevelt Elementary School where she spent all of her elementary years learning in portable classrooms, which are supposed to be a temporary solution. In fact, I just recently visited Cambria Grammar School in San Luis Obispo County, where they do not even have enough portable classrooms to begin to deal with their overcrowding problem.

And at El Camino Junior High School in Santa Maria, the students are crammed into their classrooms and do not even have access to a gymnasium. After spending 20 years myself

working in the Santa Barbara school district as a school nurse, I know our children cannot learn in these environments.

Mr. Speaker, I have been working to pass legislation to deal with these pressing problems. One bill would create State infrastructure banks to leverage private support for school construction loans. Another bill would provide tax credits for school construction bonds and direct them toward the country's highest growth areas.

Another bill would fund 100,000 new teachers throughout our Nation. These teachers are sorely needed in our elementary and high schools. Unfortunately, as the House races to adjournment, these bills appear to have been left behind.

Our children also need access to up-to-date technology. According to a study by the Educational Testing Service, by the year 2005, our country will require more than a million new computer scientists, engineers, systems analysts and computer programmers. Where do you think we are going to find these new employees?

Our children need strong computer skills if they are to compete in the technology-driven job market of tomorrow. Why have we not passed the Computers for the Children Act, which would provide tax incentives to businesses who donate computers to classrooms?

Recently I introduced the Teacher Training Technology Act. My bill provides competitive grants to local school districts for computer training for teachers. Having computers in school is essential. But these computers are of no use to our students if we do not have qualified teachers who are trained sufficiently to effectively train and educate the young people who use them.

Mr. Speaker, our elementary and secondary schools provide children with the basic tools they need for success later in life; yes, for entrance into our secondary and college level of education. Our future health as a Nation depends on the health of our schools. To ignore such a basic national priority is to fail not only our children but ourselves.

MORALITY

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

Mr. JONES. Mr. Speaker, I stand before you at a time when the Nation is concerned about society's morality or lack of morality. The leaders and public figures our children look to for guidance and inspiration fail them too many times. What will the future hold for tomorrow's leaders? How can we as a Congress and as a community of Americans make sure that our children learn the fundamental values of respect, honesty and integrity?

A supportive and loving family and a strong faith in God are the single most important tools we have to teach our children values. Together they have the greatest positive impact on today's youth. But any time and anywhere these values can be encouraged and fostered in the minds of our youth, we all stand to benefit.

I came to the House floor last month to congratulate the Greenville, North Carolina All Star Little League team from my district. They placed second in the country and third in the world in this year's Little League World Series.

These young men know the importance of hard work, dedication and teamwork. And they followed the Little League pledge, and I quote: I trust God, I love my country and I respect its laws. I will play fair and strive to win, but win or lose, I will always do my best.

These are the messages that our children should know and understand. Trust in God, respect the laws of our land, play fair, always do your best. For men and women of any age these are encouraging and motivating words.

Our society is fortunate to have a number of other programs, organizations and clubs that together with a strong and supportive family foster the importance of values and leadership in today's children. These programs have been helping our children for years learn the value of honor, integrity and character. They have helped me, and they continue to help many of our Nation's children today.

The Boy Scouts of America is one of the Nation's largest organizations with more than 5 million youth and adult members. Boy Scouts provides educational programs to build character, train in the responsibilities of active citizenship, and develop personal fitness. Not only do the Boy Scouts strive to promote physical strength, but it promotes strength of character and leadership as well.

In addition, the Girl Scouts of the United States of America is the largest voluntary organization for girls and provides programs to build self-confidence and develop decisionmaking and leadership skills. The Girl Scout promise encourages girls to respect themselves and authority, to be responsible for their actions and work to make the world a better place.

Girl Scouts and Boy Scouts are two well-known community organizations that build confidence and community participation, but there are other organizations that promote these same values through more individualized interests.

For example, the 4–H was established to help young students learn more about agriculture through nature. The 4–H has grown to become a popular organization for children in rural and farming communities like those in my district of eastern North Carolina and across the Nation.

The four Hs stand for head, heart, hands and health and indicate its members' dedication to community and service. The 4–H members across this country say, I pledge my head to clear thinking, my heart to greater loyalty, my hands to larger service and my health to better living, for my club, my community, my country and my world.

These organizations and the many I do not have time to mention, whether they are sports clubs, special interest or leadership training organizations, they all teach our children the importance of unity, trust and responsibility. Promoting the values of community, character and honesty, each works to lead our children by example. Unfortunately, we cannot always choose our children's role models for them. But we can be thankful for the strong leaders within our own communities who give of themselves for our children who are America's future.

To the moms, the dads, the scout leaders, Little League coaches and everyone who shows our children that character and integrity do matter, thank you very much. Together we can build the leaders of tomorrow, leaders we can all be proud of.

FOUNDING FATHERS SAW BIG DIFFERENCE BETWEEN PUBLIC SERVICE AND PRIVATE CONDUCT

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

Mr. HINCHEY. Mr. Speaker, this morning on National Public Radio, author and historian Richard Rosenfeld made some comments which I would now like to share with the Members of the House. These are the words of Mr. Rosenfeld:

> The right of the people to elect their President, and the right of Congress to remove him are competing rights. America's founding fathers knew this. They worried out loud at the Constitutional Convention that if they didn't carefully limit the idea of an impeachable offense, Congress, not Presidential elections, would be deciding who sits in the White House. So on the day the founders defined an impeachable offense, they declared their unanimous intention to limit high crimes and misdemeanors to be actions against the United States. Not private misconduct, unrelated to the operation of government, not sexual misconduct or even lies to cover it up.
>
> If there can be any doubt about the founders' intentions, they gave us plenty of proof during George Washington's first term as President when Congress was investigating the financial affairs of his Treasury Secretary, Alexander Hamilton. Three Members of Congress, including future President James Monroe, confronted Hamilton about payments he had been secretly making to James Reynolds, a convicted securities swindler. Hamilton was forced to admit the payments, but explained them as hush money to avoid public disclosure of adultery he had been committing with James Reynolds' wife. Hamilton had repeated sexual relations with Mrs. Reynolds and the hush money was only part of the coverup. Hamilton got Mrs. Reynolds to burn some incriminating letters and he offered to pay travel expenses if the Reynolds would get out of town.
>
> When Monroe and the others heard Hamilton's confession they decided the matter was private, not public, and that no impeachable

offense had occurred. They kept the adultery, and the coverup, a secret among themselves, and Washington, John Adams, Thomas Jefferson, James Madison, and other founding fathers apparently went along. Congress held no hearings, Congress released nothing to the public, and Hamilton's misconduct remained a secret for 5 long years, until Hamilton was long out of office. Then in 1797, a disgruntled former clerk of the House of Representatives leaked Hamilton's secrets to a muckraking journalist and the whole country learned of Hamilton's adultery and the bribe to cover it up. And what happened?

The following year, in 1798, then President John Adams and former President George Washington nominated Alexander Hamilton to be second in command of the new Federal Army. Second in command to only Washington himself. With Monroe, Madison, Jefferson and other founding fathers maintaining their respectful silence, the United States Senate quickly confirmed this confessed adulterer and liar to occupy for a second time one of the highest offices in the government of the United States.

The founding fathers saw a big difference between public service and private conduct, and on the question of impeachment they warned Congress to do the same. They weren't giving Congress a right to decide who's President, they gave us Presidential elections for that.

These, then, are the words of author and historian Richard Rosenfeld on this morning, October 1st, 1998.

PASS TAXPAYER RELIEF ACT FOR NEW URBAN POLICY

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in recent days, a lot of people have heard about the Republican tax plan that passed the House as part of a 90–10 plan, which sets aside 90 percent of the existing surplus to save Social Security and also sets aside 10 percent of the surplus to provide needed tax relief and tax reform.

People in the discussions on this tax plan have focused on some of the more prominent aspects of it. It provides marriage penalty relief that would benefit 40 percent of the couples in America; it provides full deductibility for health insurance; it provides a deduction for small savers, up to $200, that can be written off for individuals, or $400 for couples, in interest income; it expands access to prepaid tuition plans so that private colleges can set up prepaid tuition plans and allow people with a tax break to prepurchase tuition and bank it for the future, making college much more affordable; the plan allows small businesses an expensing provision, a greater ability to deduct equipment that they purchase; and also provides tax relief for farmers and ranchers.

In my view, as a member of the Committee on Ways and Means, these provisions will go a long way to relieving the tax burden on the middle class and small business owners of this country. However, we have not focused on another aspect of this legislation which will help thousands of people living in the most distressed communities in our Nation and give them hope.

With the 1996 welfare reform law, Republicans began encouraging and empowering individuals, yet we are told by leaders in some of our communities that we need to go further in revitalizing lower-income communities. These communities have been telling us that to truly succeed, it is vital that the government support market-based private economic growth in these areas that are economically depressed. And for that reason the chairman of the Committee on Ways and Means included in his mark a provision relating to the American Community Renewal Project.

The Taxpayer Relief Act would allow the designation of up to 20 renewal communities so that we can offer targeted, aggressive tax cuts and regulatory relief for those communities that need them the most. What we are trying to do is to green line depressed communities for investment, empower the poor, and, at the same time, not create new layers of bureaucracy.

Under this provision, the Secretary of Housing and Urban Development will be able to designate renewal communities, 20 percent of which must be in rural areas. These designations would be effective for 7 years. Areas that have been nominated would have to meet certain criteria to achieve these breaks. One is it would have to have an unemployment rate of at least 1½ times that of the national rate; it would have to have a poverty rate of at least 20 percent; and, in urban areas, at least 70 percent of the households in the area would have to have incomes below 80 percent of the median income households in the metropolitan statistical area.

In other words, these tax breaks are not tax cuts for the rich, but they are targeted for those who most need economic growth. Areas would also have to meet certain population criteria.

This may sound complicated, but it is done to ensure that the areas nominated are truly economically depressed urban areas where Federal dollars can truly make a difference.

When I look around my district, Mr. Speaker, I look at communities like we have in Farrell, Pennsylvania, which is clearly economically depressed, which is financially distressed as far as the municipal financial condition, it has a high poverty rate, but, at the same time, it has a good work ethic and a marvelous sense of community and neighborhood. With the assistance of these targeted breaks, a community like Farrell could definitely benefit, attract jobs, attract investment and empower people and allow them to form capital.

Once designated, these renewal areas are eligible for a variety of incentives, including a 100 percent exclusion from capital gains for certain qualified renewal community assets held more than 5 years; an additional, additional on top of what is already in the bill, $35,000 of expensing for small businesses; a work opportunity tax credit to offset the cost of hiring individuals, and a variety of other incentives. It also includes family development accounts for the working poor.

We need to pass this for a new urban policy.

PLIGHT FACING FARMERS ACROSS THE COUNTRY

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

Mr. POMEROY. Mr. Speaker, I want to address my colleagues this afternoon on an issue that is absolutely vital, not just vital to the State of North Dakota, that I represent, but vital to the rural dimension of this country of ours, and that is the plight facing farmers right across the country due to the collapse of commodity prices.

What has made the problem so particularly acute this year over preceding years is that, as prices have fallen, we have learned the failing of the last farm bill all too clearly. There is no longer a safety net when prices collapse, and the farmers are hitting the deck all across the country.

For years, farm policy in this country recognized that there were a couple of areas of risk that a family farmer could not individually deal with. One of the risks was the loss of production due to an act of God. A hail storm comes along and wipes out the field. It does not matter how good someone is at farming, that is a risk they cannot control.

The other type of risk was the risk of price collapse; depending upon the particular vagaries of the world market in a given period of time. An individual could be the best farmer in the county, but if prices plunged so that at the county elevator they are not even getting the cost of production, they are going to have trouble feeding their family in the winter ahead.

Well, we had a farm bill last time that represented the most significant change in agriculture policy in four decades. I voted against it. I voted against it because I believed it left farmers with bare exposure to these risks and was vitally unfair in that important respect. This afternoon I want us to focus in particular on the aspect of price protection, because this is the single largest peril facing family farmers this fall.

As many of us read about the growing financial difficulties in Asia, we did not really understand what that would mean to our economy. Well, let me tell my colleagues, the first aspect of our economy to get this square in the face was agriculture, because 45 percent of the agriculture exports in this country went to Asia. They quit buying our Ag

exports and prices have fallen dramatically. Exports to Asia are down 30 percent. Our major customers walked away from 30 percent of what they had previously bought from us. Imagine the impact on price.

This was made even worse by the fact that across the world production of farm commodities was quite strong. So we have way more supply than we used to have, and the result is a lot of supply, slack demand, and prices tanking.

Now, unlike preceding years, where we had the U.S. Department of Agriculture there to help farmers through these tough times, provide some cushion, we no longer have that safety net. We just have farmers taking it and taking it without any relief whatsoever.

Let me try to put this in some perspective. Two years ago, as this farm bill just came into effect, the price of wheat was $1.66 per bushel above what it is today. Average price at the county elevator this month in North Dakota is $2.70 a bushel. We used to provide price protection down to $4 a bushel. I am not suggesting going back to the old farm bill, but I am suggesting we have to have some protection for farmers when prices collapse. For a farmer to get $1.66 a bushel less is just catastrophic.

What are we thinking of doing about it in this particular Congress? We are putting together a disaster bill that will be wrapped into the Ag appropriations bill. We may be voting on it as early as tomorrow. But here is where it falls short. The relief it provides to farmers, in light of these collapsed prices, is nominal, insignificant, does not make them whole, will not keep them on the farms.

Let me give my colleagues the hard reality. $1.66 collapse in prices on wheat. The farm bill relief proposed by the Republican majority will help farmers to 13 cents a bushel. Their price plunge is $1.66 a bushel; we are going to help them up to 13 cents a bushel. That does not cover the cost of production. That does not cover the cost they have sunk into their crop. That is not going to get the job done for our farmers.

It is not just wheat that is in trouble. The relief for corn will be 7 cents a bushel. The relief for soybeans will be 2 cents a bushel. This is not help. We issue a press release: Big Ag relief package coming through Congress. It is almost worse than nothing because it falls so far short of what is required.

My colleagues, stand with me and help us build a relief package for our farmers that actually means something and will help them get through the winter.

FEDERAL GOVERNMENT CANNOT DO ANYTHING ECONOMICALLY OR EFFICIENTLY

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

Mr. DUNCAN. Mr. Speaker, the headline in Aviation Week magazine last week said, ''NASA plans $660 million station bailout for Russia.'' The subhead said, ''Payments would be part of $1.2 billion U.S. fix. Completion slips to 2005.''

It seems that our Federal Government cannot do anything in an economical or efficient manner.

□ 1800

The station I am speaking of is of course the Space Station, and the original full cost estimate in 1984 was $8 billion.

This is another old Washington trick. Drastically low-ball the estimate on the front end. However, no one should be fooled by this any more. It is now estimated that total costs of the Space Station will reach as high as $180 billion, more than 20 times the original cost estimates.

Now NASA wants six shuttle flights per year at a cost of $477 million per flight and no telling what else. But billions in cost overruns, years of additional delays, and now $660 million to bail out the Russians, it is all simply too much for a project that is draining huge amounts from other more worthwhile, cost-effective research.

Then, Mr. Speaker, the Federal Reserve has apparently just encouraged and presided over another bailout, one of the largest private bailouts. Due to pressure from regulators, several large banks and investment firms came up with $3.5 billion last week to bail out a hedge fund called Long-Term Capital. This is probably the worst case or best example of crony capitalism ever.

The partners of this firm include a former Federal Reserve vice chairman and others that Business Week referred to as a ''dream team.'' But this dream team used $100 billion in borrowed money and made one bad investment after another.

Paul Volcker, the former Federal Reserve chairman, said, ''Why should the weight of the Federal Government be brought to bear to help a private investor?'' The answer is that it should not.

James K. Glassman, the Washington Post columnist, wrote, ''But in America today, there's a double standard. A rule that applies to welfare mothers doesn't apply to politically connected corporations, rich speculators and irresponsible nations. Over and over, when powerful people and institutions get into trouble, the government bails them out.''

But, Mr. Speaker, the American people are getting sick and tired of all this. Billions and billions to Russia and other countries. Billions and billions on a very questionable Space Station. Billions and billions to try to stop civil wars in Haiti, Ruwanda, Somalia, Bosnia, and now I suppose Kosovo.

I remember reading three or four years ago on the front page of the Washington Post that we had our troops in Haiti settling domestic disputes and picking up garbage. And I remember a few months ago on this floor when another Member said in Bosnia we had our troops giving rabies shots to dogs.

Well, Mr. Speaker, the Haitians should settle their own domestic disputes and pick up their own garbage, and the Bosnians should give their own rabies shots; money taken from hard-working Americans to pour down one black hole after another.

Mr. Speaker, many people feel we may be on the verge of a recession or at least an economic downturn in this country. The stock market has gone down over 400 points in just the last two days. We would not be on nearly as shaky economic grounds if liberal big spenders had not caused us to be over $5.6 trillion in debt at just the Federal level, and then if we had instead followed other very conservative fiscal, monetary, taxing, and regulatory policies.

However, we are on shaky grounds, very thin ice economically, due to very liberal policies of all types, including bad trade deals that favored large multinational corporations at the expense of small and medium-sized American businesses and American workers.

Now we are losing 3 million jobs a year due to our balance of payments deficits, 3 million jobs to other countries. Our unemployment is not yet low, but our underemployment is terrible. We have been replacing good, high-paying manufacturing jobs with minimum wage employment and tourism and restaurants. Many college graduates cannot find employment in the fields in which they trained. We are ending up with the best educated waiters and waitresses in the world.

Mr. Speaker, we need trade and economic and foreign policies that put this country and its workers first once again. We need to put America first even if it is not politically correct or fashionable to say so.

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

[From the Washington Post, September 29, 1998]

RECKLESS BAILOUTS

(By James K. Glassman)

The principle behind welfare reform was simple: If you pay people when they don't work, then they don't have an incentive to get a job. The 1996 law cut them off, and since then, millions have left the public dole.

Economists call the principle behind welfare reform ''moral hazard.'' When people are insured, or protected against the consequences of destructive actions, they are more likely to take those destructive actions. Thus, of able-bodied welfare mothers know they'll get monthly checks, they're less likely to work.

But in America today, there's a double standard. A rule that applied to welfare mothers doesn't apply to politically connected corporations, rich speculators and irresponsible nations. Over and over, when powerful people and institutions get into trouble, the government bails them out.

The latest example is a Greenwich, Conn., hedge fund called Long-Term Capital, Ltd. (LTC), which was founded by John Meriwether, a ''master of the universe'' at

Salomon Brothers, along with two Nobel Prize winners, a former Federal Reserve vice chairman and other partners whom Business Week called the ''dream team.''

Using as much as $100 billion in borrowed money, Long-Term Capital made some disastrously stupid investments and teetered last week on the brink of failure.

What should happen to a firm that makes terrible bets on esoteric markets? It should go bust, of course. Its partners and investors should suffer swift and onerous losses—at the very least as a signal to others to stay away from risky investments in the future.

Instead, Long-Term Capital is being rescued—not with government money (thank heaven for small favors) but through not-so-subtle pressure placed by government regulators on banks and investment firms to cough up $3.5 billion. It's a classic case of moral hazard run wild.

Paul Volcker, the former chairman of the Federal Reserve, was justifiably outraged: ''Why should the weight of the federal government be brought to bear to help a private investor?'' Good question.

The rescuers were brought together last week by the New York Fed at the same time that Alan Greenspan was hinting in Congress that the Fed would cut interest rates.

The Fed's ''official sponsorship'' (Volcker's term) of the rescue was the result, said a Fed spokesman, of its ''concerns about the good working of the marketplace, large risk exposure and the potential for a disruption of payments.'' In other words, the failure of Long-Term Capital posed a systemic risk; it could set off a cascade of other failures, leading to a sharp decline in bond and stock prices and perhaps bankruptcies.

I am skeptical the effects would be so dire. Yes, some bonds might plummet, but that hurts current owners of those bonds. Other investors could benefit by being able to buy at the lower prices. Why should the Fed prevent them?

The truth is that no one knows what would have happened in the short-term if LTC had been allowed to fail. In the longer term, the effects are only too obvious: The rescue will encourage more irresponsible risk-taking by investors, just as the International Monetary Fund's bail out of Mexico encouraged investors to make inappropriately risky investments in emerging markets in Asia, leading to more IMF bailouts and a new moral-hazard cycle.

Perhaps the Fed did dampen systemic risk in the LTC case, but as Caroline Baum of Bloomberg Business News reported Friday, ''Traders seem to be taking a different message away from the whole affair. They see an increase in moral hazard, with lenders making increasingly risky bets with the knowledge that someone will bail them out, as the doctrine of 'too big to fail' spread from financial institutions to corporations to countries to private investors.''

But we don't need to look to Mexico or Greenwich for examples to moral hazard run wild. Look to Capitol Hill, where a bill is now racing through Congress that would bail out companies that made imprudent bids for wireless telephone licenses.

The firms bid too high in a 1996 FCC auction. At the very least, it seems, they should lose the $1.3 billion they put up in down payments. But, instead, the House Commerce Committee on Thursday unanimously approved a deal that lets them renege on their bid obligations and get full refunds on what they've already paid the government.

Not only is that bailout grossly unfair, it will also encourage reckless behavior in future auctions. And, speaking of reckless behavior: There's a parallel to be drawn between moral hazard in the LTC, wireless and IMF cases and moral hazard in the current scandal involving President Clinton.

Americans worry, for instance, that impeaching and convicting Clinton could hurt the economy and our world standing. This is a legitimate concern—but I'm more afraid of moral hazard. If we let powerful people get away with doing bad things, they will not only do them again, but encourage others to follow their example.

CRISIS IN KOSOVO

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I want to address the House today. I want to call attention to a very, very serious crisis in the world and that is in the Province of Yugoslavia called Kosovo.

We read about it in the paper today on the front page, that there were several massacres, that bodies were found of innocent civilians, men, women and children, as the Serbian police forces and military units continue their campaign of genocide and ethnic cleansing against ethnic Albanians in Kosovo.

Kosovo is a place where over 92 percent of the population, 2 million people, are ethnic Albanians, and they are totally dominated and ruled by Belgrade, by the Serbs who comprise less than 10 percent of the population. These people for 10 years have had no freedoms, no political freedoms, no economic freedoms, no social freedoms. Unemployment is rampant, 80 percent, 90 percent. No hope. And on the ground, the situation gets worse and worse and worse.

We have to take a stand before we see Bosnia repeat itself. Bosnia is indeed repeating itself. That ended up with 200,000 innocent people slaughtered. Kosovo could be even worse.

Now, I have called and I will call again and say it again, we read in the paper today that NATO is considering air strikes in order to stop the Serbs from killing innocent civilians. We have been saying this time in and time out. Actions speak louder than words. Mr. Speaker, it is time for action. We need to have immediate NATO air strikes on Serbian positions in Kosovo so that the innocent civilians will not continued to be slaughtered.

We now have at least 300,000 homeless civilians, more than a tenth of the entire population, some people would say it is as much as a quarter of the entire population, driven from their homes, and the pattern is like this. First Serbian artillery shells the villages, causing innocent civilians to flee in panic, fleeing into the hills and into the mountains. Then the next thing they do after the civilians have left is they come in and loot the houses and they steal everything they can. And then finally they burn the houses down to the ground.

So we have a situation where refugees now cannot have a place to go back to. And we are facing, as winter is approaching, perhaps another week or two at the most, where we need to get in so that innocent civilians can have humanitarian aid. The Serbs are keeping out humanitarian relief workers to get food and lodging and clothing to these people. Will the West again wait until it is too late?

I have a letter signed by 18 of our colleagues on both sides of the aisle calling on the President to issue immediate air power with our NATO allies to stop the carnage; to indict Slobodon Milosevic, the leader of Yugoslavia, who is responsible for this, who because of Serbian nationalism has again, as he did in Bosnia, caused the death of innocent people.

The short-term problem, Mr. Speaker, is that we need to get aid to these people because what is going to start to happen is they are going to start to die because of the cold and because of starvation. And that is the immediate concern that the world should have.

Of long range concern is what to do in Kosovo, and I have said time and time again and will say it again, self-determination for the people of Kosovo is the only answer. Why should the Albanians in the former Yugoslavia be treated any different than any of the other peoples that were allowed to form their own nation? The Croats, the Bosnians, the Slovenians, the Macedonians and so on and so forth.

Self-determination is a basic principle in which we in America believe, and if it is good enough for all the other ethnic groups in the former Yugoslavia, it should be good enough for the Albanians as well, particularly since this is the group that was getting the worst end of the stick in Yugoslavia, and certainly now that we are seeing genocide and ethnic cleansing rear its ugly head on the continent of Europe.

The time for action is now. The only thing that Mr. Milosevic understands is the credible use of force. He will only stop as he did in Bosnia, when we had NATO air strikes and he knew that NATO and, more importantly, the United States meant business. If he thinks these threats are empty, and quite frankly they have been empty for months upon months upon months. We have said that we would threaten, we have threatened him, we have said that we would bring in NATO air power, we have done all kinds of flying, but he knows it does not mean a hill of beans. The only thing he will understand is if he knows the West is ready to take action.

Now, shamefully our allies in Germany and Italy are trying to say that the United Nations Security Council needs to approve before NATO could move forward. I did not know the United Nations had a veto on what NATO can do. I think the NATO alliance needs to take action and needs to take action now, from a humanitarian point of view. Also, the thing is that this can explode into a wider war and drag our NATO allies in if we do not act now. The time for military strikes is now.

THE PROBLEMS FACING MICHIGAN FARMERS AND RANCHERS

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

Mr. SMITH of Michigan. Mr. Speaker, I rise to address the assembly today on the subject of the problems facing Michigan farmers and ranchers. The conference report on the 1999 Agriculture Appropriations Act helps some of these farmers in facing what is a very, serious problem in this Nation.

What we are faced with is a transition of our farmers and ranchers into a new Federal market-oriented, freedom to farm, public policy. That means that subsidies in place for the last 65 years are being phased out.

The problem is, Mr. Speaker, that this year in particular farmers are facing a combination of disease, bad weather, a loss of our markets, especially in Asia, and extremely low commodity prices. Farmers are going out of business. Bankruptcies are being advertised throughout the United States as farmers have hit disastrous situations where they feel that they and their families and their kids can no longer survive on that particular farm operation. Often a farm operation that was run by their parents, their grandparents, their great-grandparents can no longer provide a living.

The 1999 appropriations bills deal with some of these problems but not all of the problems. As we phase out and demand that our farmers in this country go into a market-oriented system, other countries remain steadfast in being very protective to make sure that the farmers and ranchers in their countries can remain on the farm; that their country maintains the farming base in their country, the ability to grow food and fiber in that country so that they have assurance that their country will never have to be dependent on other countries for their food.

Our farmers and ranchers in this country not only are facing a smaller market, facing disease and bad weather and the resulting low commodity prices, but are facing an administration which is threatening to impose very restrictive regulations on our farmers that other farmers in other countries do not have to abide by or pay for.

For example if one looks at the Food Quality Protection Act an effort of this body, this Congress, to do away with the old Delaney clause, now we see regulations that are being developed by this administration that suggest that we should do away with herbicides and insecticides because they might have some compounded dangerous effect and be carcinogenic if individuals were to eat pounds or tons of these pesticides.

Now, here is the problem that this country faces: if we impose these kind of nonscientific global warming, air quality, water quality, herbicide, insecticide regulations on our farmers, and farmers in other countries do not have to abide with those same provisions, that means our farmers are paying huge increased costs. That means by limiting our farmers' ability to farm the same efficient manner as farmers in other nations are farming, it puts our farmers at a competitive disadvantage.

We have to be very, very careful, Mr. Speaker, that we do not force some of our farmers and ranchers out of business because of this mandated inefficiency. Our consumers in this country may have to be dependent on the fruits and vegetables and food products that would be imported from other countries. Right now we enjoy the lowest cost, highest quality food of anyplace in the world. That is because our farmers and ranchers are extremely efficient and our system of distribution is very good in terms of providing good services to the consumers.

While the rest of the economy is generally strong, Mr. Speaker, farmers in our country are facing one of the most difficult years in a long time. The disaster money that is provided in the 1999 appropriation bill will be available to agricultural producers regardless of the type of crop that they produce and is a modest effort to help. While this will not fully reimburse producers for the extreme losses that they are suffering this year, it will help. But in the long run we have to face up to the question of whether or not we are going to allow our farmers and our ranchers to go out of business. That would mean that our consumers are going to become more and more dependent on imported products. Mr. Speaker, if we want to protect this country's ability to produce high quality, low cost food, we can not force our farmers out of business.

□ 1815

FOCUSING ATTENTION ON THE FIGHT AGAINST TERRORISM

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

Mr. SKELTON. Mr. Speaker, focusing public attention on the fight against terrorism is a continuing challenge. The threat of terrorism is an out-of-sight, out-of-mind type issue. When an incident occurs, such as a terrorist bombing or retaliatory action, interest and concern about terrorism quickly moves to the forefront. But usually after a few days or weeks, the terrorist threat tends to be forgotten by the media and the American public.

Mr. Speaker, no matter what the state of public attention, the war against terrorism is ongoing. The capture of those who were involved in the bombings in Kenya and Tanzania was brought about by outstanding CIA and FBI efforts. Just recently, the FBI aided the Ugandan authorities in preventing the bombing of our embassy in Uganda's capital in Kampala.

Here in Congress and across the country, we must be ever mindful of the terrorist threat. The threat is real and the threat will surface again. Federal agencies involved in the fight against terrorism must be supported and encouraged if we are to win this battle against terrorism. The Congress and the American people need to fully support this work as we look to the future.

CONFERENCE REPORT ON H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. KOLBE submitted the following conference report and statement on the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–760)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4104) ''making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, 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 stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $123,151,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $6,560,800: Provided further, That the Department is authorized to charge both direct and indirect costs to the Office of Foreign Assets Control in the implementation of this floor: Provided further, That the methodology for applying such charges will be the same method used in developing the Departmental Offices Fiscal Year 1999 President's Budget Justification to the Congress.

AUTOMATION ENHANCEMENT

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $28,690,000: Provided, That these funds shall remain available until September 30, 2000: Provided further, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems: Provided further, That $6,000,000 of the funds appropriated for the Customs Modernization project may not be transferred to the United States Customs Service or obligated until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system: Provided further, That $6,000,000 of the funds made available for the Customs Modernization project may not be obligated for any major system investments prior to the development of an architecture which is compliant with the Treasury Information Systems Architecture Framework (TISAF) and the establishment of measures to enforce compliance with the architecture.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $30,678,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $27,000,000, to remain available until expended: Provided, That none of the funds provided shall be available for obligation until September 30, 1999.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $24,000,000: Provided, That funds appropriated in this account may be used to procure personal services contracts.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), $119,000,000; of which $3,000,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms for administering the Gang Resistance Education and Training program; of which $1,400,000 shall be available to the Financial Crimes Enforcement Network; of which $22,628,000 shall be available to the United States Secret Service, including $6,700,000 for vehicle replacement, $5,000,000 for investigations of counterfeiting, $7,732,000 for the 2000 candidate/nominee protection program, and $3,196,000 for forensic and related support of investigations of missing and exploited children, of which $1,196,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $65,472,000 shall be available for the United States Customs Service, including $54,000,000 for narcotics detection technology, $9,500,000 for the passenger processing initiative, $972,000 for construction of canopies for inspection of outbound vehicles along the Southwest border, and $1,000,000 for technology investments related to the Cyber-Smuggling Center; of which $2,500,000 shall be available to the Office of National Drug Control Policy, including $1,000,000 for Model State Drug Law Conferences, and $1,500,000 to expand the Milwaukee, Wisconsin High Intensity Drug Trafficking Area; and of which $24,000,000 shall be available for Interagency Crime and Drug Enforcement;

(2) As authorized by section 32401, $13,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: Provided, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $71,923,000, of which up to $13,843,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2001: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $34,760,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $51,900,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $196,490,000, of which not to exceed $13,235,000 shall remain available until September 30, 2001, for information systems modernization initiatives.

FEDERAL FINANCING BANK

For liquidation of certain debts to the United States Treasury incurred by the Federal Financing Bank pursuant to section 9(b) of the Federal Financing Bank Act of 1973, $3,317,960,000.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $541,574,000, of which $2,206,000 shall not be available for obligation until September 30, 1999; of which $27,000,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol,

Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 1999: Provided further, That of the funds made available, $4,500,000 shall be made available for the expansion of the National Tracing Center: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,642,565,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, not to exceed $4,000,000 shall be available until expended for research, not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081, and up to $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That of the amount provided, an additional $2,400,000 shall be made available for staffing and resources for the child pornography cyber-smuggling initiative: Provided further, That $500,000 shall be available to fund the expansion of services at the Vermont World Trade Office: Provided further, That not to exceed $2,500,000 shall be available until expended for relocation of the Customs Air Branch from Belle Chase, Louisiana, to Hammond, Louisiana: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000: Provided further, That of the amount provided, $9,500,000 shall not be available for obligation until September 30, 1999.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $113,688,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 1999 without the prior approval of the Committees on Appropriations.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $176,500,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2001, for information systems modernization initiatives: Provided, That the sum appropriated herein from the General Fund for fiscal year 1999 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1999 appropriation from the General Fund estimated at $172,100,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 102 of Public Law 101–380: Provided further, That notwithstanding any other provisions of law, effective upon enactment and thereafter, the Bureau of the Public Debt shall be fully and directly reimbursed by the funds described in section 104 of Public Law 101–136 (103 Stat. 789) for costs and services performed by the Bureau in the administration of such funds.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and inspection; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,086,208,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That of the amount provided, $105,000,000 shall remain available until expended for postage and shall not be obligated before September 30, 1999: Provided further, That, pursuant to 39 U.S.C. 3206(a), funds shall continue to be provided to the United States Postal Service for postage due: Provided further, That of the amount provided, $25,000,000 shall not be available for obligation until September 30, 1999.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,164,189,000.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $143,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,265,456,000, which shall remain available until September 30, 2000, and of which $103,000,000 shall be available only for improvements to customer service.

INFORMATION TECHNOLOGY INVESTMENTS

For necessary expenses of the Internal Revenue Service, $211,000,000, to remain available until September 30, 2002, for the capital asset acquisition of information technology systems, including management and related contractual costs of such acquisition, and including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds is available for obligation until September 30, 1999: Provided further, That none of these funds shall be obligated until the Internal Revenue Service and the Department of the Treasury submit to Congress for approval, a plan for expenditure that: (1) implements the Internal Revenue Service's Modernization Blueprint submitted to Congress on May 15, 1997; (2) meets the information systems investment guidelines established by the Office of Management and Budget and in the fiscal year 1998 budget; (3) is reviewed and approved by the Office of Management and Budget, the Department of the Treasury's IRS Management Board, and is reviewed by the General Accounting Office; (4) meets the requirements of the May 15, 1997 Internal Revenue Service's Systems Life Cycle program; and (5) is in compliance with acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to

any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The funds provided in this Act for the Internal Revenue Service shall be used to provide, as a minimum, the fiscal year 1995 level of service, staffing, and funding for Taxpayer Services.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute and enforce policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 107. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 739 vehicles for police-type use, of which 675 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $600,302,000: Provided, That $18,000,000 provided for protective travel shall remain available until September 30, 2000; Provided further, That of the amount provided, $5,000,000 shall not be available for obligation until September 30, 1999.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $8,068,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1999, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1999 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''the explosive in a fixed shotgun shell'' and inserting ''an explosive'';

(2) in paragraph (7), by striking ''the explosive in a fixed metallic cartridge'' and inserting ''an explosive''; and

(3) by striking paragraph (16) and inserting the following:

''(16) The term 'antique firearm' means—

''(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

''(B) any replica of any firearm described in subparagraph (A) if such replica—

''(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

''(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

''(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term 'antique firearm' shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.''.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with the vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. EXCEPTION TO IMMUNITY FROM ATTACHMENT OR EXECUTION. (a) Section 1610 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(f)(1)(A) Notwithstanding any other provision of law, including but not limited to section 208(f) of the Foreign Missions Act (22 U.S.C. 4308(f)), and except as provided in subparagraph (B), any property with respect to which financial transactions are prohibited or regulated pursuant to section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)), section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701–1702), or any other proclamation, order, regulation, or license issued pursuant thereto, shall be subject to execution or attachment in aid of execution of any judgment relating to a claim for which a foreign state (including any agency or instrumentality or such state) claiming such property is not immune under section 1605(a)(7).

''(B) Subparagraph (A) shall not apply if, at the time the property is expropriated or seized by the foreign state, the property has been held in title by a natural person or, if held in trust, has been held for the benefit of a natural person or persons.

''(2)(A) At the request of any party in whose favor a judgment has been issued with respect to a claim for which the foreign state is not immune under section 1605(a)(7), the Secretary of the Treasury and the Secretary of State shall fully, promptly, and effectively assist any judgment creditor or any court that has issued any such judgment in identifying, locating, and executing against the property of that foreign state or any agency or instrumentality of such state.

''(B) In providing such assistance, the Secretaries—

''(i) may provide such information to the court under seal; and

''(ii) shall provide the information in a manner sufficient to allow the court to direct the United States Marshall's office to promptly and effectively execute against that property.''.

(b) CONFORMING AMENDMENT.—Section 1606 of title 28, United States Code, is amended by inserting after ''punitive damages'' the following: '', except any action under section 1605(a)(7) or 1610(f)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

(d) WAIVER.—The President may waive the requirements of this section in the interest of national security.

This title may be cited as the ''Treasury Department Appropriations Act, 1999''.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail,

pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $71,195,000, which shall remain available until September 30, 2000: Provided, That none of the funds provided shall be available for obligation until October 1, 1999: Provided further, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1999.

This title may be cited as the ''Postal Service Appropriations Act, 1999''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $52,344,000: Provided, That $10,100,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $8,061,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114: Provided, That such amount shall not be available for expenses for domestic staff overtime.

In addition, for necessary expenses for domestic staff overtime, $630,000: Provided, That such amount shall not become available for obligation until the Comptroller General of the United States notifies the Committees on Appropriations that: (1) the Executive Office of the President has received, reviewed, and commented on the draft report of the General Accounting Office with respect to its audit of the Executive Residence at the White House; and (2) the General Accounting Office has received the comments of the Executive Office of the President.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,512,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $334,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,666,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,806,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $28,350,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget (OMB), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $60,617,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: Provided further, That the Director of OMB amends Section .36 of OMB Circular A–110 to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act: Provided further, That if the agency obtaining the data does so solely at the request of a private party, the agency may authorize a reasonable user fee equaling the incremental cost of obtaining the data: Provided further, That OMB is directed to submit a report by March 31, 1999, to the Committees on Appropriations, the Senate Committee on Governmental Affairs, and the House Committee on Government Reform and Oversight that: (1) identifies specific paperwork reduction accomplishments expected, constituting annual five percent reductions in paperwork expected in fiscal year 1999 and fiscal year 2000; and (2) issues guidance on the requirements of 5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)–(B).

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and

representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $48,042,000, of which $30,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and $16,000,000 for the Counterdrug Technology Assessment Center for counternarcotics research and development projects, and $13,000,000 for the continued operation of the technology transfer program: Provided, That the $16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: Provided further, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $182,477,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act: Provided, That funding shall be provided for existing High Intensity Drug Trafficking Areas at no less than the total fiscal year 1998 level consisting of funding from this account as well as the Violent Crime Reduction Trust Fund.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 100–690, as amended, $214,500,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $185,000,000 shall be to support a national media campaign to reduce and prevent drug use among young Americans: Provided further, That none of the funds provided for the support of a national media campaign may be obligated for the following purposes: to supplant current anti-drug community based coalitions; to supplant current pro bono public service time donated by national and local broadcasting networks; for partisan political purposes; or to fund media campaigns that feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, absent advance notice to the Committees on Appropriations and the Senate Judiciary Committee: Provided further, That (1) ONDCP will require a pro bono match commitment up-front as part of its media buy from each and every seller of ad time and space (2) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless (A) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (B) ONDCP receives prior approval from the Committees on Appropriations (3) ONDCP will submit within three months of enactment of this Act an implementation plan to the Committees on Appropriations to secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002 (4) the funds provided for the support of a national media campaign may be used to fund the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation (5) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Committees on Appropriations, and may obligate not more than 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase II of the campaign to the Committees on Appropriations, and (6) ONDCP is required to report to the Committees on Appropriations not only quarterly, but also to provide monthly itemized reports of all expenditures and obligations relating to the media campaign as well as the specific parameters of the national media campaign, and shall report to Congress within one year on the effectiveness of the national media campaign based upon the measurable outcomes provided to Congress previously: Provided further, That of the funds provided, $4,500,000 shall be available for transfer to the Agricultural Research Service for anti-drug research and related matters: Provided further, That of the funds provided, $20,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: Provided further, That of the funds provided, $5,000,000 shall be available for the chronic users study.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 1999''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $2,464,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $36,500,000, of which no less than $4,402,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses: Provided, That of the amounts appropriated for salaries and expenses, $1,120,000 may not be obligated until the Federal Election Commission submits a plan for approval to the House Committee on Appropriations for the expenditure of such funds.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $22,586,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For additional expenses necessary to carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $450,018,000 to be deposited into the Fund. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,605,018,000, of which: (1) $492,190,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New construction:

Arkansas:

Little Rock, U.S. courthouse, $3,436,000

California:

San Diego, U.S. courthouse, $15,400,000

San Jose, U.S. courthouse, $10,800,000

Colorado:

Denver, U.S. courthouse, $83,959,000

District of Columbia:

Southeast Federal Center remediation, $10,000,000

Florida:

Jacksonville, U.S. courthouse, $86,010,000

Orlando, U.S. courthouse, $1,930,000

Massachusetts:

Springfield, U.S. courthouse, $5,563,000

Michigan:

Sault Sainte Marie, border station, $572,000

Mississippi:
Biloxi-Gulfport, U.S. courthouse, $7,543,000
Missouri:
Cape Girardeau, U.S. courthouse, $2,196,000
Montana:
Babb, Piegan border station, $6,165,000
New York:
Brooklyn, U.S. courthouse, $152,626,000
New York, U.S. Mission to the United Nations, $3,163,000
Oregon:
Eugene, U.S. courthouse, $7,190,000
Tennessee:
Greenville, U.S. courthouse, $28,229,000
Texas:
Laredo, U.S. courthouse, $28,105,000
West Virginia:
Wheeling, U.S. courthouse, $29,303,000
Nationwide:
Non-prospectus, $10,000,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That notwithstanding any other provision of law in order to rescind a General Services Administration property sale, the General Services Administration is authorized to re-acquire that parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal government to its present owner pursuant to paragraphs (6) and (7) of section 12 of Public Law 94–204 (43 U.S.C. 1611 note) at a price equivalent to the 1988 auction sale price plus the amount of cumulative consumer price index, pursuant to the methodology as used in Public Law 104–42, Sec. 107(a), from the closing date of the sale until the date of re-acquisition by the Federal government, offset by any net income received from the property by the present owner since the 1988 sale: Provided further, That the funds provided in Public Law 102–393 for Hilo, Hawaii, shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center, notwithstanding Public Law 103–123, and of the funds provided not more than $475,000 is to be disbursed in this fiscal year: Provided further, That all funds for direct construction projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the funds provided for non-prospectus construction projects, $2,100,000 shall be available until expended for acquisition, lease, construction, and equipping of flexiplace telecommuting centers: Provided further, That from the funds made available under this heading in this or prior Acts of Congress, the Administrator of General Services may purchase at a price he determines appropriate, notwithstanding any other provision of law, property adjacent to the new courthouse currently under construction in Scranton, Pennsylvania; and (2) $668,031,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: Provided further, That of the amount provided, $161,500,000 shall not be available for obligation until September 30, 1999: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and alterations:
California:
San Francisco, Appraisers Building, $29,778,000
Colorado:
Lakewood, Denver Federal Center, Building 25, $29,351,000
District of Columbia:
Federal Office Building, 10B, $13,844,000
Interstate Commerce Commission, Connecting Wing Complex, Customs Building, Phase 3/3, $83,959,000
Old Executive Office Building, $25,210,000
Department of State, Phase 1, $29,779,000
New York:
Brookhaven, Internal Revenue Service, Service Center, $20,019,000
New York, U.S. Courthouse, 40 Foley Square, $4,782,000
Pennsylvania:
Philadelphia, Byrne-Green, Federal Building-U.S. Courthouse, $11,212,000
Virginia:
Reston, J.W. Powell Building, $9,151,000
Nationwide:
Chlorofluorocarbons Program, $25,000,000
Energy Program, $25,000,000
Design Program, $16,710,000
Basic Repairs and Alteration, $344,236,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2000, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That of the amount provided, $100,000 shall be used to address the lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,600,000 shall be provided to complete the alterations required at the Milwaukee, Wisconsin Courthouse: Provided further, That of the amount provided in this or any prior Act for Basic Repairs and Alterations, $1,100,000 may be used to provide a new fence surrounding the Suitland Federal Complex in Suitland, Maryland: Provided further, That $5,700,000 of the funds provided under this heading in Public Law 103–329 for the Holtsville, New York, IRS Service Center shall remain available until September 30, 1999: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $215,764,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,583,261,000 for rental of space which shall remain available until expended: Provided further, That of the amount provided, $15,000,000 shall not be available for obligation until September 30, 1999; and (5) $1,554,772,000 for building operations which shall remain available until expended: Provided further, That of the amount provided $68,000,000 shall not be available for obligation until September 30, 1999: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That for the purposes of this authorization, and hereafter, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That the remaining balances and associated assets and liabilities of the Pennsylvania Avenue Activities account are hereby transferred to the Federal Buildings Fund to be effective October 1, 1998, and that all income earned after that effective date that would otherwise have been deposited to the Pennsylvania Avenue Activities account shall thereafter be deposited to the Federal Buildings Fund, to be available for the purposes authorized by Public Laws 104–134 and 104–208, notwithstanding subsection 210(f)(2) of the Federal Property and Administrative Services Act, as amended: Provided further, That of the amount provided, $475,000 shall be made available for the 1999 Women's World Cup Soccer event: Provided further, That of the amount provided, $600,000 shall be made available for the 1999 World Alpine Ski Championships: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 1999, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,605,018,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $109,594,000: Provided, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include

street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That $100,000 is provided to the property disposal activity for the Racine, Wisconsin, property transfer identified in General Services Administration General Provision section 409.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $32,000,000: Provided, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,241,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 1999 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2000 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2000 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency which does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund Limitations on Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. From the funds made available under the heading ''Federal Buildings Fund Limitations on Revenue'', in addition to amounts provided in budget activities above, up to $5,000,000 shall be available for the demolition, cleanup and conveyance of the property at block 35 and lot 2 of block 36 in Anchorage, Alaska: Provided, That notwithstanding any other provision of law, the Administrator of General Services shall, not later than 18 months after the date of enactment of this Act, demolish and remove all buildings, structures and other fixtures on the property at block 35 and lot 2 of block 36, Anchorage Original Townsite East Addition, Anchorage, Alaska, excluding any portion dedicated for use by the Centers for Disease Control and Prevention: Provided further, That the remediation of said parcel shall include the removal of all asbestos, lead and any other contamination, and restoration of the property, to the extent practicable, to an undeveloped condition: Provided further, That upon completion of the activities required for the demolition and removal of buildings, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Anchorage, without reimbursement, all right, title, and interest of the United States to the property.

SEC. 409. The Administrator of General Services may convey to the City of Racine, Wisconsin, all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located on 2310 Center Street, commencing at the intersection of the North line of 24th Street and the center line of Center Street, being the point of the beginning; thence Northerly along the center line of Center Street, 426 feet to the South line of 23rd Street extended East; thence Westerly along the South line of 23rd street extended East; 325 feet to the West line of Franklin Street extended South; thence southerly along the West line of Franklin Street extended South to a point on the North line of 24th Street; thence Easterly along the North line of 24th Street to the point of beginning located in Racine, Wisconsin, and which contains the U.S. Army Reserve Center.

SEC. 410. DEPARTMENT OF TRANSPORTATION HEADQUARTERS. (a) IN GENERAL.—The Administrator of General Services shall—

(1) enter into an operating lease to acquire space for the Department of Transportation headquarters; and

(2) commence procurement of the lease not later than November 1, 1998:

Provided, That the annual rent payment does not exceed $55,000,000.

(b) TERMS.—The authority granted in subsection (a) is effective only to the extent that the lease acquisition meets the guidelines for operating leases set forth in the joint statement of the managers for the conference report to the Balanced Budget Agreement of 1997, as determined by the Director of the Office of Management and Budget.

SEC. 411. Notwithstanding any other provision of law, the requirement under section 407 of Public Law 104–208 (110 Stat. 3009–337–38), that the Administrator of General Services charge user fees for flexiplace telecommuting centers that approximate commercial charges for comparable space and services but in no instance less than the amount necessary to pay the cost of establishing and operating such centers, shall not apply to the user fees charged for the period beginning October 1, 1996, and ending September 30, 1998, for the telecommuting centers established as part of a pilot telecommuting demonstration program in the Washington, D.C. metropolitan area by Public Laws 102–393, 103–123, 103–329, 104–52, and 104–208: Provided, That for these centers in the pilot demonstration program for the period beginning October 1, 1998, and ending September 30, 2000, the Administrator shall charge fees for Federal agency use of a telecenter based on 50 percent of the Administrator's annual costs of operating the center, including the reasonable cost of replacement for furniture, fixtures, and equipment: Provided further, That effective October 1, 2000, the Administrator shall charge fees for Federal agency use of the demonstration telecommuting centers based on 100 percent of the annual operating costs, including the reasonable cost of replacement for furniture, fixtures, and equipment: Provided further, That, to the extent such user charges do not cover the Administrator's costs in operating these centers, appropriations to the General Services Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.

SEC. 412. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall convey to the University of Miami, by negotiated sale or by negotiated land exchange and by not later than September 30, 1999, all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) PROPERTY DESCRIBED.—The property referred to in paragraph (1) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(b) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

SEC. 413. The Administrator of General Services is directed to reincorporate the elements of the original proposed design for the façade of the United States Courthouse, London, Kentucky, project into the revised design of the

building in order to ensure compatibility of this new facility with the historic U.S. Courthouse in London, Kentucky, to maintain the stateliness of the building. Construction or design of the London, Kentucky, project should not be diminished in anyway to achieve this goal.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1997, $4,250,000, to remain available until expended, of which $3,000,000 will be for capitalization of the Fund, and $1,250,000 will be for annual operating expenses.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $25,805,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $224,614,000: Provided, That of the amount provided, $7,861,000 shall not be available for obligation until September 30, 1999: Provided further, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $11,325,000, to remain available until expended, of which $2,000,000 is for an architectural and engineering study for the renovation of the Archives I facility, of which $4,000,000 is for encasement of the Charters of Freedom, and of which $875,000 is for a requirements study and design of the National Archives Anchorage, Alaska, facility.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $10,000,000, to remain available until expended: Provided, That of the amount provided, $4,000,000 shall not be available for obligation until September 30, 1999.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $8,492,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $85,350,000; and in addition $91,236,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: Provided further, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a–7 through 1320a–7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 1999, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $9,145,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $8,720,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $32,765,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 1999''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 1999 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the

Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1999 from appropriations made available for salaries and expenses for fiscal year 1999 in this Act, shall remain available through September 30, 2000, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Funds provided in this Act may be used to initiate or continue projects or activities to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer conversion until such time as supplemental appropriations are made available for that purpose: Provided, That the program, project, or activity from which funds are obligated for Y2K conversion activities shall be reimbursed when such supplemental appropriations are made available.

SEC. 514. (a) APPOINTMENT AND TERM OF SERVICE OF STAFF DIRECTOR AND GENERAL COUNSEL OF FEDERAL ELECTION COMMISSION.—

(1) IN GENERAL.—The first sentence of section 306(f)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c(f)(1)) is amended by striking ''by the Commission'' and inserting the following: ''by an affirmative vote of not less than 4 members of the Commission and may not serve for a term of more than 4 consecutive years without reappointment in accordance with this paragraph''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to any individual serving as the staff director or general counsel of the Federal Election Commission on or after January 1, 1999, without regard to whether or not the individual served as staff director or general counsel prior to such date.

(b) TREATMENT OF INDIVIDUALS FILLING VACANCIES; TERMINATION OF AUTHORITY UPON EXPIRATION OF TERM.—Section 306(f)(1) of such Act (2 U.S.C. 437c(f)(1)) is amended by inserting after the first sentence the following new sentences: ''An individual appointed as a staff director or general counsel to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the individual he or she succeeds. An individual serving as staff director or general counsel may not serve in such position after the expiration of the individual's term unless reappointed in accordance with this paragraph.''.

(c) RULE OF CONSTRUCTION REGARDING AUTHORITY OF ACTING GENERAL COUNSEL.—Section 306(f) of such Act (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

''(5) Nothing in this Act may be construed to prohibit any individual serving as an acting general counsel of the Commission from performing any functions of the general counsel of the Commission.''.

SEC. 515. Hereafter, any payment of attorneys fees, costs, and sanctions required to be made by the Federal Government pursuant to the order of the district court in the case Association of American Physicians and Surgeons, Inc. v. Clinton, 989 F. Supp. 8 (1997), or any appeal of such case, shall be derived by transfer from amounts made available in this or any other Act for any fiscal year for ''Compensation of the President and the White House Office—Salaries and Expenses''.

SEC. 516. Notwithstanding Section 515 of Public Law 104–208, fifty percent of the unobligated balances available to the White House Office, Salaries and Expenses appropriations in fiscal year 1997, shall remain available through September 30, 1999, for the purposes of satisfying the conditions of Section 515 of this Act.

SEC. 517. The Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992, as amended (20 U.S.C. 5601 et seq.), is amended as follows:

(a) in section 11, by—

(1) deleting the heading and inserting ''Use of the Institute by a Federal Agency or Other Entity.''; and

(2) adding the following new subsection at the end:

''(e) NON-FEDERAL ENTITIES.—

''(1) Non-Federal entities, including state and local governments, Native American tribal governments, nongovernmental organizations and persons, as defined in 1 U.S.C. 1, may use the Foundation and the Institute to provide assessment, mediation, or other related services in connection with a dispute or conflict involving the Federal government related to the environment, public lands, or natural resources.

''(2) PAYMENT INTO THE ENVIRONMENTAL DISPUTE RESOLUTION FUND.—Entities utilizing services pursuant to this subsection shall reimburse the Institute for the costs of services provided. Such amounts shall be deposited into the Environmental Dispute Resolution Fund established under section 10.''; and

(b) in section 12, by:

(1) deleting ''IN GENERAL—'' and inserting ''(a) IN GENERAL—''; and

(2) adding the following new subsection:

''(b) THE INSTITUTE.—The authorities set forth above shall, with the exception of paragraph (4), apply to the Institute established pursuant to section 10.''; and

(c) in section 10(b), by adding before the period as follows: '', including not to exceed $1,000 annually for official reception and representation expenses''.

SEC. 518. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department, or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may, in fiscal year 1999 and thereafter, reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of such services: Provided, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 606. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be

used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 612. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 613. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 614. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 1999, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1998, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1999, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 1999, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1999 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1999 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1998 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1998, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1998, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1998.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 615. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 616. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 617. Notwithstanding section 1346 of title 31, United States Code, or section 611 of this Act, funds made available for fiscal year 1999 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 618. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States

Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 619. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1999 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 620. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: Provided, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 621. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems.

SEC. 622. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 623. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 624. Notwithstanding any other provision of law, no part of any funds provided by this Act or any other Act beginning in fiscal year 1999 and thereafter shall be available for paying Sunday premium pay to any employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 625. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 626. Section 626(b) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in section 101(f) of Public Law 104–208 (110 Stat. 3009–360), the Omnibus Consolidated Appropriations Act, 1997, is amended to read as follows: ''(b) Until September 30, 1999, or until the end of the current FTS 2000 contracts, whichever is earlier, subsection (a) shall continue to apply to the use of the funds appropriated by this or any other Act.''.

SEC. 627. (a) DEFINITIONS.—In this section—

(1) the term ''crime of violence'' has the meaning given that term in section 16 of title 18, United States Code; and

(2) the term ''law enforcement officer'' means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5, United States Code; and any special agent in the Diplomatic Security Service of the Department of State.

(b) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, for purposes of chapter 171 of title 28, United States Code, or any other provision of law relating to tort liability, a law enforcement officer shall be construed to be acting within the scope of his or her office or employment, if the officer takes reasonable action, including the use of force, to—

(1) protect an individual in the presence of the officer from a crime of violence;

(2) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(3) prevent the escape of any individual who the officer reasonably believes to have committed in the presence of the officer a crime of violence.

SEC. 628. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998. (a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

''(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

''(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

''(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a).''; and

(2) by inserting after section 5545a the following new section:

''§ 5545b. Pay for firefighters

''(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS–081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

''(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

''(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

''(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

''(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

''(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

''(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

''(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

''(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

''(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

''(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

''(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

''(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

''(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section: Provided, That the overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

''(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

''5545b. Pay for firefighters.''.

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training.''.

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking ''and'' after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

''(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

''(F) pay as provided in section 5545b (b)(2) and (c)(2); and ''; and

(4) by striking ''subparagraphs (B), (C), (D), and (E)'' and inserting ''subparagraphs (B) through (G)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after October 1, 1998.

(f) REGULATIONS.—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) NO REDUCTION IN REGULAR PAY.—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

SEC. 629. (1) Not later than 180 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy, the Secretary of the Treasury, and the Attorney General shall conduct a joint review of Federal efforts and submit to the appropriate congressional committees, including the Committees on Appropriations, a plan to improve coordination among the Federal agencies with responsibility to protect the borders against drug trafficking. The review shall also include consideration of Federal agencies' coordination with State and local law enforcement agencies. The plan shall include an assessment and action plan, including the activities of the following departments and agencies:

(A) Department of the Treasury;

(B) Department of Justice;

(C) United States Coast Guard;

(D) Department of Defense;

(E) Department of Transportation;

(F) Department of State; and

(G) Department of Interior.

(2) The purpose of the plan under paragraph (1) is to maximize the effectiveness of the border control efforts in achieving the objectives of the national drug control strategy in a manner that is also consistent with the goal of facilitating trade. In order to maximize the effectiveness, the plan shall:

(A) specify the methods used to enhance cooperation, planning and accountability among the Federal, State, and local agencies with responsibilities along the Southwest border;

(B) specify mechanisms to ensure cooperation among the agencies, including State and local agencies, with responsibilities along the Southwest border;

(C) identify new technologies that will be used in protecting the borders including conclusions regarding appropriate deployment of technology;

(D) identify new initiatives for infrastructure improvements;

(E) recommend reinforcements in terms of resources, technology and personnel necessary to ensure capacity to maintain appropriate inspections;

(F) integrate findings of the White House Intelligence Architecture Review into the plan; and

(G) make recommendations for strengthening the HIDTA program along the Southwest border.

SEC. 630. (a) FLEXIPLACE WORK TELECOMMUTING PROGRAMS.—For fiscal year 1999 and each fiscal year thereafter, of the funds made available to each Executive agency for salaries and expenses, at a minimum $50,000 shall be available only for the necessary expenses of the Executive agency to carry out a flexiplace work telecommuting program.

(b) DEFINITIONS.—For purposes of this section:

(1) EXECUTIVE AGENCY.—The term ''Executive agency'' means the following list of departments and agencies: Department of State, Treasury, Defense, Justice, Interior, Labor, Health and Human Services, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, Education, Veterans' Affairs, General Services Administration, Office of Personnel Management, Small Business Administration, Social Security Administration, Environmental Protection Agency, U.S. Postal Service.

(2) FLEXIPLACE WORK TELECOMMUTING PROGRAM.—The term ''flexiplace work telecommuting program'' means a program under which employees of an Executive agency are permitted to perform all or a portion of their duties at a flexiplace work telecommuting center established under section 210(l) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(l)) or other Federal law.

SEC. 631. (a) MERITORIOUS EXECUTIVE.—Section 4507(e)(1) of title 5, United States Code, is amended by striking ''$10,000'' and inserting ''an amount equal to 20 percent of annual basic pay''.

(b) DISTINGUISHED EXECUTIVE.—Section 4507(e)(2) of title 5, United States Code, is amended by striking ''$20,000'' and inserting ''an amount equal to 35 percent of annual basic pay''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 632. (a) CAREER SES PERFORMANCE AWARDS.—Section 5384(b)(3) of title 5, United States Code, is amended—

(1) by striking ''3 percent'' and inserting ''10 percent''; and

(2) by striking ''15 percent'' and inserting ''20 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, or the date of enactment of this Act, whichever is later.

SEC. 633. (a) INTERNATIONAL POSTAL ARRANGEMENTS.—Section 407 of title 39, United States Code, is amended to read as follows:

''§ 407. International Postal Arrangements.

''(a)(1) The Secretary of State shall have primary responsibility for formulation, coordination and oversight of policy with respect to United States participation in the Universal Postal Union, including the Universal Postal Convention and other Acts of the Universal Postal Union, amendments thereto, and all postal treaties and conventions concluded within the framework of the Convention and such Acts.

''(2) Subject to subsection (d), the Secretary may, with the consent of the President, negotiate and conclude treaties, conventions and amendments referred to in paragraph (1).

''(b)(1) Subject to subsections (a), (c), and (d), the Postal Service may, with the consent of the President, negotiate and conclude postal treaties and conventions.

''(2) The Postal Service may, with the consent of the President, establish rates of postage or other charges on mail matter conveyed between the United States and other countries.

''(3) The Postal Service shall transmit a copy of each postal treaty or convention concluded with other governments under the authority of this subsection to the Secretary of State, who shall furnish a copy to the Public Printer for publication.

''(c) The Postal Service shall not conclude any treaty or convention under the authority of this section or any other arrangement related to the delivery of international postal services that is inconsistent with any policy developed pursuant to subsection (a).

''(d) In carrying out their responsibilities under this section, the Secretary and the Postal Service shall consult with such federal agencies as the Secretary or the Postal Service considers appropriate, private providers of international postal services, users of international postal services, the general public, and such other persons as the Secretary or the Postal Service considers appropriate.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any treaty, convention or amendment entered into under the authority of section 407 of title 39 of the United States Code, as amended by this section, should not grant any undue or unreasonable preference to the Postal Service, a private provider of postal services, or any other person.

(c) TRADE-IN-SERVICE PROGRAMS.—The second sentence of paragraph (5) of section 306(a) of the Trade and Tariff Act of 1984 (19 U.S.C. 2114b(5)) is amended by inserting ''postal and delivery services,'' after ''transportation.''.

(d) TRANSFER OF FUNDS.—In fiscal year 1999 and each fiscal year hereafter, the Postal Service shall allocate to the Department of State from any funds available to the Postal Service such sums as may be reasonable, documented and auditable for the Department of State to carry out the activities of Section 407 of title 39 of the United States Code.

SEC. 634. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 635. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 636. No funds appropriated in this or any other Act for fiscal year 1999 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 637. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 638. (a) IN GENERAL.—For calendar year 2000, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 639. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when it is made known to the Federal official having authority to obligate or expend such funds that the employee has authorized such disclosure or that such disclosure has been ordered by a court of competent jurisdiction.

SEC. 640. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 641. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 642. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 643. The Director of the United States Marshals Service is directed to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy.

SEC. 644. Section 636(c) of Public Law 104–208 is amended as follows:

(1) In subparagraph (1) by inserting after ''United States Code'' the following: ''any agency or court in the Judicial Branch,'';

(2) In subparagraph (2) by amending ''prosecution, or detention'' to read: ''prosecution, detention, or supervision''; and

(3) In subparagraph (3) by inserting after ''title 5,'' the following: ''and, with regard to the Judicial Branch, mean a justice or judge of the United States as defined in 28 U.S.C. 451 in regular active service or retired from regular active service, other judicial officers as authorized by the Judicial Conference of the United States, and supervisors and managers within the Judicial Branch as authorized by the Judicial Conference of the United States,''.

SEC. 645. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 646. Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to, upon submission of proper documentation (as determined by the Secretary), reimburse importers of large capacity military magazine rifles as defined in the Treasury Department's April 6, 1998 ''Study on the Sporting Suitability of Modified Semiautomatic Assault Rifles'', for which authority had been granted to import such firearms into the United States on or before November 14, 1997, and released under bond to the importer by the U.S. Customs Service on or before February 10, 1998: Provided, That the importer abandons title to the firearms to the United States: Provided further, That reimbursements are submitted to the Secretary for his approval within 120 days of enactment of this provision. In no event shall reimbursements under this provision exceed the importers cost for the weapons, plus any shipping, transportation, duty, and storage costs related to the importation of such weapons. Money made available for expenditure under 31 U.S.C. section 1304(a) in an amount not to exceed $1,000,000 shall be available for reimbursements under this provision: Provided, That accepting the compensation provided under this provision is final and conclusive and constitutes a complete release of any and all claims, demands, rights, and causes of action whatsoever against the United States, its agencies, officers, or employees arising from the denial by the Department of the Treasury of the entry of such firearms into the United States. Such compensation is not otherwise required by law and is not intended to create or recognize any legally enforceable right to any person.

SEC. 647. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1999 under section 5303 and 5304 of title 5, United States Code, shall be an increase of 3.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 1999.

SEC. 648. INTERNATIONAL MAIL REPORTING REQUIREMENT. (a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

''§3663. Annual report on international services

''(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

''(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

''3663. Annual report on international services.''.

SEC. 649. EXTENSION OF SUNSET PROVISION. Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) is amended by striking ''(2)'' and all that follows through ''10 years'' and inserting the following:

''(2) SUNSET.—Effective 15 years''.

SEC. 650. IMPORTATION OF CERTAIN GRAINS. (a) FINDINGS.—The Congress finds that—

(1) importation of grains into the United States at less than the cost to produce those grains is causing injury to the United States producers of those grains;

(2) importation of grains into the United States at less than the fair value of those grains is causing injury to the United States producers of those grains;

(3) the Canadian Government and the Canadian Wheat Board have refused to disclose pricing and cost information necessary to determine whether grains are being exported to the United States at prices in violation of United States trade laws or agreements.

(b) REQUIREMENTS.—

(1) The Customs Service, consulting with the United States Trade Representative and the Department of Commerce, shall conduct a study of the efficiency and effectiveness of requiring that all spring wheat, durum or barley imported into the United States be imported into the United States through a single port of entry.

(2) The Customs Service shall report to the Committees on Appropriations and the Senate Committee on Finance and the House Committee on Ways and Means not later than ninety days after the effective date of this Act on the results of the study required by paragraph (1).

SEC. 651. DESIGNATION OF EUGENE J. MCCARTHY POST OFFICE BUILDING. (a) IN GENERAL.—The building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, shall be known and designated as the ''Eugene J. McCarthy Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''Eugene J. McCarthy Post Office Building''.

SEC. 652. The Administrator of General Services may provide, from government-wide credit card rebates, up to $3,000,000 in support of the Joint Financial Management Improvement Program as approved by the Chief Financial Officer's Council.

SEC. 653. Section 6302(g) of title 5, United States Code, is amended by inserting after ''chapter 35'' the following: ''or section 3595''.

SEC. 654. ASSESSMENT OF FEDERAL REGULATIONS AND POLICIES ON FAMILIES. (a) PURPOSES.—The purposes of this section are to—

(1) require agencies to assess the impact of proposed agency actions on family well-being; and

(2) improve the management of executive branch agencies.

(b) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given the term ''Executive agency'' by section 105 of title 5, United States Code, except such term does not include the General Accounting Office; and

(2) the term ''family'' means—

(A) a group of individuals related by blood, marriage, adoption, or other legal custody who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group, and over half of whose support in a calendar year is received from such group.

(c) FAMILY POLICYMAKING ASSESSMENT.—Before implementing policies and regulations that may affect family well-being, each agency shall assess such actions with respect to whether—

(1) the action strengthens or erodes the stability or safety of the family and, particularly, the marital commitment;

(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;

(3) the action helps the family perform its functions, or substitutes governmental activity for the function;

(4) the action increases or decreases disposable income or poverty of families and children;

(5) the proposed benefits of the action justify the financial impact on the family;

(6) the action may be carried out by State or local government or by the family; and

(7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(d) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistent with this section; and

(B) compile, index, and submit annually to the Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide evaluations of policies and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(e) ASSESSMENTS UPON REQUEST BY MEMBERS OF CONGRESS.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(f) JUDICIAL REVIEW.—This section is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

SEC. 655. None of the funds appropriated pursuant to this Act or any other provision of law may be used for any system to implement section 922(t) of title 18, United States Code, unless the system allows, in connection with a person's delivery of a firearm to a Federal firearms licensee as collateral for a loan, the background check to be performed at the time the collateral is offered for delivery to such licensee: Provided, That the licensee notifies local law enforcement within 48 hours of the licensee receiving a denial on the person offering the collateral: Provided further, That the provisions of section 922(t) shall apply at the time of the redemption of the firearm.

SEC. 656. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with any of the following religious plans:

(1) SelectCare,

(2) PersonalCaresHMO,

(3) Care Choices,

(4) OSF Health Plans, Inc., and

(5) Yellowstone Community Health Plan.

(c) Nothing in this section shall be construed to require coverage of abortion or abortion related services.

TITLE VII—CHILD CARE IN FEDERAL FACILITIES

SEC. 701. SHORT TITLE. This title may be cited as ''Quality Child Care for Federal Employees''.

SEC. 702. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES. (a) DEFINITION.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CHILD CARE ACCREDITATION ENTITY.—The term ''child care accreditation entity'' means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(I) use of developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities, as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the staff of the facility, including related skills-based testing.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term ''entity sponsoring a child care facility'' means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term ''executive facility''—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means an Executive agency or a legislative office.

(7) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(8) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(9) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

(10) STATE.—The term ''State'' has the meaning given the term in section 658P of the Child Care and Development Block Grant Act (42 U.S.C. 9858n).

(b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with child care standards described in paragraph (2) that, at a minimum, include applicable State or local licensing requirements, as appropriate, related to the provision of child care in the State or locality involved; or

(ii) obtain the applicable State or local licenses, as appropriate, for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(i) or obtains the licenses described in subparagraph (A)(ii).

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care services in executive facilities to comply with the standards. Such standards shall include requirements that child care facilities be inspected for, and be free of, lead hazards.

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care facility (as defined by the Administrator) in an executive facility to comply with standards of a child care accreditation entity.

(B) COMPLIANCE.—The regulations shall require that, not later than 5 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in such child care facility shall include a condition that the child care be provided by an entity that complies with the standards.

(4) EVALUATION AND COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance, with the requirements of paragraph (1) and the regulations issued pursuant to paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities. The Administrator may conduct the evaluation of such a child care facility or entity directly, or through an agreement with another Federal agency or private entity, other than the Federal agency for which the child care facility is providing services. If the Administrator determines, on the basis of such an evaluation, that the child care facility or entity is not in compliance with the requirements, the Administrator shall notify the Executive agency.

(B) EFFECT OF NONCOMPLIANCE.—On receipt of the notification of noncompliance issued by the Administrator, the head of the Executive agency shall—

(i) if the entity operating the child care facility is the agency—

(I) not later than 2 business days after the date of receipt of the notification, correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) develop and provide to the Administrator a plan to correct any other deficiencies in the operation of the facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) bring the child care facility and entity into compliance with the requirements and certify to the Administrator that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency—

(I) require the contractor or licensee, not later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the child care facility and bring the facility and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

(III) require the contractor or licensee to provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and to post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) require the contractor or licensee to bring the child care facility and entity into compliance with the requirements and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

(C) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility of the General Services Administration. If an entity is sponsoring a child care facility for 2 or more Executive agencies, the Administrator shall allocate the costs of providing such reimbursement with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—The Administrator shall issue regulations that require that each entity sponsoring a child care facility in an Executive facility, upon receipt by the child care facility or the entity (as applicable) of a request by any individual who is a parent of any child enrolled at the facility, a parent of a child for whom an application has been submitted to enroll at the facility, or an employee of the facility, shall provide to the individual—

(A) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under clause (i)(III) or (ii)(III), as applicable, of paragraph (4)(B); and

(B) a description of the actions that were taken to correct the deficiencies.

(c) LEGISLATIVE BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS, HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall issue regulations, approved by the Committee on House Oversight of the House of Representatives, governing the operation of the House of Representatives Child Care Center. The Librarian of Congress shall issue regulations, approved by the appropriate House and Senate committees with jurisdiction over the Library of Congress, governing the operation of the child care center located at the Library of Congress. Subject to paragraph (3), the head of a designated entity in the Senate shall issue regulations, approved by the Committee on Rules and Administration of the Senate, governing the operation of the Senate Employees' Child Care Center.

(B) STRINGENCY.—The regulations described in subparagraph (A) shall be no less stringent in content and effect than the requirements of subsection (b)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (b), except to the extent that appropriate administrative officers, with the approval of the appropriate House or Senate committees with oversight responsibility for the centers, may jointly or independently determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (b) for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) ADMINISTRATION.—Subject to paragraph (3), the Chief Administrative Officer of the House of Representatives, the head of the designated Senate entity, and the Librarian of Congress, shall have the same authorities and duties—

(i) with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the Administrator has under subsection (b)(4) with respect to the evaluation of, compliance of, and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities; and

(ii) with respect to issuing regulations requiring the entities sponsoring child care facilities in the corresponding legislative facilities to provide notifications of deficiencies and descriptions of corrective actions as the Administration has under subsection (b)(5) with respect to issuing regulations requiring the entities sponsoring child care facilities in executive facilities to provide notifications of deficiencies and descriptions of corrective actions.

(B) ENFORCEMENT.—Subject to paragraph (3), the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, as appropriate, shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in the corresponding legislative facilities as the head of an Executive agency has under subsection (b)(4) with respect to the compliance of and cost reimbursement for such facilities and entities sponsoring such facilities, in executive facilities.

(3) INTERIM STATUS.—Until such time as the Committee on Rules and Administration of the Senate establishes, or the head of the designated Senate entity establishes, standards described in paragraphs (1), (2), and (3) of subsection (b) governing the operation of the Senate Employees' Child Care Center, such facility shall maintain current accreditation status.

(d) APPLICATION.—Notwithstanding any other provision of this section, if 8 or more child care facilities are sponsored in facilities owned or leased by an Executive agency, the Administrator shall delegate to the head of the agency the evaluation and compliance responsibilities assigned to the Administrator under subsection (b)(4)(A).

(e) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator may provide technical assistance, and conduct and provide the results of studies and reviews, for Executive agencies, and entities sponsoring child care facilities in executive facilities, on a reimbursable basis, in order to assist the entities in complying with this section. The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of the designated Senate entity described in subsection (c), may provide technical assistance, and conduct and provide the results of studies and reviews, or request that the Administrator provide technical assistance, and conduct and provide the results of studies and reviews, for the corresponding legislative offices, and entities operating child care facilities in the corresponding legislative facilities, on a reimbursable basis, in order to assist the entities in complying with this section.

(f) COUNCIL.—The Administrator shall establish an interagency council, comprised of representatives of all Executive agencies described in subsection (d), a representative of the Chief Administrative Officer of the House of Representatives, a representative of the designated Senate entity described in subsection (c), and a representative of the Librarian of Congress, to facilitate cooperation and sharing of best practices, and to develop and coordinate policy, regarding the provision of child care, including the provision of areas for nursing mothers and other lactation support facilities and services, in the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 1999 and such sums as may be necessary for each subsequent fiscal year.

SEC. 703. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES. (a) IN GENERAL.—An Executive agency that provides or proposes to provide child care services for Federal employees may use agency funds to provide the child care services, in a facility that is owned or leased by an Executive agency, or through a contractor, for civilian employees of such agency.

(b) AFFORDABILITY.—Funds so used with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management and the General Services Administration shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. 704. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES. (a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—Section 616(a) of the Act of December 22, 1987 (40 U.S.C. 490b), is amended—

(1) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

''(2) such officer or agency determines that such space will be used to provide child care and related services to—

''(A) children of Federal employees or onsite Federal contractors; or

''(B) dependent children who live with Federal employees or onsite Federal contractors; and

''(3) such officer or agency determines that such individual or entity will give priority for available child care and related services in such space to Federal employees and onsite Federal contractors.''; and

(2) by adding at the end the following:

''(e)(1)(A) The Administrator of General Services shall confirm that at least 50 percent of aggregate enrollment in Federal child care centers governmentwide are children of Federal employees or onsite Federal contractors, or dependent children who live with Federal employees or onsite Federal contractors.

''(B) Each provider of child care services at an individual Federal child care center shall maintain 50 percent of the enrollment at the center of children described under subparagraph (A) as a goal for enrollment at the center.

''(C) If enrollment at a center does not meet the percentage goal under subparagraph (B), the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe. Such plan shall be approved by the Administrator of General Services based on—

''(i) compliance of the plan with standards established by the Administrator; and

''(ii) the effect of the plan on achieving the aggregate Federal enrollment percentage goal.

''(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.''.

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490(b)(3)) is amended to read as follows:

''(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any agency, department, or instrumentality of the United States that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide such services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.''.

(c) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

''(d)(1) If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which such private entities would assist in defraying the general operating expenses of the child care providers including salaries and tuition assistance programs at the facility.

''(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at an agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

''(B) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost effectively provided through such arrangement than through establishment of a Federal child care facility.

''(C) The agency may provide any of the services described in subsection (b)(3) if, in exchange for such services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by an agency to a child care facility on behalf of another agency shall be reimbursed by the receiving agency.

''(3) This subsection does not apply to residential child care programs.''.

(d) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(f)(1) Upon approval of the agency head, an agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. An agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new child care facility. Costs of any pilot project shall be borne solely by the agency conducting the pilot project.

''(2) The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other agencies to disseminate information concerning the pilot projects to the other agencies.

''(3) Within 6 months after completion of the initial 2-year pilot project period, an agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.''.

(e) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(g) Each child care center located in a federally owned or leased facility shall ensure that each employee of such center (including any employee whose employment began before the date of enactment of this subsection) shall undergo a criminal history background check consistent with section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).''.

SEC. 705. REQUIREMENT TO PROVIDE LACTATION SUPPORT IN NEW FEDERAL CHILD CARE FACILITIES. (a) DEFINITIONS.—In this section, the terms ''Federal agency'', ''executive facility'', and ''legislative facility'' have the meanings given the terms in section 702.

(b) LACTATION SUPPORT.—The head of each Federal agency shall require that each child care facility in an executive facility or a legislative facility that is first operated after the 1-year period beginning on the date of enactment of this Act by the Federal agency, or under a contract or licensing agreement with the Federal agency, shall provide reasonable accommodations for the needs of breast-fed infants and their mothers, including providing a lactation area or a room for nursing mothers in part of the operating plan for the facility.

TITLE VIII—TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 801. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO DISTRICT OF COLUMBIA RETIREMENT FUNDS. (a) PERMITTING OTHER FEDERAL ENTITIES TO ADMINISTER PROGRAM.—Section 11003 of the Balanced Budget Act of 1997 (D.C. Code, sec. 1–761.2) is amended—

(1) in paragraph (1), by inserting '', and includes any agreement with a department, agency, or instrumentality of the United States entered into under that section'' after ''the Trustee''; and

(2) in paragraph (10), by striking '', partnership, joint venture, corporation, mutual company, joint-stock company, trust, estate, unincorporated organization, association, or employee organization'' and inserting ''; partnership; joint venture; corporation; mutual company; joint-stock company; trust; estate; unincorporated organization; association; employee organization; or department, agency, or instrumentality of the United States'' .

(b) PERMITTING WAIVER OF RECOVERY OF AMOUNTS PAID IN ERROR.—Section 11021(3) of such Act (D.C. Code, sec. 1–763.1(3)) is amended by inserting '', or waive recoupment or recovery of,'' after ''recover''.

(c) PERMITTING USE OF TRUST FUND TO COVER ADMINISTRATIVE EXPENSES.—Section 11032 of such Act (D.C. Code, sec. 1–764.2) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—Amounts in the Trust Fund shall be used—

''(1) to make Federal benefit payments under this subtitle;

''(2) subject to subsection (b)(1), to cover the reasonable and necessary expenses of administering the Trust Fund under the contract entered into pursuant to section 11035(b);

''(3) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this subtitle; and

''(4) for such other purposes as are specified in this subtitle.''; and

(2) in subsection (b)(2), by inserting ''(including expenses described in section 11041(b))'' after ''to administer the Trust Fund''.

(d) PROMOTING FLEXIBILITY IN ADMINISTRATION OF PROGRAM.—Section 11035 of such Act (D.C. Code, sec. 1–764.5) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

''(c) SUBCONTRACTS.—Notwithstanding any provision of a District Retirement Program or any other law, rule, or regulation, the Trustee may, with the approval of the Secretary, enter into one or more subcontracts with the District Government or any person to provide services to the Trustee in connection with its performance of the contract. The Trustee shall monitor the performance of any such subcontract and enforce its provisions.

''(d) DETERMINATION BY THE SECRETARY.—Notwithstanding subsection (b) or any other provision of this subtitle, the Secretary may determine, with respect to any function otherwise to be performed by the Trustee, that in the interest of economy and efficiency such function shall be performed by the Secretary rather than the Trustee.''.

(e) PROCESS FOR REIMBURSEMENT OF DISTRICT GOVERNMENT FOR EXPENSES OF INTERIM ADMINISTRATION.—Section 11041 of such Act (D.C. Code, sec. 1–765.1) is amended—

(1) in subsection (b), by striking ''The Trustee shall'' and inserting ''The Secretary or the Trustee shall, at such times during or after the period of interim administration described in subsection (a) as are deemed appropriate by the Secretary or the Trustee'';

(2) in subsection (b)(1), by inserting ''the Secretary or'' after ''if''; and

(3) in subsection (c), by striking ''the replacement plan adoption date'' and inserting ''such time as the Secretary notifies the District Government that the Secretary has directed the Trustee to carry out the duties and responsibilities required under the contract''.

(f) ANNUAL FEDERAL PAYMENT INTO FEDERAL SUPPLEMENTAL FUND.—Section 11053 of such Act (D.C. Code, sec. 1–766.3) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ANNUAL AMORTIZATION AMOUNT.—At the end of each applicable fiscal year the Secretary shall promptly pay into the Federal Supplemental Fund from the General Fund of the Treasury an amount equal to the annual amortization amount for the year (which may not be less than zero).'';

(2) in subsection (b), by striking ''freeze date'' and inserting ''effective date of this Act'';

(3) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(4) by inserting after subsection (a) the following new subsection:

''(b) ADMINISTRATIVE EXPENSES.—During each applicable fiscal year, the Secretary shall pay into the Federal Supplemental Fund from the General Fund of the Treasury amounts not to exceed the covered administrative expenses for the year.''.

(g) TECHNICAL CORRECTIONS.—(1) Section 11012(c) of such Act (D.C. Code, sec. 1–752.2(c)) is amended by striking ''District of Columbia Retirement Board'' and inserting ''District Government''.

(2) Section 11033(c)(1) of such Act (D.C. Code, sec. 1–764.3(c)(1)) is amended by striking ''consisting'' in the first place that it appears.

(3) Section 11052 of such Act (D.C. Code, sec. 1–766.2) is amended by inserting ''to'' after ''may be made only''.

SEC. 802. CLARIFYING TREATMENT OF DISTRICT OF COLUMBIA EMPLOYEES TRANSFERRED TO FEDERAL RETIREMENT SYSTEMS.

(a) ELIGIBILITY OF NONJUDICIAL EMPLOYEES OF DISTRICT OF COLUMBIA COURTS FOR MEDICARE AND SOCIAL SECURITY BENEFITS.—Section 11246(b) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 755) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) CONFORMING AMENDMENTS TO INTERNAL REVENUE CODE AND SOCIAL SECURITY.—(A) Section 3121(b)(7)(C) of the Internal Revenue Code of 1986 (relating to the definition of employment for service performed in the employ of the District of Columbia) is amended by inserting '(other than the Federal Employees Retirement System provided in chapter 84 of title 5, United States Code)' after 'law of the United States'.

''(B) Section 210(a)(7)(D) of the Social Security Act (42 U.S.C. 410(a)(7)(D)) (relating to the definition of employment for service performed in the employ of the District of Columbia), is amended by inserting '(other than the Federal Employees Retirement System provided in chapter 84 of title 5, United States Code)' after 'law of the United States.''.

(b) VESTING UNDER PREVIOUS DISTRICT OF COLUMBIA RETIREMENT PROGRAM.—For purposes of vesting pursuant to section 2610(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–627.10(b)), creditable service with the District for employees whose participation in the District Defined Contribution Plan ceases as a result of the implementation of the Balanced Budget Act of 1997 shall include—

(1) continuous service performed by nonjudicial employees of the District of Columbia courts after September 30, 1997; and

(2) service performed for a successor employer, including the Department of Justice or the District of Columbia Offender Supervision, Defender, and Courts Services Agency established under section 11233 of the Balanced Budget Act of 1997, that provides services previously performed by the District government.

SEC. 803. METHODOLOGY FOR DESIGNATING ASSETS OF RETIREMENT FUND

Section 11033 of the Balanced Budget Act of 1997 (D.C. Code, sec. 1–764.3) is amended by adding at the end the following new subsection:

''(e) METHODOLOGY FOR DESIGNATING ASSETS.—

''(1) IN GENERAL.—In carrying out subsection (b), the Secretary may develop and implement a methodology for designating assets after the replacement plan adoption date that takes into account the value of the District Retirement Fund as of the replacement plan adoption date and the proportion of such value represented by $1.275 billion, together with the income (including returns on investments) earned on the assets of and withdrawals from and deposits to the Fund during the period between such date and the date on which the Secretary designates assets under subsection (b). In implementing a methodology under the previous sentence, the Secretary shall not be required to determine the value of designated assets as of the replacement plan adoption date. Nothing in this paragraph may be deemed to effect the entitlement of the District Retirement Fund to income (including returns on investments) earned after the replacement plan adoption date on assets designated for retention by the Fund.

''(2) EMPLOYEE CONTRIBUTIONS; JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—The Secretary may develop and implement a methodology comparable to the methodology described in paragraph (1) in carrying out the requirements of subsection (c) and in designating assets to be transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund pursuant to section 124(c)(1) of the District of Columbia Retirement Reform Act (as amended by section 11252).

''(3) DISCRETION OF THE SECRETARY.—The Secretary's development and implementation of methodologies for designating assets under this subsection shall be final and binding.''.

SEC. 804. TECHNICAL AND CLARIFYING AMENDMENTS RELATING TO JUDICIAL RETIREMENT PROGRAM.

(a) ADMINISTRATION OF JUDICIAL RETIREMENT AND SURVIVORS ANNUITY FUND.—Section 11–1570, District of Columbia Code, as amended by section 11251 of the Balanced Budget Act of 1997, is amended as follows:

(1) In subsection (b)(1)—

(A) by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(B) by inserting after the second sentence the following new sentences: ''Notwithstanding any other provision of District law or any other law, rule, or regulation, any Trustee, contractor, or enrolled actuary selected by the Secretary under this subsection may, with the approval of the Secretary, enter into one or more subcontracts with the District of Columbia government or any person to provide services to such Trustee, contractor, or enrolled actuary in connection with its performance of its agreement with the Secretary. Such Trustee, contractor, or enrolled actuary shall monitor the performance of any subcontract to which it is a party and enforce its provisions.''.

(2) In subsection (b)(2)—

(A) by striking ''chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia'' and inserting ''Secretary'';

(B) by striking ''and the Secretary'';

(C) by striking ''and appropriations''; and

(D) by striking ''and deficiency''.

(3) By amending subsection (c) to read as follows:

''(c)(1) Amounts in the Fund are available—

''(A) for the payment of judges retirement pay, annuities, refunds, and allowances under this subchapter;

''(B) to cover the reasonable and necessary expenses of administering the Fund under any agreement entered into with a Trustee, contractor, or enrolled actuary under subsection (b)(1), including any agreement with a department, agency or instrumentality of the United States; and

''(C) to cover the reasonable and necessary administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this subchapter.

''(2) Notwithstanding any other provision of District law or any other law, rule, or regulation—

''(A) the Secretary may review benefit determinations under this subchapter made prior to the date of the enactment of the Balanced Budget Act of 1997, and shall make initial benefit determinations after such date; and

''(B) the Secretary may recoup or recover, or waive recoupment or recovery of, any amounts paid under this subchapter as a result of errors or omissions by any person.''.

(4) In subsection (d)(1)—

(A) by striking ''Subject to the availability of appropriations, there shall be deposited into the Fund'' and inserting ''The Secretary shall pay into the Fund from the General Fund of the Treasury''; and

(B) by striking ''(beginning with the first fiscal year which ends more than 6 months after the replacement plan adoption date described in section 103(13) of the National Capital Revitalization and Self-Government Improvement Act of 1997)''.

(5) In subsection (d)(2)(A)—

(A) by striking ''June 30, 1997'' and inserting ''September 30, 1997''; and

(B) by striking ''net the sum of future normal cost'' and inserting ''net of the sum of the present value of future normal costs''.

(6) In subsection (d)(3), by striking ''shall be taken from sums available for that fiscal year for the payment of the expenses of the Court, and''.

(7) By adding at the end the following new subsections:

''(h) For purposes of the Internal Revenue Code of 1986—

''(1) the Fund shall be treated as a trust described in section 401(a) of the Code that is exempt from taxation under section 501(a) of the Code;

''(2) any transfer to or distribution from the Fund shall be treated in the same manner as a transfer to or distribution from a trust described in section 401(a) of the Code; and

''(3) the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

''(i) For purposes of the Employee Retirement Income Security Act of 1974, the benefits provided by the Fund shall be treated as benefits provided under a governmental plan maintained by the District of Columbia.

''(j) To the extent that any provision of subpart A of part I of subchapter D of the chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 401 et seq.) is amended after the date of the enactment of this subsection, such provision as amended shall apply to the Fund only to the extent the Secretary determines that application of the provision as amended is consistent with the administration of this subchapter.

''(k) Federal obligations for benefits under this subchapter are backed by the full faith and credit of the United States.''.

(b) REGULATORY AUTHORITY OF SECRETARY.—Section 11251 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 756) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) REGULATIONS; EFFECT ON REFORM ACT.—Title 11, District of Columbia Code, is amended by adding the following new section:

'§11–1572. Regulations; effect on Reform Act.

'(a) The Secretary is authorized to issue regulations to implement, interpret, administer and carry out the purposes of this subchapter, and, in the Secretary's discretion, those regulations may have retroactive effect, except that nothing in this subsection may be construed to permit the Secretary to issue any regulation to retroactively reduce or eliminate the benefits to which any individual is entitled under this subchapter.

'(b) This subchapter supersedes any provision of the District of Columbia Retirement Reform Act (Public Law 96-122) inconsistent with this subchapter and the regulations thereunder.'.'';

and

(3) by amending subsection (c) (as so redesignated) to read as follows:

''(c) CLERICAL AMENDMENTS.—

''(1) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by amending the item relating to section 11-1570 to read as follows:

'11-1570. The District of Columbia Judicial Retirement and Survivors Annuity Fund.'.

''(2) The table of sections for subchapter III of chapter 15 of title 11, District of Columbia Code, is amended by adding at the end the following new item:

'11-1572. Regulations; effect on Reform Act.'.''.

(c) TERMINATION OF PREVIOUS FUND AND PROGRAM.—Section 124 of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–714), as amended by section 11252(a) of the Balanced Budget Act of 1997, is amended—

(1) in subsection (a), by inserting ''(except as provided in section 11-1570, District of Columbia Code)'' after ''the following'';

(2) in subsection (c)(1), by striking ''title I of the National Capital Revitalization and Self-Government Improvement Act of 1997'' and inserting ''subtitle A of title XI of the Balanced Budget Act of 1997''; and

(3) in subsection (c)(2)—

(A) by striking ''(2) The'' and inserting ''(2) In accordance with the direction of the Secretary, the'';

(B) by striking ''in the Treasury'' and inserting ''at the Board''; and

(C) by striking ''appropriated'' and inserting ''used''.

(d) ADMINISTRATION OF RETIREMENT FUNDS.—Section 11252 of the Balanced Budget Act of 1997 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) TRANSITION FROM DISTRICT OF COLUMBIA ADMINISTRATION.—Sections 11023, 11032(b)(2), 11033(d), and 11041 shall apply to the administration of the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–714), the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code, and the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code, except as follows:

''(1) In applying each such section—

''(A) any reference to this subtitle shall instead refer to subchapter III of chapter 15 of title 11, District of Columbia Code;

''(B) any reference to the District Retirement Program shall be deemed to include the retirement program for judges under subchapter III of chapter 15 of title 11, District of Columbia Code;

''(C) any reference to the District Retirement Fund shall be deemed to include the District of Columbia Judges Retirement Fund established under section 124 of the District of Columbia Retirement Reform Act;

''(D) any reference to Federal benefit payments shall be deemed to include judges retirement pay, annuities, refunds and allowances under subchapter III of chapter 15 of title 11, District of Columbia Code;

''(E) any reference to the Trust Fund shall instead refer to the District of Columbia Judicial Retirement and Survivors Annuity Fund established under section 11–1570, District of Columbia Code;

''(F) any reference to section 11033 shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

''(G) any reference to chapter 2 shall instead refer to section 11–1570, District of Columbia Code.

''(2) In applying section 11023—

''(A) any reference to the contract shall instead refer to the agreement referred to in section 11–1570(b), District of Columbia Code ; and

''(B) any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

''(3) In applying section 11033(d)—

''(A) any reference to this section shall instead refer to section 124 of the District of Columbia Retirement Reform Act, as amended by section 11252; and

''(B) any reference to the Trustee shall instead refer to the Secretary or the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.

''(4) In applying section 11041(b), any reference to the Trustee shall instead refer to the Trustee or contractor referred to in section 11–1570(b), District of Columbia Code.''; and

(3) by adding at the end the following new subsection:

''(d) EFFECTIVE DATE.—The provisions of subsection (c) shall take effect on the date on which the assets of the District of Columbia Judges Retirement Fund are transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund.''.

(e) MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 11–1568(d) and 11–1569, District of Columbia Code, are each amended by striking ''Mayor'' each place it appears and inserting ''Secretary of the Treasury''.

(2) Section 11–1568.2, District of Columbia Code, is amended by striking ''Mayor of the District of Columbia'' each place it appears and inserting ''Secretary of the Treasury''.

(3) Section 121(b)(1)(A) of the District of Columbia Retirement Reform Act (DC Code, sec. 1–711(b)(1)(A)), as amended by section 11252(c)(1) of the Balanced Budget Act of 1997 (as redesignated by subsection (d)(1)), is amended in the matter preceding clause (i), by striking ''11'' and inserting ''12''.

(4) Section 11–1561(4), District of Columbia Code, as amended by section 11253(b) of the Balanced Budget Act of 1997, is amended by striking ''sections'' and inserting ''section''.

(5) Section 11253(c) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended to read as follows:

''(c) TREATMENT OF FEDERAL SERVICE OF JUDGES.—Section 11–1564, District of Columbia Code, is amended—

''(1) in subsection (d)(2)(A), by striking 'section 1–1814)' and inserting 'section 1–714) or the District of Columbia Judicial Retirement and Survivors Annuity Fund (established by section 11–1570)'; and

''(2) in subsection (d)(4), by striking 'Judges Retirement Fund established by section 124(a) of the District of Columbia Retirement Reform Act' and inserting 'Judicial Retirement and Survivors Annuity Fund under section 11–1570'.''.

(6) Section 11253 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 759) is amended by adding at the end the following new subsection:

''(d) REDEPOSITS TO FUND.—Section 11–1568.1(4)(A), District of Columbia Code, is amended by striking 'Judges Retirement Fund' and inserting 'Judicial Retirement and Survivors Annuity Fund'.''.

(f) EFFECTIVE DATE.—The amendments made by subsections (a)(2), (a)(4), and (a)(6) shall take effect October 1, 1998.

SEC. 805. EFFECTIVE DATE.

Except as otherwise specifically provided, this title and the amendments made by this title shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

TITLE IX—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

SEC. 901. SHORT TITLE. This title may be cited as the ''Haitian Refugee Immigration Fairness Act of 1998''.

SEC. 902. ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS. (a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(B) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who is a national of Haiti who—

(1) was present in the United States on December 31, 1995, who—

(A) filed for asylum before December 31, 1995,

(B) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest, or

(C) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) at the time of arrival in the United States and on December 31, 1995, and who—

(i) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival,

(ii) became orphaned subsequent to arrival in the United States, or

(iii) was abandoned by parents or guardians prior to April 1, 1998 and has remained abandoned since such abandonment; and

(2) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that he or she has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(i) ADJUSTMENT OF STATUS HAS NO EFFECT ON ELIGIBILITY FOR WELFARE AND PUBLIC BENEFITS.—No alien whose status has been adjusted in accordance with this section and who was not a qualified alien on the date of enactment of this Act may, solely on the basis of such adjusted status, be considered to be a qualified alien under section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)), as amended by section 5302 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 598), for purposes of determining the alien's eligibility for supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.).

(j) PERIOD OF APPLICABILITY.—Subsection (i) shall not apply after October 1, 2003.

SEC. 903. COLLECTION OF DATA ON DETAINED ASYLUM SEEKERS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nation-wide basis with respect to asylum seekers in detention in the United States, including the following information:

(1) The number of detainees.

(2) An identification of the countries of origin of the detainees.

(3) The percentage of each gender within the total number of detainees.

(4) The number of detainees listed by each year of age of the detainees.

(5) The location of each detainee by detention facility.

(6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.

(7) The number and frequency of the transfers of detainees between detention facilities.

(8) The average length of detention and the number of detainees by category of the length of detention.

(9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.

(10) A description of the disposition of cases.

(b) ANNUAL REPORTS.—Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(c) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

SEC. 904. COLLECTION OF DATA ON OTHER DETAINED ALIENS. (a) IN GENERAL.—The Attorney General shall regularly collect data on a nationwide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 903, including the following information:

(1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.

(2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).

(3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) LENGTH OF DETENTION, TRANSFERS, AND DISPOSITIONS.—With respect to detainees who are criminal aliens and detainees who are non-criminal aliens who are not seeking asylum, the Attorney General shall also collect data concerning—

(1) the number and frequency of transfers between detention facilities for each category of detainee;

(2) the average length of detention of each category of detainee;

(3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;

(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) CRIMINAL ALIENS.—With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) ANNUAL REPORTS.—Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

This Act may be cited as the ''Treasury and General Government Appropriations Act, 1999''.

And the Senate agree to the same.

JIM KOLBE,
ERNEST ISTOOK,
ANNE M. NORTHUP,
BOB LIVINGSTON,
JOSEPH MCDADE
(except for section 656),
STENY H. HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
DAVID R. OBEY
(except for section 514 on FEC),
Managers on the Part of House.

BEN NIGHTHORSE,
CAMPBELL,
RICHARD SHELBY,
LAUCH FAIRCLOTH,
TED STEVENS,
HERB KOHL
(with exception to section 514),
BARBARA A. MIKULSKI
(with exception to section 514),
ROBERT C. BYRD
(with exception to section 514),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT

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. 4104), making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, 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.

The conference agreement on the Treasury and General Government Appropriations Act, 1999, incorporates some of the language and allocations set forth in House Report 105–592 and Senate Report 105–251. The language in these reports should be complied with unless specifically addressed in the accompanying statement of managers.

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

REPROGRAMMING AND TRANSFER OF FUNDS GUIDELINES

Due to continuing issues associated with agency requests for reprogramming and transfer of funds and use of unobligated balances, the conferees have agreed to reprogramming guidelines included in House Report 105–592. Those guidelines shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 1999:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;

2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;

3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;

5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;

6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;

7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,

8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conference agreement appropriates $123,151,000 for Departmental Offices instead of $122,889,000 as proposed by the House and $120,671,000 as proposed by the Senate. The amount appropriated includes: $3,704,000 for mandatory cost increases; an additional $470,000 for the Office of Tax Policy; an additional $255,000 for the Office of Economic Policy; an additional $499,000 for International Affairs Policies and Programs; an additional $801,000 for Enforcement Policies and Programs; an additional $866,000 for the Office of Foreign Assets Control; an additional $239,000 for Fiscal and Financial Policies and Programs; and an additional $300,000 for Treasury-wide management policies and practices. The conferees are aware that additional funds in the amount of $1,238,000 are required in fiscal year 1999 for Year 2000 compliance. The conference agreement also includes funding to allow the Department to provide no more than $500,000 in contract awards to the National Law Center for Inter-American Free Trade as proposed by the House.

The conferees have agreed to provide an additional $1,200,000 within this account for the Under Secretary of Enforcement to continue the operations of the Office of Professional Responsibility, should he so desire, as proposed by the Senate.

The conference agreement includes language which provides that the Office of Foreign Assets Control shall be funded at no less than $6,560,800 as proposed by the Senate instead of $5,517,000 as proposed by the House. The conferees have included language authorizing the Department to charge both direct and indirect costs to the Office of Foreign Assets Control in the implementation of this floor.

The Senate bill included language in this and a number of other accounts which provides that funds appropriated in this Act may be used for Year 2000 computer conversion costs pending the availability of funding for that purpose in a separate appropriation. The conferees have deleted that language in each instance in which it occurs and have instead included a new general provision (Section 513) to permit the use of funds provided in this Act to initiate or continue projects or activities to the extent necessary to achieve Year 2000 computer conversion until such time as supplemental appropriations are provided for those activities.

The conference agreement deletes language proposed by the House which provides compensation for losses incurred due to the denial of entry into the United States of certain firearms. The conferees have included language in Title VI (Section 646) of the bill to provide for this relief through the use of the Judgement Fund, as proposed by the Senate.

TREASURY LAW ENFORCEMENT VEHICLES

No later than 90 days after enactment of this Act, the Department shall submit to the Committees on Appropriations directives to implement the management of law enforcement vehicle usage in the Department. These directives shall include: development of a Department-wide vehicle management system to ensure adequate oversight of vehicle usage; standards and procedures for full compliance with home-to-work regulations on vehicle use; verifiable determination that vehicle use throughout the Department is in support of law enforcement purposes only; and implementation of a log tracking system by activity and specific use of law enforcement vehicles.

UNDER SECRETARY FOR ENFORCEMENT

The conferees direct the Department of the Treasury to submit, with its fiscal year 2000 budget request, detailed budget justification materials for the Office of the Under Secretary for Enforcement.

OFFICE OF PROFESSIONAL RESPONSIBILITY

SALARIES AND EXPENSES

The conferees agree to provide no separate funding for the Office of Professional Responsibility (OPR) in fiscal year 1999 as proposed by the Senate, but instead have provided adequate funding within the Departmental Offices appropriations for the Under Secretary for Enforcement to continue the work of this office should he so desire. The conferees expect that the Department also will use approximately $350,000 in reprogramming authority, the anticipated share of the unobligated balance of funds at the end of fiscal year 1998, to augment this appropriation.

In fiscal year 1998, the Under Secretary for Enforcement was charged with tasking OPR to conduct a comprehensive review of integrity issues and other matters related to the potential vulnerability of the United States Customs Service to corruption, to include examination of charges of professional misconduct and corruption as well as analysis of the efficacy of departmental and bureau internal affairs systems. The conferees expect that this work will continue, and that it will be in conjunction with related efforts funded through the Customs Integrity Awareness Program.

AUTOMATION ENHANCEMENT

The conferees agree to provide $28,690,000 for Automation Enhancement instead of $31,190,000 as proposed by the House and $28,990,000 as proposed by the Senate. The amount provided shall be transferred as follows:

Customs Service.—$8,000,000 for the Automated Commercial Environment.

Bureau of Alcohol, Tobacco, and Firearms.—$3,700,000 for a human resources system re-engineering pilot program.

Departmental Offices.—$16,990,000, of which $5,400,000 is for the International Trade Data System, of which $6,577,000 is for Department-wide human resources re-engineering program management and implementation, of which $3,813,000 is for Departmental Offices productivity enhancement, of which $1,000,000 is for the Treasury Vehicle Management System, and of which $200,000 is for Department-wide implementation of the Treasury Information System Architecture Framework.

The conferees agree that the funds provided shall remain available until September 30, 2000, as proposed by the House rather than remain available until expended as proposed by the Senate.

The conferees are aware that additional funds in the amount of $2,762,000 are required in fiscal year 1999 for Year 2000 compliance.

AUTOMATED COMMERCIAL ENVIRONMENT

The conferees agree to provide $8,000,000 for the Customs Service ACE project, with the proviso that $6,000,000 shall not be available for obligation until the Treasury's Chief Information Officer, through the Treasury Investment Review Board, concurs on the plan and milestone schedule for the deployment of the system. Furthermore, $6,000,000 shall not be obligated until the Commissioner of Customs provides to the Committees on Appropriations an Enterprise Information Systems Architecture (EISA) for Customs that covers all Customs' areas of business—not just trade compliance. For the EISA to be acceptable, it must comply with the Treasury Information Systems Architecture Framework, include measures to enforce compliance, and be approved by the Treasury Investment Review Board.

The conferees are pleased with the efforts made by the Treasury Department to exercise some management responsibility for the ACE project, which represents an enormous information technology investment for the Department and Customs. Clear benefits are already being seen in the quality of analysis applied to investment decisions, and coordination with other information technology projects such as the International Trade Data System (ITDS). The conferees support the continued exercise of strong oversight by the Treasury Department over this project.

FINANCIAL CRIMES ENFORCEMENT NETWORK

The conferees agree to provide $24,000,000 as proposed by the House instead of $23,670,000 as proposed by the Senate. In addition, the conferees agree that the funds shall be available with no earmark for the GATEWAY program, as had been proposed by the Senate.

TREASURY FORFEITURE FUND

The conferees expect that the super surplus for the Treasury Forfeiture Fund will continue to be large in fiscal year 1999, and direct the Department to provide the Committees its plan for intended use of these resources in a timely fashion, as well as in its presentation of the fiscal year 2000 budget request.

The conferees support the use of the super surplus to further advance Treasury Department law enforcement programs, and acknowledge the Department's plan to use its surplus for a variety of activities. The conferees direct the Department to use $11,012,000 as follows: $5,512,000 for the construction of a P–3 hangar in Corpus Christi, Texas, for the United States Customs Service; $4,000,000 for the CEASEFIRE/IBIS program, and $1,500,000 for the Global Transpark Customs Information Project. The conferees also agree that super surplus funds may be used for replacement of law enforcement vehicles, instead of the prohibition proposed by the Senate.

VIOLENT CRIME REDUCTION PROGRAMS

The conferees agree to provide $132,000,000 as proposed by the House and Senate. This amount is to be used as follows:

Bureau of Alcohol, Tobacco and Firearms:	
GREAT administration/training	$3,000,000
GREAT Program Grants	13,000,000
Customs Service:	
Narcotics detection technology	54,000,000
Passenger processing initiative	9,500,000
Canopy construction	972,000
Child Pornography investigation	1,000,000
Subtotal, Customs Service	65,472,000
Secret Service:	
Counterfeiting investigations	5,000,000
Forensic technology and assistance	2,000,000
NCMEC assistance	1,196,000
2000 campaign protection	7,732,000
Vehicle replacement	6,700,000
Subtotal, Secret Service	22,628,000
Financial Crimes Enforcement Network:	
Cyberpayment studies	800,000
Suspicious Activity Report analysis	300,000
Support for State & local GATEWAY	200,000
Money laundering regulations	100,000
Subtotal, FinCEN	1,400,000
Interagency Crime and Drug Enforcement	24,000,000
Office of National Drug Control Policy:	
Model State Drug Law Conferences	1,000,000
High Intensity Drug Trafficking Areas	1,500,000
Subtotal, ONDCP	2,500,000

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

The conferees agree to provide $3,000,000 to ATF for the management of the GREAT program as proposed by the House rather than in the ATF Salaries and Expenses appropriation as proposed by the Senate. The funding proposed by the Senate for laboratory and investigative support is funded under ATF's Salaries and Expenses appropriation.

GANG RESISTANCE EDUCATION AND TRAINING

The conferees agree to provide $13,000,000 to ATF, instead of $10,000,000 as proposed by the House and $13,239,000 as proposed by the Senate for grants to local law enforcement organizations for the Gang Resistance Education and Training (GREAT) program. The GREAT program has been enthusiastically endorsed by communities in Colorado, North Carolina and Wisconsin. The conferees direct that qualified law enforcement and prevention organizations from these areas be funded under GREAT.

The conferees are aware of concerns about the lack of a long-term evaluation of the impact of this program. Therefore, the conferees urge ATF to contract with the National Academy of Sciences, Committee on Law and Justice, to conduct an independent evaluation of the GREAT program.

CUSTOMS SERVICE

The conferees agree to provide $65,472,000, instead of $66,472,000 as proposed by the House and $54,000,000 as proposed by the Senate. Within these funds, the conferees include $54,000,000 for narcotics detection technology, $9,500,000 for passenger processing, $972,000 for canopy construction, and $1,000,000 for additional technologies associated with the child pornography cyber-smuggling initiative. The conferees agree that $2,400,000 of the Customs Salaries and Expenses account should be used for the cyber-smuggling initiative, as proposed by the Senate.

SECRET SERVICE

The conferees agree to provide $22,628,000, instead of $14,528,000 as proposed by the

House and $15,403,000 as proposed by the Senate. Within these funds, the conferees include $5,000,000 for counterfeiting investigations, $7,732,000 for campaign protection activities, $6,700,000 for vehicle replacement, and $3,196,000 for forensic and related support of investigations of missing and exploited children. Of the amounts provided for missing and exploited children, the conferees agree to provide $1,196,000 for the continued operations of the Child Exploitation Unit at the National Center for Missing and Exploited Children.

FINANCIAL CRIMES ENFORCEMENT NETWORK

The conferees agree to provide $1,400,000 for FinCEN as proposed by the Senate, instead of no funding as proposed by the House. Within these funds, the conferees include $800,000 for cyberpayment studies; $300,000 for Suspicious Activity Report analysis; $200,000 for training and support for State and local GATEWAY participation; and $100,000 for money laundering regulations.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

The conferees agree to provide no VCRTF funding for FLETC as proposed by the House, instead of $1,158,000 as proposed by the Senate. The affected programs—rural law enforcement training and equipment replacement—are funded in FLETC's Salaries and Expenses appropriation.

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $24,000,000 for ICDE as proposed by the House, instead of $45,000,000 as proposed by the Senate. An additional $51,900,000 is provided in the Interagency Law Enforcement account. The total of $75,900,000 fully funds the President's request.

OFFICE OF NATIONAL DRUG CONTROL POLICY

The conferees agree to provide $2,500,000 for ONDCP, instead of $14,000,000 as proposed by the House and no funding as proposed by the Senate. $1,000,000 of this funding would cover the costs of continuing support for Model State Drug Law Conferences, as proposed by the House. $13,000,000 proposed by the House for continued funding for the technology transfer program run by the Counterdrug Technology Assessment Center will instead be funded in the ONDCP Salaries and Expenses account, as proposed by the Senate.

HIGH INTENSITY DRUG TRAFFICKING AREAS

The conferees agree to provide $1,500,000 in additional funding for the Milwaukee, Wisconsin HIDTA.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $71,923,000 as proposed by the House instead of $66,251,000 as proposed by the Senate, including up to $13,843,000 to be used for materials and support costs. The conferees agree to language proposed by the Senate to permit funding for travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center. The conferees also agree to maintain existing statutory language affecting the authority to provide funding for student athletics and student interns, as proposed by the Senate.

GREAT TRAINING

The conferees agree to include new language, as proposed by the Senate, to authorize the Center to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with ATF.

FIREARMS TRAINING SYSTEMS

The conferees direct the Federal Law Enforcement Training Center, in consultation with their interested client law enforcement agencies, to examine and evaluate all available firearms training technologies for systems providing the greatest cost effective multi-application benefit for firearms training of law enforcement personnel. The conferees are aware of current technologies, such as the BEAMHIT targeting system and plastic cased ammunition, which appear to offer cost benefits and systems flexibility for multiple training activities and greater sensitivity for environmental protection.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $34,760,000, instead of $28,360,000 as proposed by the House and $15,360,000 as proposed by the Senate. This amount includes $6,400,000 for construction of new facilities at Artesia, New Mexico, required to meet the Center's basic training requirements.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $51,900,000 for ICDE as proposed by the House. An additional $24,000,000 is provided in the Violent Crime Reduction Programs account. The total of $75,900,000 fully funds the President's request.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

The conference agreement appropriates $196,490,000 for the Financial Management Service (FMS) as proposed by the Senate instead of $198,510,000 as proposed by the House.

The conferees have agreed with the proposal of the Senate on the funding level for the FMS, which reflects a reduction of $6,000,000 for Year 2000 conversion costs which will be available for FMS from a separate appropriation. The conferees received conflicting information from the Department of the Treasury about what the FMS's needs are for this purpose. Therefore, the conferees have assumed the higher number. The conferees understand and fully appreciate the need for FMS equipment to be Year 2000 compliant and note that the Department does have authority to transfer funding to FMS from other accounts within the Department under Section 114 of this Act should that become necessary.

The conference agreement deletes language proposed by the Senate delaying the availability of $4,500,000 for postage costs until September 30, 1999, and language proposed by the Senate stating that funds shall continue to be provided to the United States Postal Service for postage due.

DEBT COLLECTION IMPROVEMENT ACCOUNT

The conferees have agreed to delete funding for the Debt Collection Improvement Account proposed by the Senate. The House bill contained no similar provision.

FEDERAL FINANCING BANK

The conference agreement provides $3,317,960,000 for the liquidation of debts by the Federal Financing Bank instead of $3,317,690,000 as proposed by the Senate. The House bill contained no similar provision.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide $541,574,000, instead of $530,624,000 as proposed by the House and $529,489,000 as proposed by the Senate. This includes $2,000,000 for the Violent Crime Coordinators program and $4,500,000 for expansion of the National Tracing Center, as proposed by the Senate. The conferees agree that $2,206,000 of this funding will not be available for obligation until September 30, 1999, as proposed by the House.

The conferees are aware that additional funds in the amount of $5,000,000 are required in fiscal year 1999 for Year 2000 compliance.

The conferees agree to increase the limit for purchase of police-type vehicles to 812, as proposed by the House. The conferees direct the Under Secretary for Enforcement to exercise strong oversight with regard to any additional purchases in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. While neither the House nor Senate provided funding for this purpose, the conferees agree to provide $3,700,000 for vehicle replacement as the Administration had requested.

The conferees agree to authorize up to $15,000 for official reception and representation expenses, instead of $20,000 as proposed by the House and $12,500 proposed by the Senate.

The conferees agree to retain the limitation of $1,000,000 in authority to fund the equipping of vessels, vehicles or aircraft available for official use by a State or local law enforcement agency for use in joint law enforcement operations with ATF and for the payment of overtime salaries, travel, fuel and other costs for State and local law enforcement personnel, including sworn officers and support personnel, as proposed by the House. The conferees note that, while this maintains a limitation, unlike the Senate proposal, it allows such funding to be used for law enforcement operations other than drug-related ones, and clarifies that it encompasses support personnel as well as sworn law enforcement officers.

The conferees agree that per diem and/or subsistence allowances may be paid to employees for extensive overtime required when an employee is assigned to a National Response Team during the investigation of a bombing or arson incident, as proposed by the Senate, rather than simply for a major investigative assignment, as proposed by the House.

YOUTH CRIME GUN INTERDICTION INITIATIVE

The conferees strongly support ATF's efforts to stop illegal trafficking of crime weapons to young people and its statistical analysis in ''The Crime Gun Trace Analysis Reports: The Illegal Youth Firearms Markets in 17 Communities'', published in July 1997. However, the conferees believe that the proposed increase in funding must be supported by evidence of a significant reduction in youth crime, gun trafficking and availability. The conferees would like to see additional evidence linking the Youth Crime Gun Interdiction Initiative (YCGII) to a corresponding decrease in gun trafficking among youths and minors. Therefore, the conferees direct ATF to report no later than February 1, 1999, on the performance of YCGII.

The conferees further believe that an investment in experienced trafficking agents to conduct investigations arising out of leads obtained through this regional initiative is likely to have a significant impact on the number of prosecutions for illegal firearms trafficking. As a result, the conferees direct that, of the $27,000,000 to be provided for YCGII efforts, $16,000,000 be used to hire 81 experienced trafficking agents to expand the YCGII efforts in the 27 pilot cities. As part of the expansion, the conferees recommend that not less than $2,400,000 be used for the addition of 12 experienced trafficking agents, including 3 in Milwaukee, Wisconsin, to implement a multifaceted regional enforcement strategy within the Midwest region. The conferees request that ATF give strong consideration to Aurora, CO, Denver, CO, and Omaha, NE, as it determines new locations for YCGII.

CEASEFIRE

The conferees agree to provide $2,000,000 for continued expansion of the CEASEFIRE/IBIS

program, and expect that this will be used to meet requests for new equipment and related installation costs. The conferees also direct the Secretary of the Treasury to provide $4,000,000 to ATF from the Treasury Forfeiture Fund to allow ATF to provide CEASEFIRE technology to eligible State and local law enforcement organizations who have requested this equipment.

COLLECTION AND MAINTENANCE OF FEDERAL FIREARMS LICENSEE RECORDS

The conferees agree that there does not appear to be a written policy regarding the collection and maintenance of records on the acquisition and disposition of firearms by Federal firearms licensees for use in criminal or civil enforcement or firearms trace systems, in particular with regard to the length of time such records are kept. Therefore, the conferees direct ATF to develop such a written policy and provide a copy of that written policy to the Committees on Appropriations no later than March 31, 1999. This is in lieu of the direction by the House to provide the House Committee with a report on efforts to improve its practices within 90 days after enactment of this bill.

CONTRABAND CIGARETTES

The conferees direct ATF to continue to fully fund its investigations of diversion and trafficking of contraband cigarettes, particularly on Indian lands. The conferees are pleased to see that recent investigations have borne fruit in a number of arrests in Oklahoma and Kansas. The conferees understand that the current investigation in Oklahoma and Kansas is estimated to cost up to $2,000,000 and that nationwide investigation will cost approximately $8,000,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $1,642,565,000 instead of $1,638,065,000 as proposed by the House and $1,630,273,000 as proposed by the Senate. $9,500,000 is delayed for obligation, instead of the delays proposed by the House and the Senate.

The conferees agree to restrict purchase of vehicles to 550 for replacement only, as proposed by the House, rather than 985, as proposed by the Senate. The conferees direct the Under Secretary for Enforcement to exercise strong oversight over any purchases of new vehicles in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. The conferees also agree that $500,000 of the appropriation should be used to fund expansion of services at the Vermont World Trade Office, as proposed by the Senate. The conferees also agree to increase the limitation on representation funding to $40,000, instead of $30,000 as proposed by the House and Senate.

The conferees agree to provide $2,500,000 to remain available until expended for the costs of relocation of the New Orleans Air Branch from Belle Chase, Louisiana, to Hammond, Louisiana.

CUSTOMS INTEGRITY AWARENESS PROGRAM

The conferees agree to provide $6,000,000 to the Customs Service, fully funding the new Customs Integrity Awareness Program (CIAP), as proposed by the House, instead of $4,200,000 as proposed by the Senate. The conferees direct the Secretary of the Treasury to be fully engaged in CIAP, providing necessary oversight and assistance to the Customs Service Office of Internal Affairs in order to achieve program goals.

CHILD PORNOGRAPHY

The conferees strongly support Customs leadership in stopping the vile traffic in child pornography and are pleased with its recent successful takedown of a major international pornography organization. To continue this success, the conferees agree to set aside $2,400,000 of the Customs appropriation to double the staffing and resources for the child pornography cyber-smuggling initiative, as proposed by the Senate, instead of the $2,000,000 proposed by the House to be funded through the Violent Crime Reduction Trust Fund. In addition, the conferees agree to include $1,000,000 in the Violent Crime Reduction Trust Fund for technology support for this initiative.

CUSTOMS INSPECTION SERVICES FOR INTERNATIONAL AIR CARGO

The conferees are concerned about the availability of Customs Service personnel to provide inspection services for airports that are seeing increased traffic or project such increases as part of regional development patterns. In many locations Customs has been asked to initiate or expand the level and availability of such services. The conferees understand that decisions to allocate inspection personnel must be based on availability of staff and funding, and should also be a function of the level of current or expected traffic, as well as concerns about enforcing trade laws and countering smuggling threats. At the same time, the conferees recognize that some airports, such as Dulles International Airport, Miami International Airport, and Fort Lauderdale International Airport, are experiencing growth and may have good cases for initiating or increasing cargo traffic operations, which are dependent on the availability of specific Customs inspection services. The conferees therefore urge the Customs Service, as it undertakes to establish a comprehensive model for assessing and allocating its inspection and investigative staff, to work closely with the airport authorities and the trade community to ensure that it will meet requirements for new and expanded service. The aim of such a process should be allocation of staff and resources that is in the best interest of regional economic interests, trade, and the mission of the Customs Service.

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $113,688,000, instead of $100,688,000 as proposed by the House and $113,488,000 as proposed by the Senate. No funding for this account would be delayed, as had been proposed by the Senate, and there is no earmark for activities in South Florida and the Caribbean, as had been proposed by the Senate. This number includes an additional $1,000,000 for increased support for operations and upgrades for equipment for the marine enforcement program and $14,200,000 for Black Hawk helicopter program support.

BLACK HAWK HELICOPTERS

The conferees have included $14,200,000 to restore three off line Black Hawk helicopters to an operational readiness condition and provide for increased operation and maintenance requirements for Customs' helicopter component. The conferees understand that this funding will permit Customs to increase Black Hawk flying hours from 18 to 30 hours per month. The conferees direct the Customs Service to maximize the mission operability of all sixteen Black Hawk helicopters assigned to the Air Interdiction Program.

CUSTOMS MARINE PROGRAM

The conferees include an additional $1,000,000 to augment the $5,200,000 requested for the marine program.

CUSTOMS AIR AND MARINE INTERDICTION PROGRAMS

The conferees continue to be impressed with the successes associated with the Customs Air and Marine Interdiction programs and are aware of the growing operational commitments associated with this success. The conferees encourage the Customs Service to examine the benefits of a consolidated air maintenance system and take actions to improve operational coordination of its air assets to meet our national drug enforcement priorities. The conferees, in the interest of maintaining viable and effective air and marine interdiction programs, direct the Customs Service to develop two comprehensive modernization plans for the air interdiction and marine enforcement programs, respectively. These plans shall be submitted with the President's fiscal year 2000 budget and should include the projected lifespans and project a replacement schedule, as well as the current status, of each aircraft or vessel; associated operations and maintenance activities for these craft; and any costs for fleet extension or modernization. These modernization plans should be living documents that the Customs Service continually re-evaluates and utilizes in its effort to maximize its operational effectiveness.

SPECIAL OPERATIONS

The conferees agree that the special operations requirements of the Customs Service Air and Marine Interdiction Programs demand special tactical and logistical operations considerations due to the high threat nature of these activities. The conferees direct the Customs Service to review its utilization of these special operations assets with the goal of improving management, coordination, training and utilization of equipment and personnel. The Customs Service should consider all options to achieve the greatest efficiency and productivity for our coastal and border interdiction efforts.

BUREAU OF ENGRAVING AND PRINTING

DOLLAR BILL REDESIGN

To combat international counterfeiting threats to the United States, the Department of the Treasury is continuing to redesign Federal Reserve Notes. By the end of 1999, newly designed $100, $50, and $20 Federal Reserve Notes will be in circulation.

The conferees remain concerned about the cost associated with producing special anti-counterfeiting properties for the estimated 6 billion circulating $1 Federal Reserve Notes. As a result, the conferees do not believe the Bureau of Engraving and Printing should undertake cost prohibitive anti-counterfeiting changes to the $1 note. However, the conferees do believe it is important to update the currency, such as making minor modifications to assist the visually impaired.

Therefore, the conferees direct the Department of the Treasury and the Bureau of Engraving and Printing not to pursue redesign of the $1 Federal Reserve Note to combat international counterfeiting threats, but to only make minor design enhancements to the $1 note for the visually impaired and elderly population, provided it has no effect on the use of $1 Federal Reserve Notes with existing bill accepting machinery.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

The conference agreement appropriates $172,100,000 for the Bureau of the Public Debt as proposed by the House and the Senate.

The conference agreement also provides that $2,000,000 of the funds provided shall be available until September 30, 2001, for information systems modernization initiatives as proposed by the House instead of $1,000,000 as proposed by the Senate.

The conferees are aware that additional funds in the amount of $1,000,000 are required in fiscal year 1999 for Year 2000 compliance.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conference agreement appropriates $3,086,208,000 for Processing, Assistance, and Management instead of $3,025,013,000 as proposed by the House and $3,077,353,000 as proposed by the Senate. The amount provided includes $90,650,000 for mandatory cost increases and $70,279,000 for base realignments from the Tax Law Enforcement account. The conferees have agreed not to transfer funding for the TIMIS personnel/payroll system from the Information Systems appropriation to this account as proposed by the Senate.

The budget request for Processing, Assistance, and Management included $58,325,000 for customer service initiatives. Funding for these initiatives has been included in the Information Systems account as proposed by the House. The Senate had proposed to provide $18,145,000 for customer service initiatives in this account.

The conferees want to express strong support for the Commissioner's proposal for organizational modernization. The recently enacted Internal Revenue Service Restructuring and Reform Act of 1998 will allow the Commissioner to make significant operational improvements through organizational modernization and reorganization. Therefore, the conference agreement also includes $25,000,000 for organizational modernization and restructuring of the Internal Revenue Service, the total amount requested by the Administration for that purpose. However, because the restructuring legislation has only recently been enacted and the Commissioner has not yet been able to provide a detailed plan and cost estimate for the restructuring effort, the conferees have included language in the bill which delays these funds for obligation until September 30, 1999.

The conferees have also provided $2,000,000 for low income taxpayer clinics. These funds will be used to award matching grants to develop, expand, or continue qualifying low income taxpayer clinics as authorized in Section 3601 of the Internal Revenue Service Restructuring and Reform Act of 1998.

The conference agreement includes language proposed by the Senate delaying the availability of $105,000,000 for postage costs until September 30, 1999, and language proposed by the Senate stating that funds shall continue to be provided to the United States Postal Service for postage due.

TAXPAYER EDUCATION

The conferees agree that the Internal Revenue Service needs to be more proactive in educating our citizens. Therefore, the conferees believe that the IRS should consider the feasibility of a taxpayer education initiative which encourages IRS employees to visit schools to talk about the history of our tax system as well as taxpayer rights and responsibilities. Further, the conferees believe that the IRS should provide no less than $750,000 to create an educational program, such as the project currently under development at the University of Florida, covering matters of current interest to those involved in administering, advising, teaching, and studying the technical aspects of Federal taxation. Therefore, the conferees request that the IRS provide an analysis of these proposals, and steps they would take to implement these proposals, to the Committees on Appropriations by March 1, 1999.

TAX LAW ENFORCEMENT

The conference agreement appropriates $3,164,189,000 for Tax Law Enforcement as proposed by the House instead of $3,164,399,000 as proposed by the Senate. The conference agreement does not delay the availability of $175,000,000 of the funds appropriated until September 30, 1999, proposed by the Senate.

The budget request included $2,645,000 for customer service initiatives. Funding for these initiatives has been included in the Information Systems account as proposed by the House. The Senate had proposed to fund $210,000 for customer service initiatives in this account.

TAX STANDARDS FOR TAX-EXEMPT HEALTH CLUBS

The conferees are aware that there has been significant growth in health club and fitness services. Intensified competition has developed a market for for-profit and tax-exempt health clubs. With certain tax-exempt organizations moving away from their core purpose, questions arise as to whether they are engaging in commercial competition with the for-profit sector. The conferees understand that the IRS has developed appropriate standards based on broad community accessibility for determining whether fitness activities are substantially related to the charitable mission of community organizations, such as YMCAs, YWCAs, and JCCs, organizations with a variety of programs based on community needs, including health and fitness for people of all ages, incomes, and abilities. Accordingly, changes in the standards that apply to such organizations are not the conferees' concern. Rather, the conferees direct that the IRS review the standards it applies to fitness activities operated by educational and health-care organizations. The conferees further request that the Department of the Treasury report to Congress by April 1, 1999, on the statutory and regulatory changes that may be needed to assure that the health and fitness activities of these organizations substantially further the purposes for which the organization was granted tax exemption and do not constitute unfair competition with private sector, taxable organizations.

TRANSFER PRICING

The conferees are concerned about the Nation's loss of revenue as a result of foreign corporations employing transfer pricing. Transfer pricing, utilized by State Trading Enterprises, reallocates items of income and deduction among entities under common control. Reallocation of the income and deduction results in minimizing the U.S. tax of foreign corporations' U.S. affiliates. Since the foreign parent corporations do not normally do business in the United States, their income is completely free from U.S. tax.

To ensure the Internal Revenue Service is vigorously administering section 482 of the Internal Revenue Code, which empowers the Secretary of the Treasury to distribute, apportion, and allocate items of gross income and deduction between the parent corporations and their U.S. affiliates, the conferees direct the Internal Revenue Service to review and report to Congress, no later than six months after enactment of this Act, on the following issues: IRS's loss of revenue as a result of transfer pricing; detailed information on IRS's administration of section 482 to distribute, apportion, and allocate items of gross income and deduction; and recommendations on how to improve the collection of revenue from trading enterprises.

INFORMATION SYSTEMS

The conference agreement appropriates $1,265,456,000 for Information Systems instead of $1,224,032,000 as proposed by the House and $1,329,486,000 as proposed by the Senate. The amount provided includes $43,939,000 for mandatory cost increases; however, the conferees have agreed not to transfer funding for the TIMIS personnel/payroll system from this appropriation to the Processing, Assistance, and Management account. In addition, the conference agreement includes an increase of $32,900,000 for operational information systems as proposed by the House and the Senate and $68,700,000 for the modernization program infrastructure as proposed by the Senate instead of $34,350,000 as proposed by the House.

The conferees have agreed to include language in the bill which provides that $103,000,000 of the funds appropriated in this account shall only be available for improvements to customer service. This is the full amount requested by the Administration for customer service initiatives within the Internal Revenue Service.

The conferees are aware that additional funds in the amount of $359,000,000 are required in fiscal year 1999 for Year 2000 compliance. Included in that total is: $8,700,000 for the submissions processing investment program, $4,000,000 for compliance research information systems, $33,300,000 for examination laptop computers, $60,700,000 to complete the rollout of the Integrated Collection System, $4,300,000 for the Inventory Delivery System, and $14,000,000 for the Integrated Personnel System.

The conference agreement deletes language proposed by the Senate which delayed the availability of $68,700,000 of the funds appropriated until September 30, 1999.

INFORMATION TECHNOLOGY INVESTMENTS

The conference agreement appropriates $211,000,000 for Information Technology Investments instead of $210,000,000 as proposed by the House and $137,569,000 as proposed by the Senate. These funds are not available for obligation until September 30, 1999. The conference agreement also provides that the funds shall remain available until September 30, 2002, as proposed by the Senate instead of remaining available until expended as proposed by the House.

The conference agreement includes language proposed by the House which specifies the contents of an expenditure plan that the Internal Revenue Service and the Department of the Treasury are required to submit before the funds appropriated may be obligated.

The conferees are concerned that the IRS's efforts to modernize its information systems could divert its attention from the more pressing matter of assuring that all of its existing systems will be Year 2000 compliant. The conferees expect that IRS will continue to view Year 2000 compliance as its highest priority and direct that the IRS not divert any resources from its Year 2000 efforts to the information systems modernization program.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 101. The conference agreement includes a provision proposed by the House and the Senate which allows the transfer of 5 percent of any appropriation made available to the IRS to any other IRS appropriation subject to Congressional approval.

Section 102. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to maintain a training program in taxpayer's rights, dealing courteously with taxpayers, and cross cultural relations.

Section 103. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to maintain taxpayer services at not less than fiscal year 1995 levels.

Section 104. The conference agreement includes a provision proposed by the House and the Senate which prohibits the expenditure of funds for the collection of taxes unless the conduct of officers and employees of the IRS complies with the Fair Debt Collection Practices Act.

Section 105. The conference agreement includes a provision proposed by the House and the Senate which requires the IRS to institute policies and practices which will safeguard the confidentiality of taxpayer information.

Section 106. The conference agreement includes a provision proposed by the House and the Senate which directs that funds shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line telephone assistance.

Section 107. The conference agreement includes a provision proposed by the Senate which provides that no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction in the number of criminal investigators in Wisconsin and South Dakota from the 1996 level.

The conference agreement deletes a Sense of the Senate provision regarding the use of random selection of returns for examination by the Internal Revenue Service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $600,302,000 instead of $594,657,000 as proposed by the House and $584,902,000 as proposed by the Senate. This includes an additional $18,000,000 for the costs of protective travel. The conferees agree that $1,623,000 required for fixed site security will be included in the Acquisition, Construction, Improvement, and Related Expenses account, as proposed by the Senate. The conferees also agree that the limitation for new vehicle purchases shall be 739, as proposed by the House, rather than 705, as proposed by the Senate. The conferees direct the Under Secretary for Enforcement to exercise strong oversight over any purchases of new vehicles in keeping with Department-wide efforts (addressed under Departmental Offices, above) to manage the use, allocation and acquisition of law enforcement vehicles. The conferees agree that $5,000,000 shall not be available for obligation until September 30, 1999.

The conferees are aware that additional funds in the amount of $3,000,000 are required in fiscal year 1999 for Year 2000 compliance.

PROTECTIVE TRAVEL

The conferees continue to be concerned about shortfalls in the United States Secret Service protective travel activity. Therefore the conferees direct the Service to develop an accurate financial plan for predicting protective travel needs, and report regularly to the Committees on Appropriations on their progress. As part of the financial plan the conferees expect the funds for this activity will be apportioned separately. The Service should consult with the Office of Management and Budget about the level of detail required in the financial plan. The conferees agree to provide additional funding of $18,000,000 for protective travel, which is made available for two fiscal years.

ARMORED PRIMARY LIMOUSINES

The conferees understand the need to provide the President of the United States safe and secure ground transportation both locally and around the world. The conferees are, however, concerned with the Secret Service's projected cost to acquire primary limousines for this purpose. As a result, the conferees direct the Secret Service to report to the Committees on Appropriations on the major differences and costs between the proposed project and armored vehicles previously acquired by the Service prior to the obligation of funds for this project.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $8,068,000 as proposed by the Senate, instead of $6,445,000 as proposed by the House, which includes $1,623,000 for fixed site security.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

Section 110. The conference agreement includes a provision which requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities from unobligated balances available on September 30, 1999, as proposed by the Senate instead of September 30, 1998, as proposed by the House.

Section 111. The conference agreement includes a provision proposed by the House and the Senate which allows the Department of the Treasury to purchase uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the State Department for health and medical services for Treasury employees in overseas locations.

Section 112. The conference agreement includes a provision proposed by the House and the Senate which requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Administration Act.

Section 113. The conference agreement includes a provision proposed by the House and the Senate which authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114. The conference agreement includes a provision proposed by the House and the Senate which authorizes transfers, up to 2 percent, between the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt appropriations under certain circumstances.

Section 115. The conference agreement includes a provision proposed by the Senate which amends 18 U.S.C. 921(a) by broadening the definition of explosives and redefining the term ''antique firearm.''

Section 116. The conference agreement includes a provision regarding the purchase of law enforcement vehicles.

Section 117. The conferees have agreed to the provision contained in Section 117 of the Senate bill regarding the execution of property upon judgements against foreign state violators of international law. The conferees have included additional language giving the President the authority to waive the requirements of this provision in the interest of national security.

ELECTRONIC FILING

The conferees have agreed to delete language requested by the Administration and contained in Section 115 of the House and Senate bills regarding the electronic filing of tax returns since this matter has been addressed in a comprehensive fashion in the Internal Revenue Service Restructuring and Reform Act of 1998. In undertaking any electronic tax administration programs, the conferees expect the Internal Revenue Service to assure the security of all electronic transmissions and provide for the full protection of the privacy of taxpayer data.

CURRENCY PAPER

The House and Senate passed bills each contained a provision (Section 116 of both bills) regarding the acquisition of currency paper by the Bureau of Engraving and Printing. The conferees have agreed to include no language in the bill regarding this issue. The conferees are aware of attempts made by the Bureau of Engraving and Printing (BEP) to address concerns regarding the need to make it easier for all United States paper companies to compete for currency paper contracts. However, the conferees expect the BEP to continue to enhance the process for procuring currency paper to the extent permitted under Federal law. In carrying out its currency paper procurement responsibilities, the conferees expect BEP to secure the best overall value for the government, giving equal consideration to all cost factors. Based on the General Accounting Office's (GAO) inability to reach any concrete conclusions with respect to competition and pricing, the conferees understand this issue is very complicated and, therefore, direct the Department of the Treasury and the Bureau of Engraving and Printing to report to the Committees on Appropriations how they plan to address GAO's recommendations to the Secretary of the Treasury. Further, it is the conferees' understanding that the authorizing committees in both the House and Senate will closely examine the GAO report, hold hearings on this matter, and develop legislation, if necessary, to ensure that the Federal government will have adequate competition and fair pricing.

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

The conferees agree to provide $71,195,000 as proposed by the House and the Senate. The conferees defer the obligation of these funds until October 1, 1999, as proposed by the Senate.

NON-POSTAL COMMERCIAL ACTIVITIES

The conferees are aware that the Postal Service is initiating a wide range of new commercial activities. These activities include, but are not limited to, volume retail photocopying, packaging services, bankwire services, the sale of office supplies and novelty items, and new e-commerce or Internet related technologies.

The conferees recognize the Postal Service's need to generate new sources of revenue to offset its operating costs. However, many of the Postal Service's new commercial activities may result in unfair competition with a number of private sector enterprises, thus raising significant policy issues about the Postal Service's present and future commercial role.

Therefore, the conferees request the Postal Service submit, within 6 months of enactment of this Act, a report on its ongoing and planned commercial services, including policy justifications, the costs of development and implementation, revenues earned, and revenues lost. As part of the report, the conferees are interested in packaging services (''Pack and Send'') and specifically direct the Postal Service to describe how packaging services will meet ''customer demand'' in all geographic regions, especially rural areas, before such service is initiated. The conferees believe these issues deserve consideration by the authorizing committees.

AVONDALE-GOODYEAR, ARIZONA

The conferees urge the Postal Service, before awarding any contract to purchase or lease property for the Main Post Office in Avondale-Goodyear, Arizona, to do an analysis of the population presently in this area to be used in assisting the Postal Service in making a selection which will be most accessible for the current and future population of the area. The Postal Service shall report to the Committees prior to awarding any contract for sale or lease, but in no event later than October 14, 1998.

GILPIN COUNTY, COLORADO

The conferees urge the Postal Service to seriously consider providing a separate ZIP Code for Gilpin County, Colorado.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

The conferees agree to provide $52,344,000 for White House Office Salaries and Expenses, as proposed by the House and the Senate. The conferees provide $10,100,000 for reimbursements to the White House Communications Agency as a specific line item, as proposed by the House.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

The conferees provide $8,061,000, as proposed by the House instead of $8,691,000, as proposed by the Senate and prohibit the use of these funds for domestic staff overtime. As a separate provision, the conferees include $630,000 for domestic staff overtime and make these funds available upon the Comptroller General notifying the Committees that the Executive Office of the President (EOP) has received, reviewed and commented on the draft report of the General Accounting Office (GAO) with respect to Executive Residence operations and that the GAO is in receipt of the EOP's comments.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

The conferees agree to provide $28,350,000 for the Office of Administration as proposed by the House instead of $29,140,000 as proposed by the Senate.

The conferees are aware that additional funds of $12,200,000 for Year 2000 compliance within the Executive Office of the President are required for fiscal year 1999.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The conferees agree to provide $60,617,000 for the Office of Management and Budget as proposed by the Senate instead of $59,017,000 as proposed by the House. The conferees agree to delete the earmark and the fence on the use of funds for the Office of Information and Regulatory Affairs, as proposed by the Senate, and include two provisos regarding the review of transcripts of the Committees on Veterans' Affairs and agricultural marketing orders, as proposed by the House. The conferees have included new language to amend Section .36 of OMB Circular A–110 to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act.

Including technical modifications, the conferees agree to include bill language requiring OMB to report on government wide paperwork reduction and the implementation of the Congressional Review Act, as proposed by the Senate.

PERFORMANCE OF STATUTORY RESPONSIBILITIES

The conferees have agreed to delete the earmark of $5,229,000 for the Office of Information and Regulatory Affairs (OIRA) and a fence of $1,200,000 for OIRA. The conferees have been assured that OMB will strictly adhere to the statutory requirements included in the bill on Paperwork Reduction and the Congressional Review Act. The conferees will monitor OMB's compliance with these requirements carefully.

FEDERAL EMPLOYEES' PAY COMPARABILITY ACT

The conferees question the validity of the Administration's use of the ''serious economic conditions'' exception in the Federal Employees' Pay Comparability Act (FEPCA) to put forth an alternative pay plan for 1999. Press reports have indicated that members of the Administration may have concerns regarding the pay setting methodology established by FEPCA. In an effort to see that FEPCA is either fully implemented or perfected, the conferees direct the President's Pay Agent to provide the Committees with any pay setting methodology concerns it has with regard to FEPCA by May 1, 1999.

CENTURY DATE CONVERSION

The conferees remain concerned that with little more than a year to go before the new millennium, many critical government information systems are still in jeopardy of not meeting the January 1, 2000, deadline for date conversion. The conferees further believe that the Administration has failed to adequately champion the Y2K issue, not only to its own departments, but has also not provided the critical national leadership and coordination to our local, state and international partners in both the public and private sectors. Information systems experts have reported that the Y2K fix is rooted in management and oversight, not in the lack of technology available to address the problem. Unfortunately, valuable time has been lost waiting for management to embrace the magnitude and consequences of this issue. Only recently, has organizational management finally recognized the potential for shut down of critical information systems associated with entitlement payments, revenue collection, air traffic control, defense systems, telecommunications, mass transit, supply inventories, elevator function, medical equipment, to mention a few. Many agencies at all levels of government still do not have a complete grasp of the problem and are now at the greatest risk for systems failure.

The conferees direct the Administration to focus all of its attention and resources on the management and oversight of the most critical date sensitive information and infrastructure systems, prioritizing systems renovations, repair and replacement to those that can meet the January 1, 2000, deadline. The conferees further direct the Administration to accelerate the development of contingency plans for those critical systems that cannot meet the Y2K deadline, in order to maintain functional systems operations, until patent date conversion repairs can be completed.

The conferees strongly encourage the new Y2K Czar to take a high profile national leadership position, to aggressively promote century date change awareness for both information technology systems and sensitive infrastructure applications. The Y2K Czar should monitor, coordinate and provide oversight over the progress of all government-wide century date change conversion initiatives, with the primary goal of maintaining critical systems operations into the new millennium. Finally, the Y2K Czar should have Administration standing to directly access and take control of any critical agency system that is in jeopardy of not meeting the January 1, 2000, deadline because of ineffective management action.

OMB is directed to include in its quarterly Y2K report submissions an assessment of those critical information systems that will not meet the Y2K deadline and the problems that can be anticipated. In addition, the report should include the status of operational contingency plans for those systems identified as being in jeopardy.

VIOLENT CRIME REDUCTION PROGRAMS

The conferees expect the President's budget submissions for the Department of the Treasury's funding from the Violent Crime Reduction Trust Fund be reflected for the Department as a whole and not separately within each bureau's request.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

The conferees agree to provide $48,042,000 for the Office of National Drug Control Policy (ONDCP) as proposed by the Senate, instead of $36,442,000 as proposed by the House. This includes $13,000,000 to continue the technology transfer pilot program managed by the Counterdrug Technology Assessment Center (CTAC). It also includes $17,942,000 for ONDCP operations, as proposed by the Senate, $16,000,000 for the basic CTAC program, and $1,100,000 for policy research of which $100,000 is to be used for evaluating the Drug-Free Communities Act, as proposed by the Senate. The conferees agree to modify language governing the authority of ONDCP to accept and use gifts.

The conference agreement separately funds $1,000,000 for Model State Drug Law Conferences through the Violent Crime Reduction Trust Fund.

ONDCP STAFFING

The conferees are concerned about requests by ONDCP to reprogram monies from the Salaries and Expenses account to fund other initiatives. The conferees in the past have fully supported and funded the full time equivalent staffing level requested by ONDCP and are concerned that ONDCP is not filling those vacancies but is instead requesting to use those funds for other purposes. The conferees believe that ONDCP needs to maintain its staffing at the authorized level in order to maximize the agency's effectiveness. The conferees therefore direct ONDCP to review its staffing requirements and report back to the Committees on Appropriations by December 15, 1998, on the steps it is taking to fill the vacancies or, if not, what changes it is making in its staffing plan.

PERFORMANCE MEASURES OF EFFECTIVENESS

The conferees strongly urge ONDCP to work within the Administration to ensure that the Performance Measures of Effectiveness (PMEs) it developed are embraced and employed by all federal agencies for future budgetary and planning work. The conferees direct ONDCP to apply the same standard to its own internal management and organization, and to include such measures with each new budget submission.

RESEARCH AND ANALYSIS INITIATIVES

The conferees recognize that ONDCP has proposed some initiatives for research that, owing to lack of resources, cannot be funded in this appropriation. Nonetheless, the conferees strongly urge ONDCP to continue to press through its interagency leadership to coordinate research in such areas as improving R&D coordination, developing a government-wide intelligence architecture, and mapping out drug trafficking flows.

PROTECTIVE SECURITY ASSESSMENT

The conferees have included a new general provision, Section 643, as proposed by the Senate which directs the U.S. Marshals Service to conduct a threat assessment on the Director of the Office of National Drug Control Policy on a quarterly basis. The level of security is to be provided to ONDCP on a reimbursable basis by the U.S. Marshals Service and will be based on this quarterly threat assessment.

RURAL DRUG CONFERENCES

The conferees are concerned about the spread of drugs and drug-related crimes to rural areas and whether or not rural law enforcement can sufficiently address these new trends. Therefore, the conferees encourage the Director to consider convening a national conference on rural drug crime, to include regional conferences in rural areas, such as Luna County, NM, and similar counties in Colorado, in order to assess the needs of rural law enforcement and the impact that drug-related crimes have on rural communities as they cope with these issues.

The conferees believe that ONDCP can combine its knowledge and experience working with larger communities in this area and translate effective drug fighting practices to rural law enforcement, while taking into consideration their unique needs. Should ONDCP convene this event, the conference is requested to report to the Committees on Appropriations and the Director of ONDCP on its findings.

SHOUT

The conferees have provided $50,000 to continue the work of SHOUT, an outreach organization that works with minors, as defined by 21 CFR 897.14. This early intervention program focuses on shaping the attitudes of minors in order to discourage the use of illegal substances.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

The conferees expect the multiagency research and development programs to be coordinated by the Counterdrug Technology Assessment Center (CTAC) in order to prevent duplication of effort and to assure that, whenever possible, those efforts provide capabilities that transcend the need of any single Federal agency. Prior to obligation of these funds, the conferees expect to be notified by the chief scientist on how these funds will be spent. The conferees also expect to receive periodic reports from the chief scientist on the priority counterdrug enforcement research and development requirements identified by the Center and on the status of projects funded by CTAC.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

The conferees provide $182,477,000, instead of $162,007,000 as proposed by the House and $183,977,000 as proposed by the Senate. The conferees agree to fund all existing High Intensity Drug Trafficking Areas (HIDTAs) at the fiscal year 1998 level. This funding level shall be based on direct fiscal year 1998 appropriations for HIDTAs contained in the HIDTA and Violent Crime Reduction Trust Fund accounts. The conferees also agree that not less than fifty-one percent of this amount shall be transferred to State and local entities for drug control activities.

Within the amount appropriated, the conferees include $20,477,000 to supplement or expand existing HIDTAs, or provide for the creation of new HIDTAs. The conferees have been informed that unmet needs for funding exist in: the Arizona HIDTA for completion of an intelligence center and unmet programmatic needs for methamphetamine and border initiatives; the New Mexico HIDTA for unmet programmatic needs; the Southwest HIDTA for its wiretapping initiative; the Cascade HIDTA for unmet programmatic needs; the expansion of the Midwest HIDTA to include the State of North Dakota; the Rocky Mountain HIDTA for expansion of its methamphetamine initiative; the Chicago HIDTA for unmet programmatic needs; and the Central Florida HIDTA for unmet programmatic needs. Additionally, the conferees are aware of interest in the designation of new HIDTAs in the New England states, East Texas, Ohio, and Hawaii.

While the conferees are obviously supportive of the HIDTA program, it is critical to the continued support and the health of all HIDTAs and the program in general that decisions about funding be founded on clear, concrete measures of performance. The conferees also believe that ONDCP must have the flexibility to allocate resources to those HIDTAs that will have the greatest impact on our drug problems. In making these decisions, ONDCP must focus on the performance of HIDTAs, existing or proposed, and their significant impact on drug trafficking, use, and associated crime. This means that ONDCP must assess which HIDTAs are the top performers and document the factors it uses to make this determination. At the same time, ONDCP must determine where the impact will be greatest based on the combined effect of HIDTA performance and the nature and severity of drug problems that exist in the areas where HIDTAs currently operate or are proposed—whether measured by use, associated crime, or volume of trafficking in drugs or money. The conferees therefore direct ONDCP to submit its fiscal year 2000 budget for HIDTAs based on applying both ONDCP's own performance measures of effectiveness and the priorities dictated by changing threats.

SPECIAL FORFEITURE FUND

The conferees agree to provide $214,500,000, instead of $215,000,000 as proposed by the House and $200,000,000 as proposed by the Senate. This includes $185,000,000 for the youth media campaign, $20,000,000 for implementation of the Drug-Free Community Act, $5,000,000 for the chronic users study, and $4,500,000 for a transfer to the Agricultural Research Service for anti-drug research and related matters.

YOUTH MEDIA CAMPAIGN

The conferees recommend a funding level of $185,000,000 for the National Media Campaign. In fiscal year 1998, ONDCP proposed a 5-year media campaign at a total cost to the Federal government of $875,000,000. The initial request was based on a $175,000,000 annual funding level for five years of the program. The conferees continue to be fully supportive of this program and believe that this national media campaign, if properly executed, has the potential to produce concrete results. The conferees look forward to working with ONDCP on this effort to produce demonstrable results as the campaign matures.

The conferees have included new language calling for ONDCP to report on its efforts to achieve corporate sponsorship beyond the matching requirement for participation in the media campaign; clarifies the pro bono requirement; and limits the possible use of funding for creative development efforts. The conferees agree that 75% of the funds will become available when ONDCP submits to the Committees the results of Phase I of the campaign and the remainder will become available when ONDCP submits the results of Phase II.

The Committees will closely track this national media campaign, and its contribution to achieving a drug-free America. Therefore, the conferees direct ONDCP to submit quarterly reports on the obligation of funds as well as the specific parameters of the pilot campaign. The conferees anticipate that future funding will be based upon results. ONDCP is directed to report to the Committees on Appropriations by January 15, 1999 on the effectiveness of the national media campaign. In addition, ONDCP is to report to the Committees within 6 months of enactment of this Act on State and local prevention and treatment facilities infrastructure and their capacity to handle the increased demands of communities as a result of the national media campaign. ONDCP is to continue to report on the effectiveness and implementation status of the guidelines set out in the fiscal year 1998 appropriations bill.

The conferees direct the General Accounting Office to conduct a financial audit and review of the financial transactions relating to the media campaign. The conferees request that the scope of the review include how monies have been obligated and the effectiveness of the campaign and report to the Committees on Appropriations. As part of this review, GAO shall determine the definition, acquisition, and utilization of matching contributions sought by ONDCP relating to the media campaign. In addition, the conferees direct GAO to review Phase I, the 12 city test pilot, and report its findings to the Committees. This review is to examine the development of the test market plan for Phase I, determine the viability of extrapolating Phase I results to the national level, and determine the success of Phase I in the 12 city pilot.

CHRONIC USERS STUDY

The Administration's budget estimate includes a request of $10,000,000 to expand a preliminary user study conducted in Cook County, IL. The Cook County study developed a methodology for estimating the number of hardcore drug users in the United States. Accurately identifying this population is important since they consume a massive amount of the drugs available in the United States, create a large proportion of the demand for illegal drug markets, and are responsible for a great deal of criminal activity. The accurate identification of this population will provide communities a base for estimating the type and number of drug treatment and prevention programs required.

The conferees congratulate ONDCP on conducting this study and continue to support this effort. The conferees provide $5,000,000 to expand the study to regional areas. Although this is less than the request, the conferees understand that ONDCP may be able to use this level of funding to complete a study that can serve as an accurate basis for a national estimate of the size and location of chronic user populations. The conferees encourage ONDCP to work with the Department of Health and Human Services to identify additional funding sources, if necessary and available, and encourage ONDCP to promote utilization of the Cook County study that contributes to reductions in the population of hardcore drug users.

UNANTICIPATED NEEDS

The conferees agree to provide $1,000,000 as requested by the Administration for unanticipated needs.

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

The conferees have not included language contained in the Senate bill to provide $3,250,000,000 in contingent emergency funding for Year 2000 computer conversion costs. On September 2, 1998, the President transmitted to Congress a request for this level of funding in fiscal year 1998. The conferees expect that this issue will be resolved as part of a supplemental appropriation.

TITLE IV—INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

The conferees agree to provide $36,500,000 as proposed by the House and the Senate. This level of funding will support a base appropriation of $32,580,000, an additional $2,800,000 for enhanced enforcement efforts, as proposed by the House and Senate, and an additional $1,120,000 for other initiatives, as proposed by the House. The conferees fence $1,120,000, pending the submission of a plan for the obligation of these funds and provide that not less than $4,402,500 shall be available for internal automated data processing systems. The conferees strongly recommend that the FEC target the additional $1,120,000 in fenced appropriations to the improvement of enforcement procedures and preventing the unnecessary dismissal of appropriate enforcement actions; the conferees specifically recommend that FEC expedite automated data processing improvements as they relate to enforcement. The conferees assume that

full time employment will not exceed 347 FTE in fiscal year 1999.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The conference agreement provides $5,605,018,000 in new obligational authority for the General Services Administration's Federal Buildings Fund instead of $5,624,128,000 as proposed by the House and $5,648,680,000 as proposed by the Senate. In order to provide the resources necessary to carry out that program, the conferees have recommended an appropriation of $450,018,000 into the Fund instead of $479,300,000 as proposed by the House and $508,752,000 as proposed by the Senate.

The conferees have provided $492,190,000 for the construction and acquisition of new projects instead of $527,100,000 as proposed by the House and $538,652,000 as proposed by the Senate. The conferees have included funding for the following projects:

Arkansas: Little Rock, U.S. Courthouse	$3,436,000
California:	
San Diego, U.S. Courthouse	15,400,000
San Jose, U.S. Courthouse	10,800,000
Colorado: Denver, U.S. Courthouse	83,959,000
District of Columbia: Southeast Federal Center Remediation	10,000,000
Florida:	
Jacksonville, U.S. Courthouse	86,010,000
Orlando, U.S. Courthouse	1,930,000
Massachusetts: Springfield, U.S. Courthouse	5,563,000
Michigan: Sault Sainte Marie, Border Station	572,000
Mississippi: Biloxi-Gulfport, U.S. Courthouse	7,543,000
Missouri: Cape Girardeau, U.S. Courthouse	2,196,000
Montana: Babb, Piegan Border Station	6,165,000
New York:	
Brooklyn, U.S. Courthouse	152,626,000
New York, U.S. Mission to the United Nations	3,163,000
Oregon: Eugene, U.S. Courthouse	7,190,000
Tennessee: Greenville, U.S. Courthouse	28,229,000
Texas: Laredo, U.S. Courthouse	28,105,000
West Virginia: Wheeling, U.S. Courthouse	29,303,000
Nationwide: Non-prospectus construction projects	10,000,000

The conferees have not provided funds for the Savannah, Georgia, U.S. Courthouse Annex project. The conferees are aware that at a recent meeting to consider the authorization of new courthouse construction projects, the Public Buildings and Economic Development Subcommittee of the House Committee on Transportation and Infrastructure deferred action on this project pending further review. The conferees further understand that that action was taken primarily because of the significant increase in estimated project cost that has occurred since the approval of funds for site acquisition and design, even though the size of the building has been reduced. The conferees share those concerns and, have, therefore, elected to defer funding for the project pending resolution of the issues that have been raised by the authorizing committee.

The conferees recognize the efforts of the General Services Administration and the Judiciary to reduce the cost of courthouse construction and encourage the continuation of these efforts. The conferees are pleased that the Administrative Office of the U.S. Courts' recent draft utilization study answers some questions about the utilization rates of existing and proposed courthouses. The conferees are aware of the Judiciary's needs to have court space available to conduct business and understand their position that a courtroom's existence may result in moving a case to settlement. However, the conferees continue to be concerned that the courts are not fully examining information that is key to the development of a utilization planning model. As a result, the conferees request the Administrative Office of the U.S. Courts to revise the utilization study to include the assumptions used to develop the planning model. Additionally, the conferees direct the General Services Administration to provide the utilization rates of existing and proposed courtrooms with any request for new construction, replacement, or expansion of court space.

The conference agreement includes language proposed by the Senate authorizing the General Services Administration to reacquire the parcel of land on Block 111, East Denver, Denver, Colorado, which was sold at public auction by the Federal government to the present owner of the property.

The conference agreement includes language proposed by the Senate which provides that funds provided in fiscal year 1993 for the Hilo, Hawaii, federal building shall be expended for the planning and design of the Mauna Kea Astronomy Educational Center.

The conference agreement deletes language proposed by the Senate regarding funding for the design of the Department of Transportation headquarters building and landing rights at Denver International Airport.

The conference agreement includes language included in the House reported bill which provides that of the funds provided for non-prospectus construction projects, $2,100,000 shall be available for acquisition, lease, construction, and equipping of flexiplace telecommuting centers.

The conferees have also agreed to include language in the bill permitting the General Services Administration to purchase, at the appropriate price, real estate essential to meet security interests related to the successful completion of the new courthouse in Scranton, Pennsylvania.

The conferees have provided $668,031,000 for repairs and alterations as proposed by the Senate instead of $655,031,000 as proposed by the House. The conference agreement provides that $161,500,000 of the funds shall not be available for obligation until September 30, 1999, instead of $19,000,000 as proposed by the House and $323,800,000 as proposed by the Senate.

The amount provided includes $25,000,000 for the chlorofluorocarbons program and $25,000,000 for the energy program as proposed by the Senate instead of $18,500,000 for each program as proposed by the House.

The conferees have agreed to list in the bill the amounts provided for each of the projects and activities to be undertaken under Repairs and Alterations as proposed by the Senate. Accordingly, there is no need for GSA to submit the plan for program execution called for in the House report.

The conference agreement includes the language contained in the Senate bill regarding the use of funds for security improvements.

The conference agreement includes language proposed by the House which provides that funds provided in Public Law 103–329 for the IRS Service Center in Holtsville, New York, shall remain available until September 30, 1999.

The conference agreement includes language proposed by the Senate which: provides that $100,000 shall be used to address lighting issues at the Byrne-Green Federal Courthouse in Philadelphia, Pennsylvania; provides that $1,600,000 shall be used to complete alterations at the Milwaukee, Wisconsin, Courthouse; and provides that $1,100,000 may be used to provide a new fence for the Suitland Federal Complex in Suitland, Maryland.

The conferees have provided $215,764,000 for installment acquisition payments as proposed by the House and the Senate.

The conferees have provided $2,583,261,000 for rental of space as proposed by the Senate instead of $2,580,461,000 as proposed by the House. The conference agreement provides that $15,000,000 of the funds provided shall not be available for obligation until September 30, 1999, instead of $51,667,000 as proposed by the Senate.

The conferees have provided $1,554,772,000 for building operations as proposed by the House and the Senate. The conference agreement provides that $68,000,000 of the funds provided shall not be available for obligation until September 30, 1999, instead of $223,000,000 as proposed by the House and $31,095,000 as proposed by the Senate.

The conference agreement provides that $475,000 shall be available for the 1999 Women's World Cup soccer event and that $600,000 shall be available for the 1999 World Alpine Ski Championships.

PUBLIC SERVICE RECOGNITION WEEK

The conferees recognize that Public Service Recognition Week, a program of the Public Employees Roundtable, has educated America about the value of the career workforce which carries out the daily operations of government. This program, which has existed for over ten years, plays an important role in educating our nation's youth and providing them with timely information about their government. The conferees urge the General Services Administration to support the mission of the Public Employees Roundtable and provide administrative and logistical assistance equaling $100,000 for carrying out its Public Service Recognition Week activities.

LOS ANGELES, CALIFORNIA, CIVIC CENTER TRUST

The conferees are aware that the U.S. Courthouse in Los Angeles, California, will be serving as the cornerstone for an economic revitalization of the Civic Center neighborhood, where currently more than 50 public and private projects are in various stages of development. The Los Angeles City Civic Center Trust, established by Project Restore, a nonprofit organization, will facilitate and coordinate this revitalization. The conferees urge the General Services Administration to continue its current work and support the mission of the Los Angeles Civic Center Trust by providing planning, administrative, and logistical support for its activities.

RONALD REAGAN COURTHOUSE—SANTA ANA, CALIFORNIA

The conferees understand that none of the artwork acquired for the Ronald Reagan Courthouse in Santa Ana, California, recognizes President Ronald Reagan. The conferees urge the General Services Administration to acquire and display artwork that appropriately commemorates President Reagan. Further, the conferees urge the General Services Administration to work with the Ronald Reagan Presidential Library and Museum to determine the feasibility of maintaining a rotating exhibit at the Ronald Reagan Courthouse.

PRESIDENT HARRY S TRUMAN

The conferees note that there is no major recognition of President Harry S Truman in

the Nation's Capital. The conferees request that the General Services Administration review such proposals as may exist and report to the Committees on Appropriations no later than June 1, 1999.

POLICY AND OPERATIONS

The conference agreement appropriates $109,594,000 for Policy and Operations instead of $108,494,000 as proposed by the House and $106,494,000 as proposed by the Senate. The conferees direct that $2,000,000 be provided for the pilot project in digital learning technologies as described in the House report and that $1,000,000 be used to initiate a digital education project.

The conferees have also included language in the bill that provides that $100,000 of the funds appropriated shall be provided to the Property Disposal activity of this account. This amount represents the estimated fair market value of the property to be conveyed to the City of Racine, Wisconsin, as described in section 409 of the bill.

The conferees have modified language proposed by the Senate regarding the Old Post Office at 1100 Pennsylvania Avenue in Washington, D.C., to make the language applicable only for fiscal year 1999 and to require that the comprehensive plan for use of the property also be approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure.

SURPLUS EQUIPMENT TO SCHOOLS AND EDUCATIONAL INSTITUTIONS

The conferees urge the General Services Administration, in line with its responsibilities for the disposal of excess and surplus Federal personal property, to promote and foster the transfer of excess and surplus computer equipment directly to schools and to appropriate nonprofit, community-based educational organizations. The GSA should communicate with other Federal agencies to heighten their ongoing awareness of the existing opportunities at both the national and local levels to meet the needs of the schools for such equipment.

All Federal agencies are required, to the extent permitted by law and after determining that the equipment is excess to their needs, to give highest preference to schools and nonprofit organizations in the transfer of educationally useful Federal computer equipment. Agencies are required to inventory all computer equipment and identify in their inventories their excess and surplus equipment. Federal agencies are also required to report to GSA the transfer of any personal property, including computer equipment, made to nongovernmental entities such as schools.

The conferees commend GSA and the Office of Science and Technology Policy (OSTP) for the progress that has been made simplifying and improving the Federal Surplus Computer Donation Program. One remaining hurdle for schools interested in participating in the program is the lack of operating systems on many donated computers. The conferees urge GSA and OSTP to work together with operating system providers to develop a partnership with those providers similar to the partnership that has already been formed with van lines to assist in transporting donated computers. The goal of this partnership would be to provide operating systems to schools which receive computers through the donation program.

FEDERAL OFFICE BUILDING IN COLORADO SPRINGS, COLORADO

The Federal building located at 1520 Wilamette Ave. in Colorado Springs, Colorado, is owned by GSA and is currently leased to the U.S. Air Force Space Command. It is the conferees' understanding that Space Command is moving ahead with options to vacate the facility. In the event that Space Command does not renew its lease and the facility becomes vacant and is deemed surplus, the conferees urge GSA to strongly consider the U.S. Olympic Committee's (USOC) need for additional space and to give priority to the USOC's request to gain title or acquire the property.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

Section 401. The conference agreement includes a provision proposed by the Senate which provides that accounts available to GSA shall be credited with certain funds received from government corporations. The provision was also included in the House reported bill.

Section 402. The conference agreement includes a provision proposed by the Senate which provides that funds available to GSA shall be available for the hire of passenger motor vehicles. The provision was also included in the House reported bill.

Section 403. The conference agreement includes a provision proposed by the Senate which authorizes GSA to transfer funds within the Federal Buildings Fund to meet program requirements. A similar provision was included in the House reported bill.

Section 404. The conference agreement includes a provision proposed by the Senate which prohibits the use of funds to submit a fiscal year 2000 budget request for courthouse construction projects that do not meet design guide criteria, do not reflect the priorities of the Judicial Conference of the United States, and are not accompanied by a standardized courtroom utilization study. A similar provision was included in the House reported bill.

Section 405. The conference agreement includes a provision proposed by the Senate which provides that no funds may be used to increase the amount of occupiable square feet or provide cleaning services, security enhancements, or any other service usually provided, to any agency which does not pay the requested rental rates. The provision was also included in the House reported bill.

Section 406. The conference agreement includes a provision proposed by the Senate which provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund. The provision was also included in the House reported bill.

Section 407. The conference agreement includes a provision proposed by the Senate which permits GSA to pay claims of up to $250,000 arising from construction projects and the acquisition of buildings. The provision was also included in the House reported bill.

Section 408. The conference agreement includes a provision proposed by the Senate providing $5,000,000 for the demolition, cleanup, and conveyance of the property at block 35, and lot 2 of block 36 in Anchorage, Alaska. The House bill contained no similar provision.

Section 409. The conference agreement includes a provision proposed by the Senate authorizing GSA to convey the property which contains the U.S. Army Reserve Center in Racine, Wisconsin, to the City of Racine. The Senate language has been amended by deleting the phrase ''without consideration.'' The House reported bill contained a similar provision.

Section 410. The conference agreement includes language proposed by the Senate directing the General Services Administration to enter into an operating lease to acquire space for the Department of Transportation headquarters. The House bill contained no similar provision.

Section 411. The conference agreement includes a provision proposed by the House regarding the fees charged by GSA for the use of telecommuting centers by Federal agencies. The Senate bill contained no similar provision.

Section 412. The conference agreement includes a provision proposed by the Senate authorizing GSA to transfer property in Dade County, Florida, to the University of Miami. The Senate language has been amended to allow a land exchange. The House reported bill contained a similar provision.

Section 413. The conference agreement includes a provision directing GSA to reincorporate the elements of the original proposed design for the facade of the United States Courthouse project in London, Kentucky, into the revised design of the building. This will ensure that the construction of the new courthouse is compatible with the architectural character of the historic existing U.S. courthouse. The construction of the project should in no way be diminished in order to achieve this goal. This provision was included in the House reported bill.

The conference agreement deletes language contained in section 411 of the Senate bill which appropriates $14,105,000 for costs associated with the security of the Capitol complex. The conferees recognize the importance of Capitol security and have consulted with and deferred to the jurisdiction of the Legislative Branch Appropriations Subcommittee to coordinate those requirements.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

The conference agreement appropriates $4,250,000 for capitalization of the Environmental Dispute Resolution Fund and operation of the United States Institute for Environmental Conflict Resolution as proposed by the House. The Senate did not include funds for this activity.

MERIT SYSTEMS PROTECTION BOARD

The conferees understand that an agreement has been reached between MSPB and its administrative judges regarding the establishment of a special pay classification for the administrative judges. The conferees are encouraged by this progress and urge MSPB to work with the proper House and Senate authorizing committees and the Office of Management and Budget so this agreement can be addressed in the fiscal year 2000 budget submission and through appropriate legislative action.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

The conference agreement appropriates $224,614,000 for operating expenses of the National Archives and Records Administration instead of $216,753,000 as proposed by the House and $221,030,000 as proposed by the Senate. The conferees have included language delaying the availability of $7,861,000 of the funds appropriated until September 30, 1999, instead of $4,277,000 as proposed by the Senate.

The conferees are aware that additional funds in the amount of $5,411,000 are required in fiscal year 1999 for Year 2000 compliance.

NATIONAL PERSONNEL RECORDS CENTER

The conferees are aware that in many instances veterans are experiencing significant delays, often as long as six months, when attempting to gain access to records they need to obtain medical assistance or other benefits from the National Personnel Records Center in St. Louis, Missouri. The conferees believe that this is unacceptable. The conferees are also aware that the National Archives and Records Administration (NARA)

has initiated a business process re-engineering project at the center to address concerns about the timeliness of responses to veterans' requests. The implementation of this project will take about five years at a total cost of approximately $6,000,000. The goal of the program is to achieve case cycle time of 10 days or less. For fiscal year 1999, the NARA will be conducting a pilot test of the business process re-engineering program to validate the processes and methods that have been recommended. The conferees have been informed by NARA that this pilot test can be funded from within existing resources. The conferees further understand that the Archives plans to begin implementation of this program in fiscal year 2000. The conferees are very supportive of this extremely important effort and expect NARA to request the funds it needs to begin implementation of the program in the fiscal year 2000 budget.

REPAIRS AND RESTORATION

The conference agreement appropriates $11,325,000 for repairs and restoration of Archives facilities as proposed by the Senate instead of $10,450,000 as proposed by the House. The conferees have not included language proposed by the Senate delaying the availability of $2,000,000 of the funds until September 30, 1999.

The conference agreement includes language proposed by the Senate providing $875,000 for a requirements study and design of a facility in Anchorage, Alaska.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

The conference agreement appropriates $10,000,000 for the Grants Program of the National Historical Publications and Records Commission instead of $6,000,000 as proposed by the House and $11,000,000 as proposed by the Senate.

The conferees have included language delaying the availability of $4,000,000 of the funds until September 30, 1999, instead of $5,500,000 as proposed by the Senate.

The conferees have agreed to provide $4,000,000 for a grant to the Center for Jewish History instead of $5,000,000 as proposed by the Senate. The conferees note, however, that a single grant of this size is far beyond the scope of activities normally undertaken by the National Historical Publications and Records Commission. For example, the Commission expects to fund, in whole or in part, 103 proposals with the $5,500,000 provided in fiscal year 1998. Therefore, the conferees agree that the funds provided for the Center for Jewish History represent the total to be provided from this account.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

The conference agreement appropriates $32,765,000 for the United States Tax Court as proposed by the Senate instead of $34,490,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

THIS ACT

Sec. 501. The conferees agree to continue to limit the expenditure of appropriated funds to the current year, unless otherwise designated.

Sec. 502. The conferees agree to continue to limit funding for consulting services.

Sec. 503. The conferees agree to continue to prohibit the use of funds prohibiting the enforcement of Sec. 307 of the 1930 Tariff Act. (Sec. 307 bans imported goods produced by slave/forced labor).

Sec. 504. The conferees agree to continue the prohibition on transfer of control over FLETC.

Sec. 505. The conferees agree to continue to protect civilian employee rights following assignment with the Armed Forces.

Sec. 506. The conferees agree to continue the requirements on ''Buy American Act'' compliance.

Sec. 507. The conferees agree to continue ''Sense of Congress'' language regarding purchase of American made equipment and products.

Sec. 508. The conferees agree to continue to prohibit contract eligibility where fraudulent intent has been proven in affixing ''Made in America'' labels.

Sec. 509. The conferees agree to a provision proposed by the House which prohibits funds to pay for an abortion or any administrative expenses for FEHBP plans that provide benefits or coverage for abortions.

Sec. 510. The conferees agree to a provision proposed by the Senate in Title VI of this bill providing that Sec. 509 shall not apply if the life of the mother is in danger or the pregnancy is the result of an act of rape or incest.

Sec. 511. The conferees agree to a provision proposed by the Senate which authorizes the use of unobligated balances for certain purposes, providing that such requests be made in compliance with reprogramming guidelines.

Sec. 512. The conferees agree to include a provision as proposed by both the House and Senate which prohibits the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

Sec. 513. The conferees have included language which provides that funds provided in this Act may be used to initiate or continue projects or activities, to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) conversion to ensure adequate funding until such time as supplemental appropriations are made available for that purpose. The language also includes a provision which requires agencies that use funds appropriated in this Act for Y2K conversion activities to restore funds to the program, project, or activity from which the funds were obligated when supplemental appropriations for Y2K conversion activities are made available.

Sec. 514. The conferees agree to include a provision which provides for the appointment and reappointment of Staff Director and General Counsel of the Federal Election Commission as proposed by the House in the House-reported bill, instead of language proposed by the Senate.

Sec. 515. The conferees agree to include a provision authorizing the payment of attorneys' fees, costs and sanctions by the Federal government in the case *Association of American Physicians and Surgeons, Inc.* v. *Clinton* from the White House Office Salaries and Expenses account, as proposed by the House in the House-reported bill.

Sec. 516. The conferees agree to include a new provision authorizing the use of fifty percent of the fiscal year 1997 unobligated balances available to the White House Salaries and Expenses account for the purposes of partially satisfying the conditions of Section 515.

Sec. 517. The conferees have agreed to include language which makes technical corrections to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992.

Sec. 518. The conferees have agreed to include a new provision regarding cost accounting standards to contracts under the FEHBP.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Section 601. The conferees agree to continue a provision authorizing agencies to pay costs of travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Section 602. The conferees agree to continue a provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603. The conferees agree to continue a provision authorizing reimbursement for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with the provision of child care services to Federal employees.

Section 604. The conferees agree to continue a provision regarding price limitations on vehicles to be purchased by the Federal government.

Section 605. The conferees agree to continue a provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 606. The conferees agree to continue a provision prohibiting the Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S.

Section 607. The conferees agree to continue a provision authorizing agencies to use funds to pay GSA bills for renovations and other services.

Section 608. The conferees agree to continue a provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 609. The conferees agree to continue a provision providing that funds may be used to pay rent and other service costs in the District of Columbia.

Section 610. The conferees agree to continue a provision prohibiting the use of appropriated funds to pay the salary of any nominee after the Senate voted not to approve the nomination.

Section 611. The conferees agree to continue a provision precluding the financing of groups by more than one Federal agency absent prior and specific statutory approval.

Section 612. The conferees agree to continue a provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards.

Section 613. The conferees agree to continue a provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the U.S.

Section 614. The conferees agree to continue a provision limiting the pay increases of certain prevailing rate employees.

Section 615. The conferees agree to continue a provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Section 616. The conferees agree to modify a provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Section 617. The conferees agree to continue a provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Section 618. The conferees agree to continue a provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 619. The conferees agree to continue a provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 620. The conferees agree to continue a provision prohibiting the use of funds

for travel expenses not directly related to official governmental duties.

Section 621. The conferees agree to a new provision providing that no adjustment shall take effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems under section 5303 of title 5, United States Code.

Section 622. The conferees agree to continue a provision which prohibits the use of appropriated funds in this or any other Act to acquire information technology which does not comply with part 39.106 (Year 2000 compliance) of the Federal acquisition regulations.

Section 623. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 624. The conferees agree to modify a provision which prohibits the use of funds for Sunday premium pay to an employee unless the work was actually performed.

Section 625. The conferees agree to continue a provision which prohibits the use of funds to prevent Federal employees from communicating with Congress or to take disciplinary or personnel actions against employees for such communication.

Section 626. The conferees agree to a new provision that provides additional flexibility relating to the FTS 2000 contract.

Section 627. The conferees agree to a new provision to protect Federal law enforcement officers who intervene in certain situations.

Section 628. The conferees agree to a new provision reforming Federal firefighters overtime pay.

Section 629. The conferees agree to a new provision requiring a joint review by the Department of the Treasury, the Department of Justice, and the Office of National Drug Control Policy on the coordination of Southwest border counter drug activities.

Section 630. The conferees agree to a new provision that provides that for fiscal year 1999 and each fiscal year thereafter, each executive agency of the Federal government shall make available at a minimum $50,000 for expenses necessary to carry out a flexiplace work telecommuting program.

Section 631. The conferees agree to a new provision to amend permanent law to make Senior Executive Service Presidential Awards based upon base salary percentages of 20 percent (for ''Meritorious Awards'') and 35 percent (for ''Distinguished Awards'') rather than the current dollar amounts.

Section 632. The conferees agree to a new provision to increase the formula used to calculate the aggregate amount available for performance awards to 10 percent of the Senior Executive Service pool or 20 percent of the average of annual rates of basic pay.

Section 633. The conferees agree to a new provision regarding U.S. Government participation in the Universal Postal Union.

Section 634. The conferees agree to continue a provision requiring the President to certify that no persons responsible for administering the Drug Free Workplace Program are themselves the subject of random drug testing.

Section 635. The conferees agree to modify a provision prohibiting Federal training not directly related to the performance of official duties.

Section 636. The conferees agree to continue a provision prohibiting expenditure of funds for implementation of agreements in nondisclosure policies, without ''Whistleblower'' protection clauses.

Section 637. The conferees agree to continue a provision which prohibits executive branch agencies from the use of appropriated funds for publicity or propaganda purposes to support or defeat legislation pending before Congress.

Section 638. The conferees agree to a new provision requiring the OMB to do an accounting statement and associated report on the cumulative costs and benefits of Federal regulatory programs, as proposed by the Senate and make this provision applicable for one year only.

Section 639. The conferees agree to continue a provision providing that no funds may be expended to provide an employee's home address to a labor organization except when the employee has authorized such a disclosure or such disclosure has been ordered by a court of competent jurisdiction.

Section 640. The conferees agree to continue a provision authorizing the Secretary of the Treasury to establish scientific certification standards for explosives detection canines.

Section 641. The conferees agree to continue a provision prohibiting the use of appropriated funds to provide nonpublic information such as mailing or telephone lists to any person or organization outside of the Government.

Section 642. The conferees agree to continue a provision prohibiting funding for publicity or propaganda purposes not authorized by Congress.

Section 643. The conferees agree to a new provision that directs the U.S. Marshals Service to conduct a quarterly threat assessment on the Director of the Office of National Drug Control Policy upon which the Director's security needs will be based.

Section 644. The conferees agree to a new provision to expand section 636 of the Treasury, Postal Service and General Government Appropriations Act, 1997 (Public Law 104–208) to include the judicial branch.

Section 645. The conferees agree to a new provision directing employees to use ''official time'' in an honest effort to perform official duties. The conferees agree that this section does not affect the rights and responsibilities under Chapter 71 of title 5, United States Code.

Section 646. The conferees agree to a new provision providing monetary relief to importers whose legally purchased goods were denied entry upon arrival because of changes in official policy.

Section 647. The conferees agree to a new provision regarding pay for Federal employees. The conferees anticipate that the President will issue an Executive Order allocating the 3.6 percent pay increase between an increase in rates of basic pay for the statutory pay systems under section 5303 of title 5, United States Code, and increases in comparability-based locality payments for General Schedule employees under section 5304. The conferees have not made the language more specific so that the President may exercise his discretion to distribute any amount allocated for comparability-based locality payments in the most appropriate fashion among the pay localities established by the President's Pay Agent.

Section 648. The conferees agree to a new provision requiring the Postal Rate Commission to submit an annual report to Congress regarding international mail rates.

Section 649. The conferees agree to a new provision to extend the sunset date for Section 2(f)(2) of the Undetectable Firearms Act of 1988 (18 U.S.C. 922 note) from 10 to 15 years.

Section 650. The conferees agree to a new provision to direct the Customs Service, in consultation with the U.S. Trade Representative and the Department of Commerce, to report on the importation of certain grains.

Section 651. The conferees agree to a new provision to designate the Eugene J. McCarthy Post Office Building.

Section 652. The conferees agree to a new provision authorizing the use of credit card rebates to support the Joint Financial Management Improvement Program.

Section 653. The conferees agree to a new provision addressing use of accrued leave as it applies to Senior Executive Service reduction in force actions.

Section 654. The conferees agree to a new provision directing agencies to assess the impact of Federal regulations and policies on families.

Section 655. The conferees include a new provision relating to the application of 18 U.S.C., Section 922(t).

Section 656. The conferees agree to a new provision addressing contraceptive coverage in health plans participating in the FEHB program.

The conferees delete a provision included by the House prohibiting the use of appropriated funds for new nonpostal commercial activities or pack and send services.

The conferees delete a provision included by the Senate prohibiting the acquisition of products produced by forced or indentured child labor.

The conferees delete a provision included by the Senate authorizing agencies to provide child care in federal or leased facilities. This issue is addressed in Title VII of this Act.

The conferees delete a provision included by the Senate expressing a sense of Congress that a postal stamp be created to commemorate Oskar Schindler.

The conferees delete a provision included by the Senate prohibiting the use of any funds in this Act to pay for abortions or administrative expenses of any FEHBP plans which provide abortion benefits. This provision is addressed in Section 509.

The conferees delete a provision included by the Senate authorizing the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is the result of an act of rape or incest. This provision is addressed in Section 510.

The conferees delete a provision included by the Senate requiring any Senate or House bill or joint resolution of a public character to include a detailed analysis of the potential impact of such legislation on family well-being and on children.

The conferees delete a provision included by the Senate authorizing $420,000,000 in emergency funding for the Strategic Petroleum Reserve.

The conferees delete a provision included by the Senate expressing the sense of Congress that a postal stamp be created to honor the 150th Anniversary of Irish immigrants to the United States.

The conferees delete a provision included by the Senate authorizing the Community and Postal Participation Act of 1998.

The conferees delete a provision included by the Senate waiving Section 611 of this title to permit interagency funding of the National Bioethics Advisory Commission.

The conferees delete a provision included by the Senate to permit the interagency funding of the National Science and Technology Council.

The conferees delete a provision included by the Senate allowing amounts appropriated in this Act to be transferred to the FLETC ACIRE account. The conferees address this appropriation in Title I of this Act.

TITLE VII—CHILD CARE IN FEDERAL FACILITIES

The conferees agree to include and modify a new title dealing with child care in Federal facilities, as proposed by the Senate.

TITLE VIII—TECHNICAL AND CLARIFYING AMENDMENTS

The conferees agree to delete a new title authorizing the Office of National Drug Control Policy proposed by the Senate and instead insert a new title regarding administration of the DC Retirement Trust Fund.

TITLE IX—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

The conferees agree to language addressing the immigration status of Haitians previously paroled into the United States, as proposed by the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1998 amount, the 1999 budget estimates, and the House and Senate bills for 1999 follow:

New budget (obligational) authority, fiscal year 1998	$25,325,767,500
Budget estimates of new (obligational) authority, fiscal year 1999	26,839,489,000
House bill, fiscal year 1999	26,614,669,000
Senate bill, fiscal year 1999	29,923,612,000
Conference agreement, fiscal year 1999	26,772,527,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1998	+1,446,759,500
Budget estimates of new (obligational) authority, fiscal year 1999	−66,962,000
House bill, fiscal year 1999	+157,858,000
Senate bill, fiscal year 1999	−3,151,085,000

JIM KOLBE,
ERNEST ISTOOK,
ANNE M. NORTHUP,
BOB LIVINGSTON,
JOSEPH MCDADE (except for section 656),
STENY H. HOYER,
CARRIE P. MEEK,
DAVID E. PRICE,
DAVID R. OBEY (except for section 514 on FEC),
Managers on the Part of the House.

BEN NIGHTHORSE CAMPBELL,
RICHARD SHELBY,
LAUCH FAIRCLOTH,
TED STEVENS,
HERB KOHL (with exception to section 514),
BARBARA A. MIKULSKI (with exception to section 514),
ROBERT C. BYRD (with exception to section 514),
Managers on the Part of the Senate.

TRIBUTE TO THE HONORABLE JOSEPH M. McDADE, MEMBER OF CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the special order to follow.

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

There was no objection.

Mr. SHUSTER. Mr. Speaker, I rise today to honor JOE MCDADE, one of our colleagues, indeed, one of the most illustrious colleagues many of us have had the privilege to serve with in this Congress.

As we know, JOE is retiring after 18 terms in the Congress, 36 years of service to our country. Indeed, JOE MCDADE is an extraordinary person, an extraordinary Pennsylvanian, an extraordinary American. He is one of the most highly respected Members of this Congress, and for good reason. JOE MCDADE, if he has been anything here, he has been a builder. He has been a positive force, not only for his district and for the Commonwealth of Pennsylvania, but for the United States of America.

JOE MCDADE has made an imprint which will last for generations. Indeed, as a senior member of the Committee on Appropriations, JOE MCDADE was deeply involved in providing for the strong national defense which was so crucial in leading to our winning the Cold War. As a member of that Committee on Appropriations, as well as his service on other committees, JOE MCDADE was deeply involved in the economic development, not only of his district, but of Pennsylvania and the Nation.

Mr. Speaker, we honor JOE MCDADE here today because he is so deserving of the honor, and, not only the honor, but the respect and the gratitude of not only the Members of this body, but of the entire country, and certainly of Pennsylvania and his beloved Congressional District.

JOE MCDADE has been through some grossly unfair times, but he has emerged unscathed; not only unscathed, he has not only survived, he has prevailed, and he has prevailed with the blessing and the respect and the support of everyone who knows him. His honor, his integrity, his character shines as an example to all of us.

So we salute this giant, and we salute his wife, Sarah, and his family, and we say Godspeed, because we know JOE will have many, many months and years of opportunity to continue not only enjoying the fruits of his labor, but of continuing to make a contribution to his state and to the country.

So I would conclude by saying to our colleague, JOE MCDADE, that as long as our Pennsylvania mountains turn green in the springtime and as long as our rivers run down to the ocean, your impact will be felt by future generations of Pennsylvanians and of Americans, because you, JOE MCDADE, have made a positive impact for the future of our country.

I am pleased to yield to the distinguished senior Democrat of our Pennsylvania delegation (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, BUD SHUSTER and I came to Congress about the same time, and JOE MCDADE at that time was a legend. He came 10 years before we came to Congress, and he has dedicated himself not only to the people of Pennsylvania, but to the people of this Nation.

JOE and I feel that our finest hour since we have been in Congress was when we were the chairman and ranking member of the appropriations subcommittee on defense during the war. Everything that happened during the war, we worked on, we had something to do with it. Before that, we made sure the appropriations were available to have the readiness that was necessary for that war to be carried out to the tremendous conclusion it was carried out to. Both of us supported George Bush, President Bush, in everything that he did, and I think we played a major role in getting the authorization to go to war and the appropriations necessary for that to be carried out adequately.

But, just as important as that is the impact JOE MCDADE has had in this Congress with withstanding the prosecution by the Justice Department, the unfair prosecution.

They came to his home and for six years they harassed him. They tried to get him to give in.

They had a frivolous case. They leaked information. I sat beside JOE MCDADE, as the rest of us did in Pennsylvania. We knew that any charges they brought against him would be frivolous and that it would be inadequate, and we knew JOE, how honest he was. In all the years that he served on the defense subcommittee, which had as much as $300 billion in it, never once did he try to get something done for financial reasons. Everything he did was what was good for the country.

So when they finally indicted him, the charges absolutely would have been devastating to the House of Representatives. If he had been convicted, it would have meant that every campaign contribution was considered a bribe. If he had been convicted, it meant that every honorarium would have been considered an illegal gratuity. The impact it would have had on the Congress would have been chilling.

The Justice Department was trying to intimidate the House of Representatives, and JOE MCDADE withstood this tremendous pressure. It affected his health, it affected him emotionally, and it affected him physically. I watched him endure this. He and Sarah put up with this tremendous challenge, and they overcame it.

When it went to the jury, the jury decided in a couple of hours that the whole case was frivolous, that what they were doing was outrageous, and the procedures were outrageous. I am proud to say that the House of Representatives passed overwhelmingly a bill to force the Justice Department to follow the ethics of the states that they are practicing in, and certainly that is not too much to ask.

But think what he has done in protecting the House of Representatives. The ordinary citizen cannot raise $1 million to protect themselves. The ordinary citizen has to give in. Why in some cases does the Justice Department brag about a 98 percent conviction rate? Because people have to give in. They have to compromise. They go after the sons or daughters of the families with unjust situations.

JOE MCDADE is one of the finest people to ever have served in this great institution. We are at the pinnacle of power. This country right now is the most influential it has ever been, economically and militarily, and we can be proud to say, myself and those who have served with JOE MCDADE, what an outstanding American he is and what a tremendous service he has done to this country and to this great House of Representatives.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, I rise also to pay tribute to our friend, a true patriot, a true statesman, a man we are all proud to call our friend, the gentleman from Pennsylvania, Mr. JOE MCDADE. In his service for his district for 18 terms, a remarkable span of over 35 years, he has provided a source of inspiration for many of us, including this Member, in the initiatives and policies he has pursued and the way in which he has done so. Whether it was his focus to create new and better opportunities to the small businesses in his area, or his efforts to protect and restore the environment, or his pursuit to secure funds for hospitals, highways and schools, JOE MCDADE has led by example.

Of particular interest to this member and the constituents I represent has been JOE's dogged determination to fund environmental infrastructure, providing millions of dollars for water and sewer improvements, flood control, abandoned mine stabilization and the like. Many of us take for granted these commonalities of clean water and modern wastewater treatment facilities, but I can tell you firsthand what a difference these initiatives make in people's lives. An effort such as these can literally turn the tide against unemployment, with good paying jobs, local citizens working better, and creating the environment that people are proud to call home.

We could go on and on about JOE's accomplishments, but I believe his record speaks for itself. For me it has been within the inner workings of the Committee on Appropriations where JOE has served since 1965 that we have come to know him best. But whatever his subcommittee assignment, JOE provided leadership when we needed it in a bipartisan fashion. When compromise was needed, JOE was there to broker the deal. Likewise, when a firm hand was needed, JOE was there to throw down the gauntlet. Needless to say, JOE got things done.

His latest accomplishment and example of his natural leadership came in the fiscal year 1999 Energy and Water Development Appropriations bill, just finished, where he serves as the Subcommittee Chairman. I can say that given the circumstances he had to endure this year, the 1999 bill was the finest we have seen brought to the floor. He certainly saved his best for last.

In closing, I will simply say it has been an honor, a pleasure, to serve with the gentleman from Pennsylvania. He has given us leadership, he has given us courage, and an overwhelming devotion to the American people for nearly four decades, and this institution will not be the same without JOE MCDADE.

Whatever his endeavors in the future, we know that it will always display the same compassion, understanding and devotion, as he always has here in this body.

We wish JOE MCDADE and his family all the best, and we will truly miss him here.

Mr. SHUSTER. Mr. Speaker, I yield to the distinguished Congressman from Pennsylvania, Mr. KANJORSKI.

Mr. KANJORSKI. Mr. Speaker, I rise today as a Member of Congress that shares a common border with the 10th district in northeastern Pennsylvania. The name ''JOE MCDADE'' is famous. As a matter of fact, he came to this Congress as the immediate successor to the Honorable William Scranton, who later went on to become an outstanding Governor of Pennsylvania and the United States representative to the United Nations. JOE MCDADE followed in his tradition, and for 36 years has been as an individual more responsible for the economic recovery of his district and northeastern Pennsylvania than any other Member.

□ 1830

He also, in the course of his service to his constituents, raised bipartisanship to a new level. An immediate predecessor of mine was the honorable Daniel Flood, and JOE came as a junior member to Congressman Flood, but together worked for the benefits of northeastern Pennsylvania, to such an extent that in 1972 when Flood Agnes struck northeastern Pennsylvania's Wyoming Valley, it was not one Congressman that represented the 11th district, Dan Flood, that worked alone; it was two Congressmen. The people of my district will always be in debt to the honorable JOE MCDADE.

Mr. Speaker, I may say for my colleagues, those of them who have not had the honor and privilege of visiting JOE's district of northeastern Pennsylvania, take an opportunity and also take a lesson. Anywhere you travel in the 10th congressional district of Pennsylvania and you mention the name JOE MCDADE, whether it be Republican, Democrat or Independent, there is only high respect to the individual as a person and for his public service. They have memorialized that throughout that district with McDade Park, the McDade Highway, and on and on. Mr. Speaker, he will live for centuries to come because of his good efforts.

Mr. Speaker, we are working together, I hope, to see that a further tribute be paid to our great friend and our great Congressman and an outstanding Member of this House, and my good friend, JOE MCDADE.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman. As he well knows, we are indeed working on a further tribute for the distinguished gentleman from Pennsylvania (Mr. MCDADE).

I am pleased to yield to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding and taking a moment to speak about our dear friend, JOE MCDADE. I would like to mention 3 elements of my own relationship. I would like to mention a bit about JOE MCDADE as a leader, a bit about him as a professional, and a bit about him as a friend.

Mr. Speaker, I must say that there are many in Washington over the years who inspire. Few in my lifetime in public affairs have been more inspiring than JOE MCDADE. He is a leader's leader.

In California in one of our great buildings there is inscribed, ''Bring me men to match my mountains,'' and if there is a man who matches anybody's mountain, it is Congressman JOE MCDADE. For all of these years, holding nearest to his heart the importance of this institution and making certain that the institution remained as strong or much stronger than before he dreamt of coming to the Congress himself.

As a professional, he has been an inspiration for me in my committee work over the years. I will never forget the Joint Chiefs of Staff when JOE took them on a tour of the world regarding personnel, and he knew more about that subject than anybody in the room. He was an inspiration to those who would but learn by listening to him as a leader.

As I friend, I cannot match JOE as a friend anywhere, one of the great men of the Congress who I am proud to say is my very dear friend.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman.

I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Speaker, I am pleased to join with my colleagues tonight to pay tribute to our good friend, JOE MCDADE. It has been said, and we all know what honor and distinction JOE MCDADE has served with for 36 years, and what he has done for this country and for Pennsylvania and for his district. But what I will always remember is how JOE MCDADE helps all of us help our constituents.

I will just give my colleagues two examples. JOE MCDADE and PAUL KANJORSKI and myself have the great honor

of representing the anthracite coal fields of northeastern Pennsylvania. There was a time when coal was king. That is no longer true, but we have a lot of hard working miners in our 3 districts, primarily mine and PAUL's, not so much JOE's anymore. JOE realized that this was a clean-burning fuel, and it was something that we needed to help maintain and sustain and create jobs and through his efforts on the Subcommittee on Defense Appropriations, we were able to find alternative markets that helped the miners of Schuylkill and Northumberland and Lackawanna Counties. And my constituents in Northumberland County on the Susquehanna River who are constantly in peril of flooding, and in the winter of 1996 found themselves facing difficult situations and a serious flood situation. Through the help of our good friend, my good friend, JOE MCDADE, we were able to secure funds for flood control that helped the City of Sunbury and the Borough of Northumberland, as well as the Borough of Milton.

So JOE, on behalf of the constituents of the 6th congressional district, thanks for all you do for all of us.

Mr. SHUSTER. Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding. It is true in the early 1960s, a handsome guy from Scranton was elected to the House of Representatives. He came from a great family, a great background, beloved of the area and the community, well-known in all of Pennsylvania. Of course I am speaking of Bill Scranton. And then, when Bill finished his distinguished service here in the House of Representatives, we drafted him to become governor of Pennsylvania. Lo and behold, the mold that he had set, Bill Scranton had, was filled immediately by JOE MCDADE who, with his gentleness, his ability to work with people, has accomplished all of the matters to which reference has been made here this evening with which I concur.

But I think the real sign of the JOE MCDADE that we all know and respect came one day when, as I learned later, in a golf tournament involving Members of the House, the contest for longest ball was in progress, and at the end of the day it was announced that JOE MCDADE, little JOE MCDADE had the longest drive, some 325 yards. This went unheralded, because JOE MCDADE never bragged about his feats on the golf course. He was always quiet and worked with people and never bragged about anything.

Well, that, to me, is how he operated in the Congress of the United States. He always hit the long ball, but always with dignity, always with respect for the other, always without heralding his efforts, always without seeking to take credit for it.

But here tonight, as we bestow our tribute to him, as did the golfers on that day when they acknowledged that he was the long ball hitter, we here tonight say, he hit the long ball for Pennsylvania throughout all of his tenure in the House of Representatives.

Mr. SHUSTER. I thank the gentleman. I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. MASCARA).

Mr. MASCARA. Mr. Speaker, I thank the chairman for yielding and allowing me to honor Congressman MCDADE.

Mr. Speaker, as this Congress comes to a close, we will be saying our fond farewells to one of this institution's finest legislators, JOSEPH MCDADE. As the longest serving Member of his party and the most senior Member of the Pennsylvania delegation, JOE MCDADE has made a lasting contribution to this institution.

From his ranking position as vice chairman of the Appropriations Subcommittee on Defense, JOE MCDADE pressed for a stronger defense to match the Soviet military buildup of the 1980s. He has also worked hard helping constituents devastated by the closing of coal mine operations to find new careers through job training and increased local investment. The University of Scranton, in his hometown, has honored his commitment to the community by dedicating the Joseph M. McDade Center of Technology after its proud son.

JOE MCDADE has always devoted much of his time to the Washington D.C. community, serving as a trustee of the Kennedy Center, the National Cultural Center, and also as a member of the board of trustees of the Ford's Theatre. The Pennsylvania delegation will greatly miss the friendship and leadership that JOSEPH MCDADE provided throughout his lifetime of service in the House of Representatives.

Mr. Speaker, I can say as a Member of the 104th Congress, one of 13, JOE, you have made me feel welcome, and when I had a project that needed some help, you did not care whether I was a Democrat or not, and I will never forget that. JOE, I wish you Godspeed, and God bless you.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished Chairman of the Committee on Rules (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the Chairman, the distinguished gentleman from Pennsylvania, because I would like to take a few minutes. I do not have any prepared remarks either, but when I came here 20 years ago, looking around this Chamber and wondering who you can trust, who you can take their word for, and when I looked at JOE MCDADE and talked to you and others, because I served on your committee when I first came here 20 years ago, and you said JOE MCDADE is a man of integrity, he is a man you can trust, he is a man that will always tell it like it is. It did not take long for that to prove true, because in all of the years that I have had the privilege of working with that gentleman over there, he is one of the most respected Members of this body, and I greatly admire and respect him. I know every other man does too, and woman, of this body.

JOE, we just wish you Godspeed. I think that you are not the type of person that just goes and retires in a rocking chair. You will seek a new career and you will be a great success, because you are a great man and a great American, and we salute you, sir.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today to express my sincere admiration and great fondness for Representative JOE MCDADE. It is clear from the number of Members who have gathered here this evening to pay tribute to JOE that he will not just be missed by one party or the delegation of one State, but by a vast and diverse group of people.

As a Member who personally strives to put progress above partisanship, I consider myself extremely fortunate to have had the opportunity to work with and, more importantly, to learn from, JOE MCDADE as well as JACK MURTHA, both of whom have an outstanding reputation in this regard.

The list of accomplishments that have been amassed since JOE was elected to the U.S. House of Representatives in 1962 is both long and impressive. Equally impressive is the list of accomplishments that JOE has helped other Members to achieve. JOE, I cannot thank you enough for the concern that you have shown for the interests of the 18th congressional district. Locks and dams 2, 3 and 4 on the Monongahela River, DOE initiatives and the Pittsburgh supercomputer, just to name a few.

Without question, JOE, your presence will not be easily replaced. I will miss you both personally and professionally, and I wish you and your family, your wife, Sara and your children, Joseph, Aileen, Deborah, Mark and Jared, all the best. JOE, take care and God bless.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my distinguished leader from Pennsylvania for yielding, and I rise to pay my personal respects to my leader and my mentor for the past 14 years. I say 14 years, even though I am only in my 6th term, because if it were not for the gentleman that we are honoring tonight, I probably would not be here.

Back in the mid 1980s when my colleagues in Delaware County suggested I consider running for Congress, I said, what does this entail? They said, we want you to go down to Washington and meet with this fellow named JOE MCDADE. Now, I had heard of JOE's name and his reputation, but I had not had the honor to meet him.

I came to Washington and met with him. He gave me some very wise advice about campaigning and what it would

take to win the seat, and while I did not win the seat that year I lost by 400 votes out of 249,000, I did come back the following year and, winning by 60,000, JOE took me under his wings.

It was JOE MCDADE who got me a seat on the Committee on National Security because JOE was our point person on the committee on committees. And it was over the first few years in that committee that I saw JOE MCDADE as a leader, not just on behalf of Pennsylvania, and not just on behalf of national security, but a leader on behalf of this country.

Without a doubt, Joe McDade has had on the Republican side as much impact on the security of our Nation and the ability of our troops to respond around the world as any other single Member, certainly in my lifetime. That reputation continues today, and it will be very difficult for anyone in the Republican Party to top. Working together with our colleague, the gentleman from Pennsylvania (Mr. MURTHA), JOE MCDADE and JACK MURTHA formed a team that has been unbeatable in this institution.

But, Mr. Speaker, as one looks to a person like JOE MCDADE, who not only was the key leader for our commonwealth in so many different areas, and not just his role on the Committee on National Security where he was a key leader for Members on both sides of the aisle, but as the gentleman from Pennsylvania (Mr. MURTHA) said earlier, a leader for us in the Congress to make sure the integrity of this institution would be forever retained.

I think the greatest legacy of JOE MCDADE is something we all strive for when we come here, and that is when we leave, what will people say about us? Now, we are all considered politicians, because that is our business. But I think we all seek to attain the moniker of statesman, and JOE, without a doubt, has achieved that title.

He is truly a statesman, because in the 12 years I have been in Congress I have never heard JOE MCDADE utter one bad word about any other Member of this Congress, Republican or Democrat, irregardless of what that Member might have done.

□ 1845

But likewise, in my 12 years in Congress, I have never heard any Member of this institution, in either party, utter any disparaging comments about the gentleman from Pennsylvania (Mr. JOE MCDADE). In fact, every time JOE MCDADE's name is discussed, it is always in the context of a gentleman, a leader, a friend, a true statesman; someone who has set the tone, and a role model for every future official who will serve in this great institution.

I thank my good friend and colleague, the gentleman from Pennsylvania (Mr. JOE MCDADE), for being such a friend and role model for all of us.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I am pleased to join my colleagues today in tribute to a great legislator and friend, the gentleman from Pennsylvania (Mr. JOE MCDADE), of Pennsylvania's 10th District.

As other speakers have noted, the service of the gentleman from Pennsylvania (Mr. JOE MCDADE) has impacted his country and his district in a very powerful way. His is a distinguished career, and it has earned the admiration of Members on both sides of the aisle.

It is difficult in a few moments to give due credit to a Member's service in this House, and it becomes particularly impossible when that service spans almost four decades, and is so full of accomplishments.

But I would like to note in particular our appreciation for the gentleman from Pennsylvania (Mr. MCDADE's) work on critical defense issues, for his leadership in addressing national energy problems, for his stewardship of historical, cultural, and environmental resources, for his success in stimulating small business development, for his efforts to improve housing in rural areas, emphasizing the needs of the elderly, the handicapped, and low-income families, and for his focus on parks and recreation.

The record of the gentleman from Pennsylvania (Mr. MCDADE) is one of solid achievement, and it is a compliment to his constituents that they have faithfully recognized the value of his service.

For those of us who had the pleasure of working with him, it is no mystery why he is so effective. It is because of his strong work ethic, his sharp intellect, and his gentlemanly manner. That last trait is what I will remember most about serving with the gentleman from Pennsylvania (Mr. JOE MCDADE). I will always admire how he shows kindness, without fail, to everyone around him. He is a model of congressional courtesy, and it is a joy to work with someone who is so good-natured, so polite, so decent in every situation.

The gentleman from Pennsylvania (Mr. JOE MCDADE) is, in every respect, the gentleman from Pennsylvania, and will be greatly missed by us all. As we salute his service, we offer our warm wishes to him and his family, his lovely wife Sarah and their five children. We thank the gentleman from Pennsylvania (Mr. MCDADE), and wish him our best always.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, when I came to the Congress of the United States, the gentleman from Pennsylvania (Mr. JOE MCDADE) was already a king on the Hill. My dad said, you will want to get to know the gentleman from Pennsylvania (Mr. JOE MCDADE). He said, you will want to get to know him for two reasons. First of all, he is a wonderful gentleman, but secondly, you are going to need him. It did not take me long to realize that I truly was going to need him.

Scranton, the Scranton area, is going to lose just an outstanding legislator, but even more than that, we in the Pennsylvania delegation are going to lose one wonderful leader. It did not take me long to realize that if my businesses were going to survive, having so many that deal with defense in my area, I had better get to know the gentlemen from Pennsylvania, Mr. JOE MCDADE and Mr. JOHN MURTHA, very well. I can go next door and get transportation, but I have to go a little further away in order to get all of that kind of help.

The gentleman from Pennsylvania (Mr. JOE MCDADE) became a real mentor of mine. There is one thing, however, that always surprised me about JOE, which is that he speaks two languages. What always confused me is how could he get down there in the well and know which language to use, but he never slipped up. He always used the correct language.

He is just one wonderful gentleman, and we are going to miss him, but more importantly, the residents of the Scranton area truly are losing an outstanding legislator. I wish him the best, and many, many years of happiness. Come back and tell us what we are doing wrong, get us straightened out. We know the gentleman will, in a kind, gentle way. I thank the gentleman from Pennsylvania (Mr. JOE MCDADE) for his service to the country.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. MCHALE).

Mr. MCHALE. Mr. Speaker, when I arrived in the Congress some 6 years ago, the gentleman from Pennsylvania (Mr. JOE MCDADE) had already served here for three decades.

The gentleman from Pennsylvania (Mr. JOE MCDADE) is present in the Chamber as we speak this evening. I say to the gentleman, I hope he has some sense of not only the respect that we feel toward him, but the deep affection we feel for him.

Many Members of this House over a period of time will, through their own actions, earn respect. We certainly hope that to be the norm. No Member of this House is more beloved than the gentleman is. When I first arrived here, I talked to the gentleman from Pennsylvania (Mr. MCDADE) on numerous occasions about the assistance that he and the gentleman from Pennsylvania (Mr. JOHN MURTHA) could give to me and to my district before the Committee on Appropriations. I was a junior member of the other party, and despite that fact, every time I needed help, the gentleman from Pennsylvania (Mr. JOE MCDADE) was there.

Mr. Speaker, I can speak in the next few minutes about the tremendous contribution the gentleman from Pennsylvania (Mr. JOE MCDADE) has made to

the University of Scranton, my father's alma mater. At that school, I say to the gentleman from Pennsylvania, as well as here in the halls of Congress, there is a clear recognition of all that the gentleman has done.

I think back on the definition of courage that was brought forward by Ernest Hemingway, one of our great writers. Mr. Hemingway once said that courage is best defined as grace under pressure. During the 6 years that I have served with the gentleman from Pennsylvania (Mr. JOE MCDADE), there have been times when, unjustly, he faced a great deal of pressure. He continued to perform his duties on behalf of the people of the 10th District of Pennsylvania with unfailing consistency and dedication. He has been courageous in the truest sense of that word.

I say to the gentleman from Pennsylvania (Mr. JOE MCDADE), we will deeply miss him, not only as colleagues but as friends. We hold for him an unlimited degree of personal affection.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am so proud to be up here with my colleagues on such a wonderful occasion to pay tribute to the gentleman from Pennsylvania (Mr. JOE MCDADE). It has been mentioned that he came here so many years ago during the Kennedy administration. He was a wonderful lawyer in private practice after having graduated from law school at Penn.

He went to the University of Notre Dame, which befits his Irish background. It is hard for me to pay tribute to that part of his background, inasmuch as I am an alum of the University of Southern California, and Notre Dame has, particularly in recent, I should say decades, whupped the Trojans.

What can we say about a man who comes to Congress, serves 10 years as a Republican, and while he is picking up the Republican nomination, wins the Democratic primary as a write-in? What can we say about someone who, at this juncture, still more decades later, can sit here on the floor and listen to Democrats and Republicans come up and praise not only what he has done for all of us, leading by example, being our friend, but what he has done for the country?

One of my colleagues just mentioned that no one in Congress has done more for the national security. For all those years that we had a military buildup, the appropriators, the Committee on Appropriations, was looked to to put money into the Pentagon in order to win the Cold War, but we too little recognize what they have done even more recently.

Since America won the Cold War, due to the determination and leadership of the gentleman from Pennsylvania (Mr. JOE MCDADE) and a handful of others like him, we have been able to pare back that spending. Since America won the Cold War, we have saved a cumulative total of $1 trillion on Pentagon spending. We owe that, as well as the victory that preceded the peace dividend, to leaders, chief among whom is the gentleman from Pennsylvania (Mr. JOE MCDADE).

Mr. Speaker, I have had a chance to go out to dinner with JOE and his family, and in particular, his youngest son, who is just a shade older than my oldest. It is a lot of fun to see the family side of the gentleman from Pennsylvania (Mr. JOE MCDADE) and Sarah. I cannot imagine, after having been in politics as long as the gentleman has, that he can be so upbeat and provide so much spirit to the rest of us, having taken the body blows that are often traded in politics, survived them, but excelled, in spite of them, to remain a gentleman, to remain humble, and to always keep his smile. That is the strongest and best example the gentleman can provide to every one of us.

The gentleman has served our country well, he has bettered this institution, he has led by his example, he has left many friends. We love him very much.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Florida. I was not aware that this was happening this afternoon, and as God would have it, I passed through here after a markup and I saw the gentleman from Pennsylvania (Mr. JOE MCDADE) sitting over in the corner.

I must say, Mr. Chairman, that the gentleman from Pennsylvania (Mr. JOE MCDADE) to me is sort of a renaissance man. He covers all aspects of what we do here in the Congress. He has a very big heart for all people.

I met the gentleman from Pennsylvania (Mr. JOE MCDADE) first when we served on the Subcommittee on Energy and Water. Never have I worked with anyone with such a strong gentleness of purpose. He knew exactly the whole entire field. He did not mind sharing with those of us who knew less. He was fair. He had good judgment. Most of all, Mr. Speaker, the gentleman from Pennsylvania (Mr. JOE MCDADE) is a very intelligent man, able to talk on almost all the subjects and more that we know about.

I love the gentleman from Pennsylvania (Mr. JOE MCDADE). I have seen him go through the ups and downs, and he is a man for all seasons. He can face adversity and still do a job. He can face adversity and still smile and talk and shake hands with his colleagues.

I am very, very sure, Mr. Speaker, that when the history of this Congress is written, the name of the gentleman from Pennsylvania (Mr. MCDADE) will be very high at the top of those who achieve the kind of good will, the kind of working with others, that he has done. He is a credit to this House. He is a credit to the Congress. The people of this country, I am sure, will always worship the gentleman from Pennsylvania (Mr. JOE MCDADE).

I want to say to the gentleman from Pennsylvania (Mr. JOE MCDADE), God bless me for having crossed your path. I thank the gentleman.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I wanted to pay tribute to the gentleman from Pennsylvania (Mr. JOE MCDADE). I did not know this was taking place. I happened to look at the television in my office. I just wanted to come over and pay my respects.

I was a staff member for a Republican Member of Congress years ago, Congressman Biester, and I always admired the gentleman from Pennsylvania (Mr. JOE MCDADE) then. Then I got a job as congressional relations assistant to Secretary Rogers C.B. Morton. I remember, my first visit here on the Hill was to pay a courtesy call by the office of the gentleman from Pennsylvania (Mr. MCDADE) for Mr. Morton, who was then Secretary of the Interior.

Mr. Speaker, I have learned a lot from the gentleman from Pennsylvania (Mr. JOE MCDADE), and I have admired him. The gentleman from Pennsylvania (Mr. JOE MCDADE) lived, in some respects, in my congressional district for a long period, in Arlington. Everything the gentlewoman from Florida (Mrs. MEEK) said was exactly true. The gentleman has always had a great disposition, and I just want to second literally everything that has been said, but kind of present my body here as a living testimony of my admiration and respect, and look forward to really a good friendship for many, many years to come. May God bless you, JOE.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, I too was walking through the hall and heard the accolades that were given to the gentleman from Pennsylvania (Mr. JOE MCDADE). I have to tell the Members, I have to take at least a minute to let the gentleman from Pennsylvania and the Speaker know that the gentleman from Pennsylvania (Mr. JOE MCDADE) is a great man.

Back in 1991 when I first came to Congress, I did not know too much about Congress, nor did I know too many Members of Congress, except the ones from Arizona. However, there was a gentleman here who shared a story, who shared a smile, and shared some advice.

I got to know the gentleman from Pennsylvania (Mr. JOE MCDADE) a little bit. He went through some very hard times, but I have to tell the Members, he is a man that, under adverse situations, still kept a smile, kept the positive attitude, and was very friendly to everyone in this House.

Mr. Speaker, I had the honor of being under the gentleman's leadership in the Subcommittee on Energy and

Water. I have to tell the Members that he was a leader for the entire committee. He treated every Member with respect. He treated every Member in the way that all of us want to be treated.

I never saw him get cross, but I have to tell the Members that there were many department heads from the Department of Energy or Corps of Engineers who would come and testify, and he may not have agreed with them, but he was always, in a very positive manner, letting them know that their policy was not going to work in this Congress.

□ 1900

I have great admiration for JOE MCDADE. I wish him well. He served this House well. Thank you, Mr. Chairman.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for organizing this wonderful tribute to our good friend and colleague, the gentleman from Pennsylvania (Mr. MCDADE).

The gentleman from California (Mr. COX) alluded to his Notre Dame background and his Irish heritage. I too am of Irish heritage. This is a little bit like an Irish wake, a lot more subdued than a lot that I have been at. But the good news is that the honoree is quite alive and lively to hear these nice things, and what a treat it is for all of us.

Congressman MCDADE got me started off on the Committee on Appropriations. To this day, he still refers to me as ''mayor,'' having appointed me to the Subcommittee on the District of Columbia of the Committee on Appropriations, and I had no idea what a challenge that would be. But he was always there with advice and counsel along the way, as he has been on so many things.

Congressman MCDADE is a friend, not only of mine, but of my family. My dad, Bill Walsh, who served with JOE back in the 1970s sends his regard and his best wishes. And JOE never hesitates or forgets to ask about dad, and he is doing quite well.

Congressman MCDADE is a man who never forgot where he came from. He has the same positive outlook about life in spite of all of the difficulties that you go through in public life, quick to smile, quick with advice, thoughtful, serving on the Committee on Appropriations and being in conference meetings when things get hectic and tense.

JOE always spoke with authority and with knowledge of the issues. If there is one thing that separates the wheat from the chaff in a legislative endeavor, it is when someone with authority and knowledge speaks. Everyone else stops, and they listen because chances are they are listening to find a way out of the thicket that they are in.

JOE is always there with that thoughtfulness, with that ability to help us to get through to work out the compromise, to make things work. It is that approach to government that has inspired so many of us to try to capture that same view and to continue that fine tradition that he has laid down for all of us.

So, JOE, thank you for everything. Both personally and as a citizen of the United States, we owe you a great deal.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I wish there were more discussions like this, people from both sides of the aisle talking about positive things and talking about individuals like Congressman MCDADE.

But I want to admonish Congressman MCDADE. You do not want to inhale everything that has been said, because so many nice things have been said about you.

I look at Congressman MCDADE in a couple of ways. First of all, having been in business so many years, the one thing you want in a director or employee or a stockholder or somebody when times are tough is somebody who is going to be with you. And you do not know what it is. You do not know what you are going to ask of them, but you have a sense in their character that they are going to be there.

I know this personally because of a situation that occurred, not only in Mr. MCDADE's State, but in mine in 1972 when we had Hurricane Agnes, and there was terrible flooding. The response from people like Mr. MCDADE and his associates was extraordinary. We literally could not have gotten through that if it had not been for the efforts of the people up there who lived and breathed it and understood it and suffered through it.

So I do not think anybody in the area that I represent will ever forget that. It is something to remember. It is something important to all of us.

The other thing is I have always felt that we have a limited period of life, and time is the most precious thing. Many times, it is more important who you do something with than what you do. The fact that we have been able to do something with you, JOE, has made it all worth the ride. I thank you very much for that.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I am deeply grateful for the chance to participate in this tribute. JOE MCDADE has been a great friend to all of us. He has been an institution within this institution, and that is for a variety of reasons.

JOE MCDADE is a great gentleman, as has been noted here. For that reason, he has, almost unique in this institution, a set of warm relationships that cut across party lines.

He brings to the House an institutional memory that I think we all value. He is a master mechanic of the process. He is also someone who has been willing to lend his wise counsel to junior Members like me.

JOE, I can remember a lot of projects you and I have worked on together where your advice has been critical to my getting it done; first and foremost, my getting on Ways and Means as a freshman. I will always be grateful to you for your essential role in that.

You have been a huge champion of all of Pennsylvania. I will tell you, as long as I am in this body, I will aspire to be like JOE MCDADE. We already have, though, one small thing in common, and that is we both had big shoes to fill as freshmen, because we succeeded popular Members who were elected Governor.

There is a gentleman, JOE's predecessor, and who still is his constituent, who sent me a statement that I would like to read because it encapsulates my sentiments about JOE MCDADE. He wrote: ''JOE MCDADE is not only the best Congressman this District has ever had but we think he is the best Congressman any District ever had!''

''He thinks deeply, he works hard and he gets things done in the right way.''

Signed Bill Scranton.

I could not have said it any better myself.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to thank the gentleman for yielding to me and to join with many of my colleagues in recognizing Congressman JOE MCDADE.

For those of us who were lucky enough a week or so ago to attend JOE's retirement dinner, the film that was shown at that dinner captured you from your earliest days as a child throughout your entire public career. It made many of us new to this institution have a greater appreciation, not only for the institution, but for the major role you played in representing our Nation and most particularly the State of Pennsylvania for so many years.

I wanted to thank JOE MCDADE, a wonderful Member of Congress for taking time out as a senior Member of the House to be a friend to a relatively new Member of the House. I would like to thank him for his advice over 4 years as a Member of the House, but also for his advice even before I was sworn in as a Member.

Congressman MCDADE served as a Member of the House when my father Peter Frelinghuysen was a Member, and I knew of him, made his acquaintance, and he befriended me and has been a wise advisor and counselor.

I would also like to thank Congressman JOE MCDADE for his perspective, unique perspective on the appropriations process and on the committee and for his leadership on that committee, most particularly for his assistance to my State of New Jersey and

other States as chairman of the Subcommittee on Energy and Water Development.

I will particularly remember his admonition never to apologize for being parochial, that in fact if one is not parochial on any committee as a Member of Congress, you will soon be replaced by somebody who is parochial.

I would like to thank Joe as well, Congressman JOE MCDADE for taking time out of his busy life to visit my district in New Jersey, the 11th Congressional District, most particularly the Picatinny Arsenal. Tobyhanna and Picatinny in some ways are joined at the hip in terms of serving our national defense. But your personal time and visit to the Picatinny Arsenal did a lot to boost the morale of many thousands of men and women who dedicate themselves to the research and development.

Above all, I want to wish JOE and Sarah many happy years ahead and to say what a privilege it has been to serve with you, as my father did for so many years in this body.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Pennsylvania (Mr. PETERSON), the newest Member of our Pennsylvania delegation.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for giving me this opportunity.

Congressman JOE MCDADE, we thank you for the service you have given, not only your district of Pennsylvania, but this country. I am going to give a little different perspective.

I have known JOE 14 years. I have known of him a lot longer than that. But 14 years ago, when I was running for the Pennsylvania Senate, we met in Potter County where he was so capably serving that county, and then we have been friends ever since.

But JOE, I, we have heard here tonight the tremendous admiration in this body for you. But I can tell you from God's country, Potter County, where you used to serve them so capably, they respect you. They are thankful of how you served, and they have a deep affection for you.

In Congress, I serve three counties, one he serves a part of, and the other two he used to serve. And I can tell you there from Tioga County and Clinton County, they also have the greatest respect for you, the affection for you, and they miss you.

His record speaks for itself, reelected overwhelmingly 18 times, many times by almost unanimous vote. A potential candidate, I think this says it best, said to me, who really had a shot of being his replacement, he said ''How can I compete with this record? How can I compete with the shadow that he has cast with the tremendous affection and respect in that district?'' I looked at him, and I said you cannot. I cannot.

He is not the average congressman. He is the exception. He is a gentle giant, and you cannot compete with him. That man did not run. I may have discouraged him, but he could not compete; and he should not run for that reason.

JOE MCDADE, the Congressman of the 10th District is the exception, not the rule. He has been extremely effective. But on top of that, he has been kind. He has been compassionate. He cares about his district, and he cares about his colleagues. As many have said, he has played a great influence in the defense of this country, one of our most important issues we deal with.

JOE, I only regret that I did not have more time to learn from you as I continue to serve my District. Thank you for being a friend and neighbor.

Mr. DICKS. Mr. Speaker, it is a pleasure for me to join my colleagues here in the House chamber today to honor and pay tribute to our good friend JOE MCDADE of Pennsylvania. I certainly share many of the sentiments that have been expressed today from the members of the Pennsylvania delegation, noting the enormous contributions JOE has made to the state and to the 10th District. His legacy there will be monumental. But I would also like to remark that his contributions extend far beyond the boundaries of the State of Pennsylvania. I have worked with him on the Appropriations Committee since I entered Congress in 1977, and have come to appreciate his sincere interest in improving the lives of others, preserving our national heritage, and in maintaining a strong national defense. I have served with JOE on the Defense and Interior Appropriations Subcommittees, and I want to express my gratitude for his insight and his counsel in these two areas. JOE has been a forceful advocate for maintaining military readiness and for providing our armed forces with the most modern and most efficient weaponry. He has worked with members on both sides of the aisle in defining our defense priorities and in overseeing the proper expenditure of the nation's defense budget. And on the Interior Subcommittee I have been proud to work with him on a host of public lands issues over the years. In particular, though, I have appreciated his deep concern and support for the National Park Service. He is a member who has taken the time to learn the problems confronting the parks, which have struggled to maintain quality during a time of dramatic increases in visitor attendance. He has become personally invested in helping the Park Service carry on the legacy for future generations, and my constituents who treasure three great National Parks in Washington, are among the millions of our citizens who have benefitted from his work. In this session of Congress, I have appreciated all of his help on the important water and power issues that affect the western states most especially. As chairman of the Energy & Water Development Appropriations Subcommittee he has always been open to our views and sympathetic to our issues. And finally it is important to note as this session of Congress concludes and as JOE MCDADE completes his 18th term in office, how much he will be missed because of the style and the manner in which he approached his work here in the House. He was always the gentleman, always one who was willing to find a way to work out problems and to get things done in a way that, to some, may seem old fashioned. His friendly approach has been an endearing quality, and I know I can speak for many here in the House today in saying how much we will miss these qualities here in this chamber.

Mr. LAFALCE. Mr. Speaker, it is never easy to say ''farewell'' to a colleague, particularly to a friend with whom you have shared well over twenty years of service in the House of Representatives.

Congressman JOE MCDADE's 34 years of service to the people of the 10th District of Pennsylvania is, in itself, testimony to the high esteem in which JOE is held. Having risen to the level of fourth most senior Member in the House, there are few Members in this Chamber who know more about how this institution works and how it has changed over the years.

Despite the differences in our party affiliations, the close relationship I enjoy with JOE became much stronger during the years we served together on the Small Business Committee. The problems and concerns of the small business community in the Pennsylvania heartland are much the same as those in Niagara Falls and the rest of my western New York District. While we might not always vote the same way on most issues, more often than not, our concerns and interests within the Small Business Committee reflected a fundamentally similar perspective and a shared desire to spur small business growth and development.

My relationship with JOE MCDADE was not just a professional one. On a personal note, some of the best memories I will share with JOE MCDADE result from the many conversations we would have as we walked together back and forth from the House to our Congressional offices which, for a time, were across the corridor from each other. The American public tends to define Member to Member relationships solely by the sharp debate the television cameras often transmit from the well of the House. They do not see the many moments when Members of both parties talk quietly and with a warm camaraderie as they ride the underground tram or walk across Independence Avenue time after time each legislative day to answer the call of the House for votes.

It was during these quiet conversations that I got to know JOE MCDADE, not only as the Congressman from Pennsylvania's 10th District, but as a man and a father who worried about his family's well-being. I learned to appreciate JOE as a legislator, genuinely concerned about the problems of our nation, and as a colleague who wanted only the best for the House of Representatives as an institution. I will never forget our conversations for they conveyed the wisdom and institutional memory of a man who loved his job and the people he so well represented in this House.

Let me take this opportunity to formally convey my best wishes for a most happy, healthy, and productive retirement. JOE, you will be missed. Godspeed, my friend.

Mr. CRANE. Mr. Speaker, I am especially pleased to join with my colleagues in honoring our long-time fellow member and comrade-in-arms, JOE MCDADE.

It was with genuine regret that we heard JOE had decided to call a halt to his long and distinguished career in this legislative body. His leadership in hundreds of floor debates over these thirty-five years has left its mark on a great deal of the legislation that has passed into law. His work in the Appropriations Committee over that time has won him the admiration and gratitude of both Republicans and

Democrats, and members on both sides of the aisle have often found themselves endebted to JOE MCDADE's highly effective legislative skills. A great many of us in this body have found him to be receptive to our needs and hard-working and dedicated in his efforts to see that important bills were successfully legislated.

He has clearly served the constituents of the 10th Congressional District of Pennsylvania with particular distinction, and in their gratitude for his leadership, they have returned him to the House time and again for a truly remarkable three and a half decades.

In all of his dealings with his colleagues, JOE's genial manner and Irish good humor has won him the warm friendship of members in both parties. May he be rewarded in his retirement with further challenging interests, insights and projects. Perhaps we can look forward to his producing a book or two, giving us his perspective on what has really happened on the Hill during this last turbulent one-third of a century, and offering some advice to all of us in our search for better and more effective legislation.

JOE's departure will clearly leave a void in this Congress, and we hope he will make a point of returning to visit the floor on many occasions so that his mere presence will remind us again that collegiality and hard work continue to be all important in this body.

JOE MCDADE, I rise with your fellow members in saluting you for your thirty-five years of real accomplishment and dedication in the service of your fellow Americans. You will remain an inspiration for those who will follow in your footsteps from the great state of Pennsylvania! We are more than confident you will find many more congenial friendships and rewarding opportunities throughout the coming salad days of your retirement. You will be missed! God bless!

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleagues from Pennsylvania, Mr. SHUSTER and Mr. MURTHA, for taking this Special Order tonight to honor one of my dearest friends, JOE MCDADE.

JOE has left his mark on this House in so many ways. As the Senior Republican in the House, he is a respected Statesman who is looked up to by so many of our junior members. His wise counsel and advice have helped maintain the decorum and traditions of this great deliberative body.

As the senior Republican on the Appropriations Committee, he has served with great distinction. I can think of no finer tribute to JOE than in this his final year, our nation will enjoy a federal budget surplus for the first time in a generation.

Finally, I want to thank JOE for his selfless service as a member of the Appropriations Subcommittee on National Security to provide for the needs of our men and women in uniform. His leadership and long hours of work have ensured that he will leave this House secure in the knowledge that our troops in the field, at sea, and in the air are the strongest, most prepared fighting force anywhere in the world.

In addition to his work to provide for the defense of our nation, he has also worked hard to defend our nation's great treasures which are our national parks and our environment. As Chairman of the Appropriations Subcommittee on Energy and Water, JOE has reached every corner of our nation to support critical public works needs, and through his long service on the Interior Subcommittee, he has protected our public lands and rebuilt the decaying infrastructure of our National Park Service.

No where is JOE's work more evident then in the many large and small towns of Northeastern Pennsylvania. He has been a diligent public servant for young and old alike. He is revered by the veterans of his community and you cannot go far in the 10th Congressional District without seeing another sign of JOE's handiwork.

Mr. Speaker, JOE MCDADE has given this House and the people of our great nation 36 years of selfless service. JOE has been a revered colleague, and devoted member of the Appropriations Committee, and a warm personal friend. With his retirement, JOE will leave a great void in this House, but he also leaves those who follow him a lasting legacy of how one American can devote himself to service to this body and to our nation. JOE MCDADE has been a great American, a great colleague, and the greatest of friends. He will be missed by us all.

Mr. SHUSTER. Mr. Speaker, I think the outpouring that we have seen here tonight for JOE MCDADE shows how much we respect him, we admire him, and we love him. Godspeed to you, JOE MCDADE and Sarah and your family.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4104, TREASURY, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. MCINNIS (during special order of the gentleman from Illinois (Mr. LIPINSKI), from the Committee on Rules, submitted a privileged report (Rept. No. 105–761) on the resolution (H. Res. 563) waiving points of order against the conference report to accompany the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO THE HONORABLE SIDNEY R. YATES

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, I am here tonight to pay tribute to one of the most outstanding Members that the United States House of Representatives has ever had; that is SIDNEY R. YATES of the 9th Congressional District in the State of Illinois.

SID YATES is retiring this year after 48 years in the House of Representatives, 24 terms. It would be an even 50 years if he had not been selected by the Democratic Party of Illinois in 1962 to run against the then Republican leader of the United States Senate Everett McKinley Dirksen.

In 1962, he ran against Dirksen in a very spirited hard-fought race, which he unfortunately, from our perspective, lost 53 to 47. For the 2 years he was gone from the House of Representatives, he served as the United States representative to the United Nations. He returned in 1964 to resume his influential position here in Congress.

SID YATES is the product of immigrant parents. His parents were born in Lithuania, and Sid was born here in this country shortly after his parents arrived. He also has 3 brothers that were born here in this country.

SID YATES has served on the Committee on Appropriations just about his entire career here in the House of Representatives. He also served on the Committee on Foreign Operations for many, many years. He has a law degree and a Ph.D. from the University of Chicago.

□ 1915

But besides pursuing those academic credits at the University of Chicago, SID YATES was an outstanding college basketball player. He was placed on the All Big 10 Team in his senior year, 1933, and he also was mentioned as an honorable all American candidate.

He did not shoot jump shots. He did not shoot set shots, but, believe it or not, he played center for the University of Chicago and had an excellent left-handed hook shot and an excellent right-handed hook shot.

SID has been the subcommittee chairman on the Subcommittee on Interior for over 20 years. He is now the ranking member of the Subcommittee on Interior. He is an individual that has fought for the environment his entire career here in the House of Representatives. He is a man who has been the chief supporter of the National Endowment for the Arts and Humanities. He has also been the chief supporter of the National Trust for Historic Preservation.

But he has also been very, very practical. He is a man that has always seen to it that money has come back into the City of Chicago and the State of Illinois for very significant and important projects: The Illinois Deep Tunnel system, Chicago Wilderness Project, the Chicago Green Streets program, the Chicago Shoreline project, the Indiana Dune center, and Navy Pier.

It is only fitting and proper that a few days ago the United States House of Representatives renamed the auditors main building located at 2101 14th Street, S.W. in Washington, D.C. in honor of SIDNEY R. YATES.

Back in 1944, when Sid was 35 years of age, he joined the United States Navy and served from 1944 to 1946. When he came out of the Navy, he got himself involved in politics and, as I mentioned earlier, he was elected to the House of Representatives in the Harry Truman year of 1948.

Through all those years, SID has had very, very few difficult primary or general elections. But in 1990, he did have

what some people thought was going to be a strong challenge. He ran up against a young alderman in the City of Chicago who was independently wealthy, who was extremely well funded. And the newspapers in Chicago and some of the political pundits had great concern that SID YATES, after all these years in Congress, might go out a loser. But to the astonishment of many people who were not really that well informed, SID YATES won that primary with 70 percent of the vote. His opponent received only 27 percent of the vote.

I have a few other things to say here about SID YATES, but there is a gentleman who has now joined me on the floor, a colleague of SID YATES and a colleague of mine, Congressman DANNY DAVIS.

I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. LIPINSKI), my colleague, for first of all taking out this time to salute and honor a tremendous legislator, a tremendous American, a man whom I am proud to call a colleague, Mr. SIDNEY YATES. I thank the gentleman for yielding me the opportunity.

Mr. YATES has the honor, of course, of representing the 9th congressional district of Illinois and has represented the people of the 9th district since 1953, serving 24 terms in the House. Born the son of Jewish immigrants in 1909, Mr. YATES was born in Chicago, and I am proud to say that he was born in my district, the district that I currently serve. His family lived on Maxwell Street, but later moved to the Lakeview area.

Mr. YATES was educated in the Chicago public schools, attended college at the University of Chicago where he played on the basketball team. I am not sure that he slam dunked that often but occasionally I suspect that he could rise to the heights of the basket. But nevertheless, he received his law degree from the University of Chicago Law School.

During the past 48 years, Mr. YATES can claim a leadership role in many important efforts. Most notably, he has been the staunch backer of the NEA and is often credited for saving this valuable program. Arts funding and environmental protection are perhaps two of his highest priorities.

In addition to this, Mr. YATES has assisted projects such as Navy Pier in Chicago, the U.S. Holocaust Memorial Museum, defunding the School of the Americas, gaining citizenship rights for the Japanese in the United States after World War II, and the Chicago Transit Authority. I can think of no more spirited of an advocate for the people and their civil liberties than my good friend, SID YATES. If he gets behind an issue, he will fight for it until the end.

Mr. YATES has often been deemed by the press a Truman era liberal, an unapologetic liberal and the greatest friend the arts have in America today. In 1973, Congressman Anunzio remarked, For in the Congress, he is the people's advocate, and his contributions have been positive and numerous. He has waged war against the common enemy: hunger, disease and apathy. He has helped relieve human suffering by devoting his energies to equal opportunity for employment, housing and education. He has encouraged the immigrants and the oppressed from other lands to migrate to America, the land of the free. He is a true liberal with his goals and sights high, but with his feet on the ground. He has vision and courage in abundance.

And so as SID YATES takes leave of 48 years of service in the House, I am proud to salute the honorable SIDNEY YATES. His voice is one of principle and honor. His vote has always been one of the people, and all of the people in the 7th congressional district in the State of Illinois commend, congratulate and salute him for his service.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for those fine words about SID YATES.

I yield to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the leadership of the gentleman from Illinois (Mr. LIPINSKI) in taking out this time to salute Congressman SID YATES, a pioneer for the people, someone who is a true gentleman and has been an outstanding member. He let his actions speak for his district and for his country, and in every way he has shown what a great Congressman can be, what it means to be selfless, what it means to be a visionary, what it means to make a difference. So while he will be concluding his many terms here in Congress, his legacy will live on in all the people programs that he supported. He is someone who for many of us who are newer Members, he is someone who we have gone to for advice. He is someone who has captured our imagination and our spirit and someone who has set high goals for us to reach, and we hope to continue the fine association with him and wish him the best as he moves forward in his life.

Let me add, if I may, that at the same time we are going to be missing Congressman MCDADE of Pennsylvania, who has been the dean of our delegation and also a fighter for his constituents as subcommittee chair of the Committee on Appropriations, someone who has done great things to stop waste, cut taxes and fight for important programs that he and SID YATES together thought were important to the people. And so two great giants of the House, Congressman SID YATES and Congressman JOE MCDADE are individuals whose accomplishments are legion, Members who have given their whole professional life to this institution.

Because of their outstanding service, their States, Illinois and Pennsylvania, are stronger, and America has a record of accomplishment second to none.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for those words about Congressman YATES.

I yield to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from Illinois (Mr. LIPINSKI) for setting aside this time to pay tribute and honor one of the most distinguished and longest-serving Members of this House of Representatives.

Even though I have only been here for two terms, I remember SID YATES very findly because of the mark that he left on Illinois, because of the mark that he made in Illinois politics. He was in the House and actually ran for the United States Senate against a very distinguished Senator by the name of Senator Everett Dirksen. I think back in the days when SID ran for that position, he actually thought that he could beat Senator Dirksen. But given the kind of record that SID had even back then, he waged a very, very vigorous campaign and represented really, I think, the best of Illinois politics, because I know that he cares very deeply about issues that face Illinois and has been very strong on trying to solve problems on behalf of the State of Illinois.

He represents, I think, one of the prettiest parts of Illinois and one of the prettiest parts of the Chicago land area along the coast of Lake Shore Drive and commonly referred to as part of the Gold Coast of Chicago. I think that for the people that SID has represented, he will be long remembered, probably, as the Congressman for the arts.

Of all of the things that I think SID has accomplished here in the House, I think he will always be remembered for his very, very strong advocacy for the arts, for the humanities, and really trying to promote and encourage people in those areas, whether they be the arts or the humanities. I think in reality that is what his moniker will be.

He also is someone that any Member of our delegation could go to and speak to about any particular project or opportunity for funding for the State of Illinois. Whether it be in Central Illinois, which I represent, or Southern Illinois, it did not make any difference whether the Member was a Republican or a Democrat, SID would listen attentively, would pay attention, and then do his homework and do his work to accomplish whatever the Member needed for their part of the State, because as much as I know he loved his own district, he also loved the State of Illinois and would do anything he could to improve that part of Illinois that the Member had come to him and asked him about.

He will be sorely missed for our State on the Committee on Appropriations. He will be sorely missed by the people who represent the arts and humanities for his advocacy, and he will be missed by all of the House for his intelligence and his ability to really come to the floor and make a case for the important issues of the day or the important

issues before the Committee on Appropriations.

□ 1930

I am sorry SID is not here tonight, but in the remaining days that we have, I know that many of us will have an opportunity to bid him a fond farewell and thank him for the many, many things he has contributed to his own district, one of the most beautiful parts of Chicago, to the beautiful State of Illinois, and to our wonderful country. And on behalf of, I think, those in Illinois that are not represented by SID, in central or southern Illinois, we say, ''Thank you for your stewardship and your service.''

And I thank the gentleman for setting aside this time to honor a great American, a great Member of this body, SID YATES.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman very much. We appreciate the words the gentleman had to say about SID YATES, and I want to say to the gentleman that when he talked about SID YATES being a gentleman, he certainly is a gentleman. We could not find a finer gentleman in this body or, I believe, anyplace in this country. I think his character has always been beyond reproach and his integrity has been of the highest possible degree. And in this day and age, that is something we really have to salute and admire.

GENERAL LEAVE

Mr. LIPINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order.

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

There was no objection.

Mr. LIPINSKI. Mr. Speaker, I yield to my colleague, the gentleman from Illinois (Mr. JESSE JACKSON).

Mr. JACKSON of Illinois. I thank the gentleman for yielding to me, and I rise today, Mr. Speaker, to pay tribute to a distinguished legislator, a paragon of virtue and a national treasure, Congressman SIDNEY YATES from my home State of Illinois.

I am deeply saddened that Mr. YATES will be leaving the House of Representatives at the end of this term. I join my colleagues in thanking this truly remarkable man for his invaluable contribution to this Nation.

Mr. YATES was first elected in 1948, and for 4 decades he has served as a member of the Committee on Appropriations. As the Member who coined the appropriations moniker, ''College of Cardinals'', he has spent 20 years as the chairman of the Subcommittee on Interior of the Committee on Appropriations and has been a staunch advocate for the arts and defender of the environment.

Mr. YATES embodies all that is just and virtuous about public service. Through his exemplary tenure, Sid Yates has typified what it truly means to be called ''the honorable''.

Mr. YATES has been considerate to me, generous with his time, and extremely helpful to me as a new legislator. On December 14th, 1995, Mr. YATES introduced me, after I took the oath of office, and has continued to serve as a guide and a teacher. As the dean of the Illinois delegation, he has proved inspiring by his courageous and principled stands on issues and legislation, despite great pressures to do otherwise.

I believe I speak for everyone in this body by thanking him for his leadership, public service, experience and wisdom. I will miss my good friend and trusted mentor, and I wish him and his family the very best as they embark upon the next chapter of their lives.

I want to take this opportunity to thank my colleagues, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Illinois (Mr. RUSH), and certainly the gentleman from Illinois (Mr. LIPINSKI), for being considerate enough to yield to me this time and for hosting this special order on behalf of Mr. YATES.

Mr. LIPINSKI. I thank the gentleman very much for those outstanding words about Sid Yates.

I was just thinking the other day that people have never talked about the Ninth Congressional District in the State of Illinois as anything other than the Yates district. Even when people were campaigning in the primary to succeed Congressman YATES, they never talked about running for the Ninth Congressional District, they talked about running for SID YATES' seat. And I believe that it will be thought of as SID YATES' seat for a long, long time into the future.

As I mentioned earlier, SID YATES is a man of the highest quality of character, the greatest integrity. He is a gentleman in the finest sense of the word. He never has a bad word to say about anyone. He has led many, many causes on this floor. He led them very strongly. He led them with a great deal of intellectual persuasion behind these causes. He never became upset with what other people had to say, even though, as time has gone on, some of the causes, some of the things that he championed may have had less and less support here in the House of Representatives.

As the gentleman from Illinois (Mr. JESSE JACKSON) just mentioned, and as the gentleman from Illinois (Mr. DAVIS) has mentioned, he never changed his position. He never changed his principles. You knew when you met SID YATES where he stood. We knew that when he spoke, he spoke directly, accurately, forcefully, and with the highest degree of integrity behind it.

There are many, many things that SID YATES has done for this country by being a Member of this body. He is retiring at the end of this term, but the accomplishments that he has had for this country will not only be remembered for many, many years in this body but will be remembered by many people in this Nation. Because many of the things that he has done in the arts, in the humanities field, and in the environmental field are things that people know about, people appreciate, and people will always be happy that SID YATES was here for almost 50 years.

I would now like to conclude this special order by recognizing the Congressman from Indiana (Mr. PETER VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I thank the gentleman for yielding and for setting aside this time to honor Mr. YATES.

I have kidded Mr. YATES in the past that one of the advantages he has over me is that during the summer months potentially half of his constituents tend to live in my Congressional District along the southern shore of Lake Michigan. But what I would like to remember about Mr. YATES tonight is not only the fact that he is a true gentleman, in every sense of the word, but as the gentleman from Illinois (Mr. LIPINSKI) just pointed out, his unflinching devotion and energies to preserving the environment of the United States of America as well as this planet and, in particular, the closeness to which he held the Indiana Dunes National Lakeshore to his heart, one of the great natural resources of this country.

I have a picture in my office of my son John when he was 8 years old, and he had a look of bliss on his face as he was jumping off a small bluff along the southern shore of Lake Michigan on the day a fence was torn down and the Dunes was expanded to include an area called Crescent Dune in the Michigan City area.

It was the last 36 acres of undeveloped property along the 45-mile southern lakeshore of Lake Michigan. And that property was included for future generations forevermore because of the strenuous efforts and commitments of SID YATES to the environment. It sat next to Mount Baldy, which was also included in the Indiana Dunes National Lakeshore, the highest geographic feature in Northern Indiana because of the efforts of Mr. YATES.

But most importantly, I think, there are now environmental education centers, campgrounds and other facilities. So that whether it is the young students of our area, whether middle-aged individuals or senior citizens who want to learn more about their surroundings and the environment, they are now able to do that because of the good works of Congressman YATES.

He is a gentleman in every sense of the word. He is dedicated to his family and to his country, and it has been a privilege for me to be able to serve with Mr. YATES for 14 years. And, again, I thank the gentleman very much for allowing me the opportunity to speak.

Mr. CRANE. Mr. Speaker, I salute my good friend and long-time colleague and political neighbor, SID YATES, as he comes to the end of a most remarkable career in the House of Representatives.

It was an incredible fifty years ago that SID first won his seat in Congress. I was a high school senior at the time, undecided about my future in the post World War II period.

Over the years since, both SID and I have worked hard together in support of numerous projects involving many issues for the betterment of Illinois citizens. And I must say that Chicagoans have long been appreciative of SID's remarkable ability as Chairman of the Interior Subcommittee on Appropriations to bring to the Windy City large allocations of funds for many important projects. Literally he has been able to win billions for the city and for Illinois in projects such as the Chicago Shoreline Project, the Navy Pier Restoration Project, the Indiana Dunes Land Acquisition Project, the Chicago Cultural Center—in addition to many specific public works projects of importance to Chicago.

Moreover, as one of this country's earliest environmentalists, SID YATES will be remembered fondly by many across the land as the prime mover in the creation of many national parks, as well as in the preservation of wildernesses, scenic rivers, seashore and lakeshore projects, for all Americans to enjoy. Each one of these projects stands as a testimony to SID's long dedication to keep America beautiful.

These are just some of the accomplishments of my good friend who has represented the Ninth District of Illinois so ably and for so many years. His record has continually won him the admiration of his Congressional colleagues, who will surely miss him in the years ahead.

Because we were of different political parties, SID and I have not always, of course, concurred on all the issues. Over the years, we have particularly had disagreement regarding the NEA. However, all of our exchanges of opinions on the floor have always been marked by cordiality and comity. Indeed I have always enjoyed our debates in the House chamber.

I rise with my fellow Illinois delegation members to salute SIDNEY YATES for his incomparable half-century of dedication and accomplishment in the halls of Congress—a most admirable record which should well serve as a model for new members as they arrive and take up their tasks in this hallowed House. We hope he will find time on occasion to grace the House floor with this presence, so that those of us who remain may be reminded that his many past examples of collegiality and hard work should still remain important to this body.

Mr. LIPINSKI. I thank the gentleman.

I would just like to say, in concluding this special order honoring SID YATES, that there has not been a finer Member of the House of Representatives in its history than SIDNEY R. YATES of Illinois.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4104) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the proposed rule for the conference report to accompany H.R. 4104, the Treasury, Postal Service and General Government Appropriations bill for the fiscal year 1999, waives all points of order against the conference report and against its consideration. The rule provides that the conference report will be considered as read.

Mr. Speaker, the underlying legislation, which makes the appropriations for the Treasury Department, the Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year 1999, is very, very important legislation. Nearly 90 percent of the activities funded under this bill are devoted to the salaries and expenses of approximately 163,000 employees who are responsible for administering programs such as drug interdiction, Presidential protection, violent crime reduction, and Federal financial management. I would encourage my colleagues to support the rule as well as the conference report.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear friend, the gentleman from Colorado (Mr. MCINNIS), for yielding me the customary half-hour.

Mr. Speaker, I want to commend my colleagues the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. STENY HOYER) for their very hard work on this bill and congratulate them on nearing the finish line.

This year's Treasury, Postal appropriations conference report provides $13.44 billion, which is slightly more than last year's bill. This conference report will provide substantial funding for Federal law enforcement, the Customs Service, the United States Mint, the Secret Service, the General Services Administration and the Bureau of Alcohol, Tobacco and Firearms. It is money that is much needed and will, to a large extent, be put to very good use.

It also fully funds the Office of the National Drug Control Czar, which is so critical to curbing the tide of illegal drugs that is still endangering our country's economy and our constituents' safety.

Today's conference report also fixes the problem with pay for Federal fire fighters. And without this language, Mr. Speaker, Federal fire fighters would continue to be paid much less than their municipal and civil service counterparts.

After watching Federal, local and State fire fighters battling the huge fires of Florida and elsewhere, to the point of exhaustion, I can say without hesitation, Mr. Speaker, these people do deserve a raise. And if we cannot give them that, the very least we can do is make sure that all fire fighters are paid about the same money. They all risk their lives for our safety, whether the truck on which they ride has a State seal or a Federal seal. This bill will fix that inequality, which I am very happy to see.

But, Mr. Speaker, there are some more serious problems with this conference report, and one of the most troubling aspects of this bill is its provision which will basically fire the general counsel of the Federal Election Commission. It does so, Mr. Speaker, by imposing term limits, but the effect is to fire somebody who has been working very hard to protect the integrity of the American electoral process.

Mr. Speaker, I am sad to say that common wisdom is that this person is being fired because he investigated GOPAC and the Christian Coalition and, in doing so, has angered some very high ranking Republicans. I do not need to tell anybody here, Mr. Speaker, that the Treasury, Postal appropriations conference report is no place to exact political vengeance, particularly against someone who was only doing his job.

The Federal Election Commission is the agency that watches over elections. It polices Federal campaigns, making sure that candidates and interest groups are raising and spending money within the bounds of the law, regardless of which party they represent. The Federal Election Commission and its employees are charged with making sure that our campaigns are fair and that the American people are heard, and its employees should be protected from partisan attacks.

So a partisan firing of upper level staffers could have widespread ramifications for fair elections all across these United States, and I will oppose the bill for that reason.

Also, Mr. Speaker, two members of the other body feel so strongly about this issue that they have promised to filibuster if it is not resolved.

Finally, Mr. Speaker, this is the third rule which we have done for some version of this bill. And with every rule, my Republican colleagues promise to address the pending computer meltdown known as Y2K.

□ 1945

Well, here we are again, Mr. Speaker. It has been three months and still

there is no emergency supplemental appropriation bill funding the $2.25 billion we need to begin solving this problem.

Mr. Speaker, if we ignore this, it is not going to go away. Most Americans believe it is our government's job to deal with this problem. And Mr. Speaker, for us that time has come. If we do not act soon, all sorts of calamities could befall us.

The stock market may drop. Air traffic control systems may falter. Our national defense monitors could lapse. Social Security checks and Medicare payments may not go out. There could be electrical blackouts and brownouts. Telephone bills could be filled with mistakes. Mutual funds and money markets could fail. Medical equipment might not work. The list just goes on and on and on.

Mr. Speaker, the money to address this problem was in here once. There was $2.25 million in this bill to prevent that chaos that might reign from the airports to the hospitals, from the stock market to the grocery stores, when that ball drops in Times Square on December 31.

In fact, Mr. Speaker, the House even voted for a motion to instruct conferees which directed them to have the money for Y2K, but still the money is not there. In fact, they even went so far as to take it out, Mr. Speaker. They took it out of this bill. They took it out of the defense bill.

However, Mr. Speaker, I do commend my colleagues on the Treasury, Postal conference committee for their hard work. They have had to juggle a lot of competing programs in many ways. In many ways this otherwise could be a very good bill.

But, Mr. Speaker, I urge my colleagues to oppose this bill for its attacks on our electoral integrity, and its failure to address the computer problem which is threatening to bring every aspect of American life to its knees.

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

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. I see we are off to a energetic evening here with the nice buzz words, ''term limits'' and ''Y2K.'' Of course those are words that the American public understands.

But let us clarify exactly what we are talking about here. First of all, we are not imposing term limits. What we are saying is, hey, every 4 years their job performance is going to be reviewed, and if they have 4 votes in the majority that say they are doing a good job, they keep their job. If they do not, they are out of work.

Now, the average person that is watching us today, the average person that we represent out there goes through a job performance review. And we are saying, with the Federal Election Commission, they are going to go through a job performance review. Just because they oversee our elections does not mean that they are immune, that they somehow get tenure over there. We are not for granting them tenure. We are saying, do their job and they keep their job. So do not say it is term limits.

Now this Y2K problem, Mr. Speaker, come on. In my opinion that is a cheap shot. It is in the emergency funding bill. The Democrats over there know it is coming. They have not exactly scrambled to help us out. It is coming in the emergency funding bill. It is not being ignored, my opinion, by any side of the aisle. It is a significant problem in this country. And for one side of the aisle, the Democrats, to jump up and start parading around that the Republicans are ignoring this is unfair. It is patently unfair for they to make a statement like that.

Both of us have a problem. Let us not spend our time attacking each other, saying the other party is not doing anything about it. Let us focus on it. We are putting the money in the emergency funding bill. Be fair with the people here and let them know. Sure, it is not in this rule, but it will be here in two days.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in a few moments, after we have heard from some others, I am sure I will have a few things to say about some of the negative things that are going to be said about this rule and this conference report. But I would like to start off, I hope, on a constructive note and one in which I urge my colleagues to support the rule and the conference report because I believe that it should be passed.

This is a good piece of legislation. Even the ranking Democrat of the Committee on Rules agreed that this is an important bill that funds vital, necessary parts of the Federal Government. Let me just highlight a few of these.

As agreed by the conferees, we have $13.4 billion in discretionary spending for the coming year. That is an increase of $700 million in budget authority over the current fiscal year. The conferees, working together in a bipartisan way, have fashioned this bill to target three critical areas: enhancing the drug efforts of the Office of National Drug Control Policy and the U.S. Customs Service; second, supporting ways to reform the way IRS interacts with the taxpayers; and third, ensuring that our judicial system can respond to its increased work load by making sure that we have secure and adequate space by providing courthouse construction.

In the interest of time, let me just highlight a few of the key provisions in the bill. One, we provide $1.59 billion for drug-related activities. That is an increase of about 1 percent over 1998 levels. Included in that is $185 million for the second year of the National Media Campaign to prevent youths from using drugs, something that we know is vitally important. We have $20 million for the Drug Free Communities Act, which Member after Member has told us how important this is for their communities.

For the Customs Service, we provide $1.8 billion. That is down slightly from the President's request. It includes $54 million for new narcotics detection technologies for both sea and land ports of entry, as well as $15.2 million to address badly needed maintenance needs of the air and marine interdiction program, including, Mr. Speaker, $14.2 million to return 3 Blackhawk helicopters to operational status, to increase flight hours for the entire Customs Blackhawk fleet from 18 hours to 30 hours per month. We need to get those Blackhawks up and flying. We need to use them in this interdiction effort, and this bill provides the funds to do that.

We provide $7.9 billion for the Internal Revenue Service. This body, by an overwhelmingly bipartisan vote earlier this year, voted to reform the IRS, and we provide the funds to make that reform work so that it will be more user friendly, more consumer friendly, more taxpayer friendly.

We have $128 million over the current fiscal year for the IRS. Included in that is $21 million for ongoing efforts to revamp the IRS computer system, which is so badly in need of being upgraded; $25 million to restructure the way the IRS does business with taxpayers; $103 million for improved customer service activities; and, as my colleague from the Committee on Rules said earlier, the money for Y2K will come in a separate bill.

Mr. Speaker, I cannot say how many Members have spoken to me about their new courthouse construction projects. This is not pork barrel construction. This list comes right from the list provided to us by the Judiciary. We do not add any projects. We take just the first 14 courthouses that they have ranked as the most important ones in the United States to construct.

Last year we had a moratorium on construction. We just did not have the money in the building fund. We have been able to find it this year and we have been able to support the requests of the Judicial Conference for the coming year.

Yes, Mr. Speaker, we do have a number of legislative provisions in our bill. We have a restriction on the use of funds for abortion. That has been in this legislation for a long time. We have a requirement for the Federal Employees Health Benefit Program to provide coverage for contraceptives. We have a new title on child care services within Federal agencies. We have a new title granting lawful permanent resident status to current Haitians and, yes, as the first speaker on the

other side has already said, we have revisions to the appointment and reappointment authority of the general counsel and staff director of the FEC.

We will have more time to discuss that, and I hope that there will be some more discussion about the good provisions in this bill and why we should get this conference passed so that we can provide for the vital functions of the government to go forward.

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

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

Mr. Speaker, I am sorry if my dear friend, the gentleman from Colorado (Mr. MCINNIS) thought I implied that the Republicans were ignoring Y2K. I know they have not ignored it, because they knocked it out of one bill and did not protect it in the other, so I know they are not ignoring it.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this rule should not be before us tonight and neither should this bill. The conference report was just signed about an hour ago, and now under a martial law approach it is before the House. No Member has had a chance to examine what is in that conference report, and there is one provision in the conference report which is absolutely outrageous. The best way to deal with that is to simply defeat this rule.

This bill, pure and simple, if this rule is approved, will put the general counsel of the Federal Elections Commission out of business come January. Section 514 of the bill establishes term limits for the general counsel and the staff director of the Federal Elections Commission by requiring an affirmative vote of 4 of the 6 commissioners every 4 years. This is a blatant Republican political maneuver aimed at removing the Federal Elections Commission's current general counsel, Lawrence Noble.

Why? Because during his tenure, Mr. Noble has aggressively sought to enforce election laws and has been willing to punish violators of the law from across the political spectrum. The Federal Election Commission's general counsel, Mr. Noble, suggested that the FEC crack down on soft money, because he has had to take some of these cases to court recently; for example, GOPAC and the Christian Coalition.

Section 514 would undermine the bipartisan nature of the Commission by requiring the Commission to reappoint the staff director and the general counsel every 4 years by an affirmative vote of 4. That means, in plain English, a vote along party lines would enable the commissioners of either party to dismiss the senior staff. That is wrong, and that is why editorial boards and reform minded organizations throughout the country have rightly attacked this provision as an attempt to further weaken the Federal Elections Commission and ensure that the election laws go unenforced.

The New York Times recently stated, ''This change is nothing more than an attempt to install a do nothing enforcement staff.''

In my judgment, what this would do is simply require the counsel to deal with kid gloves in dealing with either party, because if they did not satisfy both parties they would not stand a chance of being reappointed.

The best way to satisfy both parties, obviously, is to do nothing, and that is not what we need in the Federal Elections Commission. We do not need a pussycat. We need a tough tiger. We do not need a paper tiger at the FEC, but this is a prescription for creating just that.

The recent Washington Post editorial comment was correct. It said that this FEC provision is, ''In keeping with the rest of the record on campaign finance this year. The unifying theme has been hypocrisy.''

Section 514 is an unwarranted retaliatory provision aimed at undermining the professionalism and independence of the Federal Election Commission general counsel's office. It ought to be rejected.

This Congress ought to be standing for election reform. It should not be putting impediments in the way of further election reform, and that is what it does when it disarms the Federal Election Commission.

There are many good provisions in this bill, but this is not one of them. The best way to correct the problem is defeat this rule, and have the committee go back to conference and eliminate this and other egregious provisions that Members may be concerned about. I urge a ''no'' vote on the rule.

Mr. MCINNIS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Colorado (Mr. MCINNIS) has 22 minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 18½ minutes remaining.

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

Mr. Speaker, I cannot let the previous comments go without some call to question about those kind of comments. First of all, let us clarify it for the American public. It is not a term limit. It is a job performance. These people will keep their job if they pass their job performance.

The gentleman over here who just previously spoke is up for election every 2 years. Under his term, under his logic, because he has to face election every 2 years, he calls it a term limit. It is not a term limit. It is like what we ought to do a lot more of in this Federal Government, and that is say to our employees, your performance has to be up here. If you do not have job performance, you can lose your job.

□ 2000

That is exactly the point we are making here. You can sure tell in my opinion it is an election season when you start throwing ''job performance'' around, calling it a ''term limit,'' and then turning it around and saying ''Gosh, you are trying to get rid of the Federal Election Commission.''

I think we all have an obligation when we stand up here. Let us be accurate with the terms we use. We are not saying term limit. We are saying job performance. Job performance. If you do not perform, you are out. I want to remind the previous speaker that the majority of constituents that he represents face job performance review. If they do not perform their job, they are out. That is what you ought to face.

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

Mr. MOAKLEY. Mr. Speaker, I yield one minute to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, let us not kid ourselves: This does not have diddly-squat to do with term limits. What you want to do is to make sure that you can dismiss whoever is the general counsel of the FEC by a simple party line vote. That is what the proposal does.

The only way the general counsel can stay in office under those conditions is if he rolls over and place kissy-face with both political parties. We do not need an Election Commission that does that. We need an Election Commission that is going to police both parties, not one that is going to cave in to both parties, and you know very well that is exactly what this provision does. Quit kidding people.

Mr. MOAKLEY. Mr. Speaker, I yield one minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, the gentleman from Colorado has said on two occasions that this is just like every employee. It is not. This bill terminates the employment of Mr. Noble. That is what this bill does. It has a provision in it that he can be rehired by a vote of four to three. The commission is made up of three Republicans and three Democrats.

Do not kid anybody. This bill fires a Federal official for doing something that you did not like, and that is going after GOPAC and the Christian Coalition.

The gentleman from Colorado (Mr. MCINNIS) is right, we need to be accurate on what this bill does. That provision should not be in this bill. There are three Republicans and three Democrats, and you are correct, if four of them believe that Mr. Noble is not performing, they ought to remove him from office. But it ought not to be done on a partisan vote. That is the reason for this provision in current law, to protect the counsel and the executive director from partisan attack.

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

Mr. Speaker, it is interesting that the other gentleman there said this does not have, I forget what kind of

word he used, ''diddly-squat'' he says, about term limits, and he spent five minutes talking about how it is term limits. So I am glad that the gentleman has acceded to my point.

I would say to the gentleman from Maryland (Mr. HOYER), this is not about term limits or about anything. It is about tenure. And I am saying, by gosh, these guys, I know they look at what we do for elections, but that does not entitle them to a lifetime of employment. When do we have job performance? How do you question what these people are doing?

The gentleman from Maryland (Mr. HOYER) and I both face our job performance here in about five weeks. By the way, we have to get an affirmative vote in about six weeks for the gentleman and I to be back here in January. And what makes him any different? We are saying you have to be like other employees, just like the working Joe and working Jane out there. You have to come up with some job performance.

It does require one Democrat or one Republican, depending on the makeup, to come over and say your job performance is such that you should retain your job.

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

Mr. MOAKLEY. Mr. Speaker, I yield two minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I came to the floor today to support the rule on the Treasury conference report. I rise in strong support of it. There has been a lot of work that has gone into this bill. It is not going to satisfy everyone. It is not going to satisfy everyone on this floor. But I say to you, a lot of work has gone into this. It has touched some very important points.

Number one, the money that has been allocated for drugs. They are overrunning our communities and it is time we continue to do something about it. Customs in the area where I come from is extremely important. If we do not have Customs officials, then we do not guard our borders and guard our water, and certainly our quality of life will be decimated by the wrong people coming in through Customs.

For example, I rise also because for the first time since I have been in the Congress the Haitians receive some kind of recompense in this bill. They did not receive everything that everyone wanted, but they did receive some recognition, and about 40,000 of them, perhaps, if this bill goes through, will get a chance to get equal rights in this country and get green cards and be able to work.

I say to you that this particular rule is one that we should stand up for, and I stand here not unafraid to say that this Treasury report is one that we need. We need it to be able to pay our government workers, we need it to be able to have our borders protected, as we have always wanted, and I want to say to the rest of my colleagues, sometimes you have to vote for a thing because it is right to vote for it.

Mr. RIGGS. Mr. Speaker, I yield two minutes to the gentleman from Florida (Mr. DIAZ-BALART), a member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it has saddened me to see issues unrelated to the funding of the Postal Service and the Treasury Department, those two extraordinarily important Federal agencies that must be funded, and that is our responsibility. Before we get out of Washington, we must fund the Federal Government. I am saddened to see collateral issues put in jeopardy this rule. If this rule goes down, the underlying legislation will not be able to be reached tonight.

As my colleague from south Florida stated, there are 40,000 political refugees in this country, most of whom fled Haiti after the 1991 coup there because of political persecution, and they are looking at us tonight with an extreme amount of hope and faith, and I would urge my colleagues on both sides of the aisle to remember those 40,000 human beings who are watching us tonight.

I want to thank the gentlewoman from Florida (Mrs. MEEK) and I want to thank all of those who have worked on this legislation. I want to thank Jeb Bush in my state of Florida who has called our leadership time and time again and made it a top priority of his to get this legislation for justice for those 40,000 human beings passed.

I would say to Members, let us not bring this rule down and not be able to get to the underlying legislation. It is a fair rule, it is fair legislation. There are 40,000 human beings looking at us that need this legislation to pass. Please support this rule and the underlying legislation.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the rule and the conference report because it permits Congress to micromanage the very agency that is charged to police our elections.

It takes an organization, the Federal Election Commission, that has been called a toothless tiger, and turns it into a helpless kitten. It allows the accused to become the jury.

The provision permits just three commissioners or just one party in a partisan way to fire the top officers at the Federal Election Commission. That means that the staff at the FEC had better not annoy anyone of either party or they are going to find themselves in an unemployment line.

I believe that some of my colleagues on the other side of the aisle are just plain going after general counsel Lawrence Noble because he is doing his job, investigating GOPAC, investigating many campaign finance abuses.

It is very frustrating to speak out against this appropriations bill because I am pleased that we won a victory for women's contraceptive rights, and I am pleased that the FEC will be fully funded. But how can the FEC go about its business of investigating campaign finance violations with a sledge hammer being held over its head?

Mr. Speaker, we spent a great deal of this spring and summer months debating campaign finance reform. It passed the House; it was filibustered and killed in the Senate. Instead of moving forward with changes that would aid reform, this House leadership is rolling back reform. It is working to fire the one person who is actually trying to enforce the law in a bipartisan manner, and it is being done under the cover of night in this rule and this conference report.

Mr. Speaker, I truly do believe that there is a vendetta by the leadership on the other side of the aisle against the FEC, and many, many editorial boards across this country agree. The Washington Post accuses Republicans of giving Mr. Noble ''the brush-off.'' The New York Times calls it ''an arrogant attack.'' The Minneapolis Star Tribune calls Noble a ''watchdog about to be muzzled by the Republican attack.''

I urge my colleagues to leave the FEC with the small amount of bite it has left by voting against this conference report and voting against this rule that would muzzle and defang the Federal Election Commission.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume, first of all to address the previous comments made up there. I always get enjoyment out of hearing those buzzwords, ''under the cover of night.'' I would concede that the hours are moving quicker now towards darkness, it is dark outside, but I would remind the previous speaker that obviously we are televised throughout the country. There is no secrecy going on there.

We have the Committee on Rules, and, obviously, all these newspapers, the three or four that the gentlewoman cited, that have been busy in their editorial pages. This is not something ''sneaking by.''

This is a good rule. I think the gentleman from Florida has a very pertinent point, Mr. Speaker, and that is there are a lot of good things that this bill will fund. This rule is important so that we can get to that; Postal, Treasury, drug interdiction and so on.

Mr. Speaker, I yield three minutes to the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, the gentleman probably should not yield me any time, because I guess sometimes I tell it too much like it is.

I am upset with some Republicans. Usually I am upset with you Democrats. But when I first came here 20 years ago, I was so principled, I just

thought there was not such a word as ''compromise.'' You had to have it your own way, and, if you did not, you voted against it.

Well, you know, we had a President of this country elected in 1980 who was a great man, and he was a great compromiser. His name was Ronald Reagan. He vetoed very few bills. He had a Democrat Congress to work with, most of the time a Democrat Senate and always a Democrat House, but, you know, to govern he knew you had to sit down and you could not always have it your own way, and he vetoed very few bills.

Well, I am standing up here tonight, and I am hearing Democrats over there, and they are complaining because there is one thing in this massive bill, hold up that bill over there, would you. There is one little paragraph in this bill, and they are so upset they are going to vote against this bill.

Then I hear my Republicans over here, and they are going to come on this floor and they are going to vote on this rule, and they are going to try to vote the rule down, our Republicans, because they do not have it their own way.

Mr. Speaker, I wonder if they ever served in the military. Not many of them did, but that is not a criteria. I wonder if they ever played on a football team, and the quarterback called a play where the wide receiver was going to go out and make a sharp left. Well, the play takes off, and the wide receiver says, ''I don't like that play; I am going the other way.'' The quarterback throws the pass, there is nobody out there, and they lose the game.

That is what you Republicans are going to do, my friends, because I can tell you that five years ago the Democrats were divided over here, and we defeated five or six or seven of their rules in the last two years they were here and they fell apart.

Do you remember that, guys? That is why you are in the minority.

Do you want to be in the minority over here? That is exactly what is going to happen. We have got a conference report here that the other body has agreed to, we have agreed to, and nobody got their own way. But there is no conference to go back to. You defeat the rule, the bill is dead.

Mr. Speaker, we have to compromise around here. If I catch one Republican coming over here and voting against this rule, I am going to invite you to go outside, because you are not a team player. This is what it is all about. So come over here and talk to me about it, but you do not vote against rules of your party.

☐ 2015

One votes to bring the bill to the floor, and if one does not like the bill, then one votes one's conscience. One votes any way one wants to, but one does not disrupt the House and kill the legislation. Think about that, I say to my colleagues. I love you all.

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

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

I was very astounded to find out how my chairman felt about Republicans. If he wants, he can bring his football and play on our side of the team.

I would just like to read at this time, Mr. Speaker, just the first sentence of a Washington Post editorial of September 28. ''Powerful Republicans are still trying to twist the appropriations process to oust longtime general counsel of the Federal Election Commission, Lawrence Noble, whom they regard as too aggressive an enforcer of the law.''

Now, that is not the Democratic committee saying that, that is not the President of the United States, that is not the leadership of the minority, that is the Washington Post.

Sure, many people may vote against this bill because of a couple of little things like this, but why did they put a couple of little things like this in the bill in the first place? They do not belong there.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. LOWEY).

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

Mr. Speaker, I rise in support of this rule on the Treasury Postal Conference Report, because the conference report includes an important women's health provision: the requirement that FEHB plans which cover prescriptions also cover prescription contraceptives.

The language passed the full Committee on Appropriations with support from Democrats and Republicans, pro-life and pro-choice. The Committee on Rules stripped it out of the bill, but I offered a rewritten amendment on the House floor, which passed. Then the same coalition of pro-choice and pro-life Democrats and Republicans defeated an attempt to weaken the language by my good friend, the gentleman from New Jersey (Mr. SMITH).

Unfortunately, the conference report also includes a politically vindictive attack on the bipartisan Federal Election Commission, and I think this is disgraceful, has no place in this legislation, and I do hope this will be eliminated in the Senate. However, because of the importance of contraceptive coverage for women across America, I will vote for the conference report.

Mr. Speaker, we are all in agreement that we want to reduce the number of abortions. Close to half of all unplanned pregnancies end in abortions. Many of these unplanned pregnancies could be prevented with better access to contraception. Contraception is basic health care for women. It allows couples to plan families, have healthier babies when they choose to conceive, and it makes abortion less necessary, which is a goal I thought we all shared.

Yet, 80 percent of FEHB plans do not cover all of the 5 most widely used contraceptives. Ten percent cover none of the 5 most widely used contraceptive methods. Meanwhile, all but one of the FEHB plans cover sterilization. Is it not clear that women and men who want to have families, who want to plan pregnancies, need better options?

It is important to understand, I say to my colleagues, what we are talking about when we talk about contraceptive methods. We are not talking about abortion, we are not talking about RU486 or any other abortion method. No abortions will be covered by this amendment. This is, in fact, clearly stated by the language in the conference report.

I just want to make it very clear to my colleagues that we are talking about providing women with the full range of contraceptive options. Women need the full range of options because not every woman can use one form or another form of birth control. Many women cannot use the pill. Its side effects, such as migraines, can be truly disabling for some. Other women choose not to go on the pill because they may be at special risk for stroke or breast cancer or something else.

So I urge my colleagues to support this rule, support this bill, and I hope we can change it in the Senate.

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

I guess there are a couple of points that I would like to make about the previous speaker. First of all, she very eloquently and correctly supports the rule. That is what is important here. We have lots of time to debate the bill this evening or whenever that debate takes place. Mr. Speaker, there is not a partisan split on this bill, there is support. This bill covers drug use, supporting law enforcement efforts, and so on.

The other point I would like to make is that I hope the Democrats that are over there that are giving a lot of weight to these editorials of recent, I also hope they have that same kind of enthusiasm on the other editorials out of these newspapers, a couple hundred of them that have come out in the last couple of weeks on another subject.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I appreciate the gentleman yielding me this time.

I am pleased that here on the first day of the new Federal fiscal year we are debating one of the appropriations bills, but the tragedy is this is the first day of the new fiscal year and we do not have a concurrent budget resolution in place.

How does it happen that this body, which has committed itself to abiding by its own rules and by the legislation in the Budget Act, has not been able to work with the body at the other end of the building and develop a concurrent budget resolution? We do not have a road map for the budget process. It is a failure of leadership.

Mr. Speaker, this is the first time in the 24 years that we have had a Budget Act on the books that we have not produced a concurrent resolution. Last Saturday, we stayed in session and we debated and we voted on tax cuts. I think virtually every Member in this body would like to see tax reductions. The question was, do it now or defer it until we have balanced the budget without using Social Security. It was an important debate. But it certainly would have been helpful, again, if we had had a concurrent budget resolution to provide some guidance as to how we are to make decisions regarding Federal fiscal policy. It is unfortunate that we are debating appropriations bills for 1999 without a budget resolution.

Mr. Speaker, I urge that each Member of this body press upon the leadership the importance of our having a budget resolution. Hardly a week goes by that we are not telling State and local governments, the United Nations, International Monetary Fund, the World Bank or others that receive Federal funds that they ought to have a sound budget process, and here in Congress, we do not even have the wherewithal to adopt a current budget resolution.

Mr. Speaker, I hope that we proceed with these appropriations bills and do the best we can under the circumstances, but hopefully we will not repeat this tragic situation in 1999, but instead, we will move forward and have a budget resolution and provide guidance for where we are headed with this country and its fiscal policies into the next century.

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

I cannot help but note the gentleman's comments about failure of leadership. I would challenge the gentleman: let him try and get together a body that has 535 different Members from 535 different locations around this country with 535 different philosophies, with thousands and thousands of different projects, whether it is Social Security or highways or military or the Y2K funding, and let him try and pull them all together. It takes some challenge.

I think we have leadership out there, the fact that we are here at this point. Of course it tests leadership.

The key here is that we always get into this kind of crunch time on an appropriation process. It is just like a family budget. In my family, my wife exercises her leadership pretty toughly, I might add, towards the end of a month when it gets to crunch time, but that is not a failure of leadership, that is a presentation of leadership.

The key here is the rule, and that is what we have to come back and focus on. The gentleman from Florida and the chairman of the Committee on Rules said, look, I thought his football example was excellent. We are going to throw I mean a bill that has a lot of good things about it, a lot of merit in it. There are Democrats and Republicans that support this bill. But if we kill this rule, which some people are set on doing this evening, we set those needs and those issues for a lot of those districts and a lot of people in this country back a few steps. It is not necessary. Let us go through this rule, let us pass the rule, and let us have fair debate following the rule, and that is what passing the rule will give us the opportunity to do.

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

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would simply like to emphasize that here we are in the 24th year of a process in which we have required of ourselves a concurrent budget resolution, and this is the first time in 24 years that we do not have one. That is why we have a failure of leadership.

Mr. MOAKLEY. Mr. Speaker, may I inquire as to the remaining time for my dear friend from Colorado (Mr. MCINNIS) and myself?

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Massachusetts (Mr. MOAKLEY) has 5½ minutes remaining; the gentleman from Colorado (Mr. MCINNIS) has 11 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, may I inquire of the gentleman from Colorado how many speakers he has remaining?

Mr. McINNIS. Mr. Speaker, at this point it would be myself and the gentleman from Arizona (Mr. KOLBE), and I intend to yield him the last 5 minutes, so it depends on the number of speakers on the other side.

Mr. MOAKLEY. Mr. Speaker, I just have one speaker, so if the gentleman would yield to one of his speakers, and then I will yield to my speaker.

Mr. McINNIS. Mr. Speaker, what I would prefer instead is for the gentleman to go ahead with a speaker, and then I will comment and we can wrap it up with yielding the balance of the time to the gentleman from Arizona (Mr. KOLBE).

Mr. MOAKLEY. But, Mr. Speaker, I understand that the gentleman from Colorado has only himself and the gentleman from Arizona (Mr. KOLBE).

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

Mr. MOAKLEY. Mr. Speaker, I think I understand.

Mr. Speaker, I yield the remaining time to the gentleman from Maryland (Mr. HOYER), the ranking member of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations.

Mr. HOYER. Mr. Speaker, it is difficult being a ranking member on a committee where the bill that confronts us is a good bill. I said that in the Committee on Rules, I said that to the gentleman from Arizona (Mr. KOLBE), I said it to others, and I will say it when we consider the bill. It is a good bill because as the Committee on Appropriations is required to do, if it is responsible, it gives the necessary resources to agencies to accomplish the objectives that the American people expect of them; and indeed, that this Congress expects of them.

In particular, I want to congratulate the gentleman from Arizona (Mr. KOLBE), the chairman of our subcommittee, for his tenaciousness in ensuring that agencies can effectively carry out their responsibilities. That is particularly the case as it relates to law enforcement and the fighting of the drug scourge on our borders and within our communities.

Mr. Speaker, this bill almost, I believe, is the best bill that this committee has reported out in the last 3 years. In part that was because we had sufficient resources to fund agencies. Not all they wanted, but sufficient.

□ 2030

Mr. Speaker, therefore, it is with a great deal of regret that I rise, because we have included in this bill a number of extraneous provisions. All of them, without fail, were argued in a bipartisan fashion. That is to say that there were some Republicans for them and some Democrats for them, some Republicans against them and some Democrats against them.

One provision, however, is, I believe, without exception opposed on our side of the aisle because it is, I believe correctly, perceived as a totally partisan, inappropriate attack on the FEC.

I have heard my good friend, the gentleman from Colorado (Mr. MCINNIS) say that this was just like any other employee. He and I disagree on that proposition. In point of fact we have an individual, Lawrence Noble, a staff member, not a commissioner, who can take no action without having four votes, which means that he needs at least one Republican to authorize action of the Commission, because there are only three Democrats, and four votes are required.

Mr. Noble has taken some actions which have annoyed just about everybody on both sides of the aisle. In fact, more complaints have been made against Democrats, 38 percent, than Republicans, 32 percent. In fact, 80 percent of the Democrats have paid their fines, 51 percent of the Republicans have paid their fines. So in point of fact, it ought to be Democrats from that perspective who ought to be more annoyed at Mr. Noble, because he apparently has been tougher on us.

But in the performance of his duties, he concluded that actions were appropriate to be initiated against GOPAC and against the Christian Coalition for campaign actions which they had undertaken, just as he would take it against the Clinton campaign or the Bush campaign or other Republican and Democratic campaigns.

It is our belief, notwithstanding the fact we have been told we are in error on this, but it is our belief that this bill and the provision regarding Mr.

Noble, which terminates Mr. Noble's tenure, because by this bill his tenure is terminated as of January 1, 1999, 90 days from today, I do not recall a bill firing a Federal employee before. Perhaps there has been, but I do not recall it. I do not recall it.

We would have hoped that during the consideration of this bill, that some compromise could have been reached. I brought to the attention of the conference that one of the Senators in the other body has indicated that he is going to filibuster this bill if this provision is in there, so the conference report probably cannot pass the other body.

Mr. Speaker, I am going to vote against this rule. I regret that, but I see no other way to indicate my opposition to this provision. I do not know what I am going to do on final passage, because the chairman has worked very hard, and I repeat again, this is a good bill. I would hope that my colleagues would join me, and that this provision would be taken out of this bill before, again, it is offered to us for passage.

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

Mr. Speaker, the gentleman from Maryland (Mr. HOYER) is an exceptionally bright, very capable gentleman, but I would point out that he says that he cannot think of another Federal employee who has ended their tenure like that. There are 435 sitting on this floor. In 30 days, every Member in this House has to, by affirmative vote, prove to the constituents that he or she has done the kind of job performance that would allow them to continue. We do the same thing. We go out to our judges.

What we are saying here, the gentleman can pull out of the air the Christian association or some of these other examples. That is not this. We are saying here, hey, one party, by the way, with three votes could get this guy a job for the rest of his life, or some gal a job for the rest of their lives. We are saying, job performance. If they perform, they keep the job. That is what we have to say. Right now, there is no accountability, in my opinion, from the Federal Election Commission. We are asking for accountability.

Mr. Speaker, I yield 7 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Colorado for yielding time to me. I want to especially thank the chairman of the Committee on Rules for the comments that he made earlier. I think he is right on target.

Mr. Speaker, this is about getting a bill to the floor. This is about the necessary compromises that have to be made in the legislative process that all of us learn very painfully as we go through this process. We do not get everything we like. There are things in here which I would prefer not to see in here.

Mr. Speaker, this is about compromise. It is about teamwork. But as I listened to the arguments from the other side for the last hour, I think the comment that was made by the distinguished ranking member of the Committee on Rules at the outset put it right into perspective. He said, this is really about firing one person. This is about one person. This whole bill, this whole rule, is about one person.

Who here tonight is going to say that this one individual, this general counsel of the Federal Elections Commission, is not a powerful person? Here we are, threatening to take down a $27 billion appropriation bill that supports 163,000 good working men and women in the Federal Government. We are going to take it down because we do not like what it is doing to one single person. We want to save the job of one career bureaucrat.

We are willing to take down this bill, this appropriation bill, because one person, the minority says to us tonight, may not be able to muster up four votes to save his job; a majority, that is how we pass bills around here, a majority of the Federal Elections Commission, to save his job. That is what this debate tonight is all about.

Mr. Speaker, we are willing to defeat this bill, that gives the Customs Service another $15.2 million to put 16 Black Hawk helicopters in the air, to increase their flying time from the current 18 hours to more than 30 hours each month. We need those Black Hawks along the border, I can tell Members that. I represent one of those areas. We need those in the drug interdiction fight. This bill gives us the money to put those helicopters back in the air, to give them the time to fly, to help them interdict against the drugs.

Who says the general counsel of the FEC does not have power? He can ground the entire Customs Service fleet of Black Hawk helicopters in order to save his job.

The Democrats are willing to sacrifice $7.9 billion for the Internal Revenue Service, including $103 million for customer service initiatives, $25 million in restructuring and reform, to keep one man in his job. By a huge bipartisan vote earlier we passed IRS reforms on this floor. This gives us the money to put those into place, to make the IRS a more taxpayer-friendly, a more consumer-friendly place. But no, some people are willing to sacrifice this bill and the money it has for IRS reforms to save the job of one career bureaucrat.

The fact is, we do not fire the current general counsel, we simply require that he has to get a majority of the votes from the Federal Election Commission in order to stay on the job every 4 years. The FEC is supposed to be a bipartisan group. If the general counsel cannot get a bipartisan vote in order to stay on this job, then why should he stay on for a lifetime? Why should he not find other employment? The fact is, the House of Representatives here is debating the job security of one single person in the United States government who apparently cannot get four out of six people to think he is doing a fair job. That is unconscionable.

What else are we going to sacrifice? Are we going to sacrifice $3.4 million to stop cybercrime and the smuggling of child pornography? We are talking about giving up $3.2 million for the support of the National Center for Missing and Exploited Children, $20 million for drug-free communities. Letter after letter I have had from the majority and minority side saying how important this money for drug-free communities is.

There is $185 million for the second year of a national media campaign to keep our kids off of drugs. We have a good start on that program this year, but no, we are willing to give that up to save the job of one career bureaucrat if he cannot get four votes, a majority of votes, the same thing we have to have to pass any bill in the House and Senate, the same thing we have to have to confirm any person in the cabinet or in the Federal government, when he is confirmed by the United States. No, we are willing to give that up to keep that one person.

There is $183 million for high-intensity drug trafficking areas, in areas like Dallas and Fort Worth, and a new one that is very important, central Florida; Washington and Baltimore; Miami; the Midwest, for the methamphetamine reduction. All of these are in danger.

In Southern California, Mr. Speaker, in Los Angeles, in San Francisco, in Detroit, in Chicago, in El Paso and Arizona, and yes, along the Arizona and southwest border, all of those high-intensity drug trafficking areas could be endangered, and certainly the new ones will be endangered by not passing this rule and this bill.

And oh, yes, to save this career bureaucrat's job, we are willing to give up low-income taxpayer clinics we provide for in the IRS legislation, so that low-income taxpayers can get some service from the Internal Revenue Service; and yes, provisions that Members of this body have come to me about for land transfers in Racine, Wisconsin, and a very important one in Dade County, Florida. That, too, will be lost as a result of defeating this rule tonight.

A 3.6 percent pay increase for Federal employees could be in danger as a result of defeating this rule.

Finally, we are willing to zero out the funding for courthouses, not courthouses put in here as pork barrel projects, but courthouses that come from the Federal judiciary, as their list of priorities. I am looking down here, and I see that the majority of them are in Democratic districts. These are the ones that the Federal judiciary have said are important in Little Rock, Arkansas; in San Diego; San Jose; Denver, Colorado; Jacksonville, Florida; Orlando, Florida; Springfield, Massachusetts; Biloxi, Mississippi; Cape Girardeau, Missouri; Brooklyn, New York; Eugene, Oregon; Greenville, Tennessee; Laredo, Texas; Wheeling, West

Virginia. All of those could be in danger by failing to do this.

We could lose the money for the anti-gang grant program, $13 million for that, and $27 million for the youth crime gun interdiction initiative. These are just some of the things, Mr. Speaker, that are jeopardized by the failure to pass this rule this evening.

Mr. Speaker, we should not let this rule go down, because we should not let this conference report go down. It is, as my good friend, the distinguished gentleman from Maryland (Mr. HOYER) just said, a good bill that we have worked hard on. I urge my colleagues to support the rule, support the conference report. Pass this tonight.

Mr. MCINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. MCINNIS. 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 106, nays 294, not voting 34, as follows:

[Roll No. 475]

YEAS—106

Abercrombie
Aderholt
Archer
Armey
Bass
Bateman
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brown (FL)
Burr
Burton
Camp
Campbell
Castle
Coble
Collins
Conyers
Cox
Davis (VA)
DeLay
Diaz-Balart
Dicks
Doggett
Dreier
Dunn
Ehrlich
English
Ensign
Everett
Foley
Forbes
Fox
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Greenwood
Gutierrez
Gutknecht
Hastert
Hastings (WA)
Hobson
Houghton
Hulshof
Hutchinson
Istook
Jenkins
Johnson (CT)
Kelly
Kim
Kingston
Knollenberg
Kolbe
LaTourette
Lazio
Lewis (CA)
Linder
Lowey
McCarthy (NY)
McCollum
McCrery
McInnis
McKeon
Meek (FL)
Miller (FL)
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Northup
Olver
Owens
Parker
Pastor
Paul
Paxon
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Regula
Ros-Lehtinen
Salmon
Scarborough
Schumer
Shays
Solomon
Spence
Stump
Taylor (NC)
Upton
Weller
White
Wicker
Wilson
Wolf
Young (AK)

NAYS—294

Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Buyer
Calvert
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coburn
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Ford
Fossella
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Hall (TX)
Hamilton
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hunter
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Pallone
Pappas
Pascrell
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Quinn
Rahall
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn

NOT VOTING—34

Callahan
Clay
Clement
Deal
DeFazio
Fawell
Fowler
Goss
Hall (OH)
Hansen
Harman
Kennelly
King (NY)
Klug
Largent
Livingston
Martinez
McDade
Moran (VA)
Murtha
Oxley
Packard
Poshard
Pryce (OH)
Roukema
Shuster
Smith (OR)
Stark
Tauzin
Thomas
Towns
Walsh
Yates
Young (FL)

□ 2107

Mr. MICA, Mr. SENSENBRENNER, Mrs. TAUSCHER, and Messrs. WAMP, EHLERS, HILL, CRANE, METCALF, PEASE and PICKERING changed their vote from ''yea'' to ''nay.''

Mrs. MCCARTHY of New York, and Messrs. LAZIO of New York, PASTOR, UPTON, SCHUMER, and MORAN of Kansas changed their vote from ''nay'' to ''yea.''

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4274, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 1999

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–762) on the resolution (H. Res. 564) providing for consideration of the bill (H.R. 4274) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. MORAN of Virginia. Mr. Speaker, I was unavoidably detained on the last vote. Had I been here, I would have voted ''no.''

□ 2115

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILCHREST). 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.

TRIBUTE TO JUDGE CHARLES D'ARRIGO

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

Mr. FOSSELLA. Mr. Speaker, since taking office last November, I have spoken before this House many times on the critical issues and decisions that face our nation. I would like to depart from my usual practice and speak before you this evening on an all-together different matter.

It is without question that the United States is the greatest nation in the history of the

World. In the span of a little more than 200 years, we have gone from a fledgling nation surrounded by the wilderness of nature and coldness of international isolation, to the World's only military and economic superpower. In that role the United States has been the sole protector of liberty and freedom during the World's darkest hours of this century and acted as a benevolent force to defeat and turn back the tide of fascism and communism. The greatness of America does not come from military strength or economic wealth. Rather, the greatness of America flows from the spirit of freedom and accomplishment brought about by the individuals who live in our land. I would like to take this opportunity to talk to you about one of those individuals—Judge Charles D'Arrigo.

In many ways Judge D'Arrigo exemplifies the typical American success story. The son of an immigrant father, Judge D'Arrigo attended Wagner College and Brooklyn Law School and served in the United States Army during the Second World War in the European Theater of Operations. From 1954 through 1973 he was engaged in the private practice of law, and in 1973 was elected a Judge of the Civil Court of the City of New York. In 1981, he became the Judge of the Surrogate's Court of Richard County, a position that he continues to hold and will until his retirement at the end of this year.

Being a Judge of the Surrogate Court is not an easy task. The duties of a Surrogate very often have to deal with the intimate personal and financial situation of a grieving family after the loss of a loved one. Many times those cases are compounded by acrimonious disputes. True to his nature, of always seeing the bright side of life, Judge D'Arrigo transformed his position to help young, loving couples become parents by performing hundreds of adoptions. Adoption Day in the Surrogate's Court has been turned into a Staten Island holiday season tradition. Although soft spoken, Judge D'Arrigo has stood as a champion of justice and acted as a fair and compassionate arbiter of the law. Universally respected, Judge D'Arrigo exudes the honor and integrity that highlight the importance of our justice system and the rule of law that protects individual liberty.

Judge D'Arrigo's civic pursuits extend far outside of the court room as well. With Norma, his lovely wife and partner of 49 years, the D'Arrigo's have participated in so many philanthropic endeavors, that their good works, most often without credit or accolades, are inseparably woven throughout the social fabric of our great Borough.

On the occasion of his retirement from the bench, I wish to congratulate Charles. To Norma I say, thank you for allowing us to have your husband for so long and I hope that you both enjoy this special time for many years to come.

It is my sincere hope that you both remain active participants in the community. Collectively, as a community, we would be at a loss without the gentle words, kind smiles and steely determination to perform good works that you both bring into any project.

My best wishes to Charles and Norma D'Arrigo, their three children, Shelton, Janice and Charles. And of course, their lovely granddaughter, Christin, and I thank the Speaker for indulging me in this personal commemoration.

REPUBLICAN 90–10 PLAN

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

Mr. HAYWORTH. Mr. Speaker, and for those who join us from coast to coast and beyond via C-SPAN, we make many historic decisions in this, the people's House, and one made last week is one of the most profound, with far-reaching consequences for the better, for our Nation and our people. Because, Mr. Speaker, last Saturday in this Chamber the majority passed a plan that said, quite simply, it is important that this Congress sets aside $1,400,000,000,000 to save Social Security.

Now, it has been interesting to hear some of the debate that was bandied back and forth; to hear some of the commentators and pundits, but this historical fact is beyond dispute: Never before, Mr. Speaker, in the history of this assembly, did anyone step forward to set aside funds to save Social Security.

Oh, there were efforts to raise payroll taxes, and always it seemed the temptation of raising taxes was something to which previous majorities succumbed. But what this common sense conservative majority did in this Chamber last Saturday provides a common sense plan not only for Social Security but also for tax relief to the American people. Those of us in our common sense conservative majority call it the 90–10 plan, setting aside 90 percent of the projected surplus, again, $1,400,000,000,000 for Social Security, and using a very modest amount, comparatively, for tax relief for the American people.

Mr. Speaker, I am joined tonight for this special order by one of my colleagues from the Committee on Ways and Means, my classmate who joined me in the new majority in that historic vote in November of 1994 as a newcomer to Congress in the 104th Congress, my seat mate now on the Committee on Ways and Means, one who has worked tirelessly to provide meaningful features of this tax relief plan. At this time I would yield to my good friend, the gentleman from Illinois (Mr. WELLER), to talk about what in essence is the centerpiece of this tax relief plan, this very prudent, this long-term profitable plan for the American Nation, the centerpiece of the feature being relief from the marriage penalty. I yield to my friend.

Mr. WELLER. Mr. Speaker, I thank my colleague for yielding me some time to talk about what I consider to be a big victory, not only for the people of Arizona and Illinois but people throughout this country. It is because of the Republican majority in the last 3½ years that for the first time in 28 years we have a balanced budget. Not only do we have a balanced budget but, beginning today, October 1st, we have a surplus, more tax revenue coming into the Treasury than we are spending.

We have held the President as well as our own leadership's feet to the fires. That freshman class of 1994 said that we were going to come to Washington to change how Washington works. We have succeeded in balancing the budget, and I am proud of that. And it is kind of something new here in Washington, that we actually have more tax revenue coming in than we are spending. We are more than living within our means.

In fact, it is projected today by the Congressional Budget Office that we expect to see over the next 10 years, thanks to a fiscally conservative Congress, a $1.6 trillion budget surplus. $1,600,000,000,000 in extra surplus tax dollars that are now in the Treasury over the next 10 years because we have held the line on spending. That is a big victory.

I want to point out that the balanced budget that we pushed through Congress last year, and convinced the President to sign, contained no tax increases on the American people. No income tax increases. In fact, we gave, for the first time in 16 years, middle class tax relief to the folks back home.

The gentleman was pointing out, of course, what is a big victory for a lot of people, for all of us that are working Americans, those of us who want to see the contract with working families, the retirement contract that is Social Security, honored. And, of course, we recognize that for people like my mom and dad, and when I think of Social Security we always think about those closest to us, our family, and how government in its ways and actions affect people we love and care about.

When I think of Social Security, I think of my own mom and dad, and I think of my Aunt Mary, and my Aunt Eileen, my Uncle Jack, my Uncle Bob, and members of my family that are seniors, where Social Security is an important part of their lives and their friends and their neighbors. And for them Social Security is in good shape. But for the next generation, my brothers and my sister's generation, for the baby boomers and for those that follow, Social Security is in question.

Because of our concern in this Congress to save Social Security, to ensure that we honor the contract of Social Security for the next generation and future generations, I am proud that we set aside $1,400,000,000,000 to save Social Security.

I mentioned earlier my sister Pat, when I think of the marriage tax penalty. And I have often asked this question in debate here in the House over the past year, and my colleague from Arizona and others have joined us in this fight to eliminate what we consider to be the most unfair provision in the Tax Code, and it is a simple question: Is it right, is it fair that under our current Tax Code a married working couple with two incomes pays higher taxes than an identical working couple, with an identical income, that

lives together outside of marriage? They, instead, pay less. It is just not right that under our Tax Code a married working couple pay more in taxes just because they are married. And I am really proud that the centerpiece of the tax provisions in the 90–10 plan will eliminate the marriage tax penalty for a majority of those who suffer it.

It is really a simple solution in the way that we go about providing tax relief to married couples, eliminating the marriage tax penalty for a majority of married couples that suffer it today. It is estimated that almost 28 million married working couples will benefit from the marriage tax relief provisions in this package.

And it is pretty simple. The standard deduction is a standard deduction we take if we do not itemize. And right now the standard deduction for joint filers, in this case usually married couples always, of course, is not equal to twice what the single filer has. In fact, it is only $6,900. Now, we increase the standard deduction for joint filers to $8,300, exactly twice what a single taxpayer is able to claim. And in doing so, for 28 million married working couples they will see an extra $240 in higher take-home pay, less money they are going to send to Uncle Sam.

We eliminate the marriage tax penalty for a majority of those who suffer it with our simple solution by doubling the standard deduction for joint filers. I think of Joliet, Illinois, in the south suburbs of Chicago. $240, that is a car payment. That is two months worth of day care at a local day care center. That is groceries. That is a little extra money to help pay for school clothes for the kids. And that is real relief.

I am really proud that we made this the centerpiece of the tax provisions in this 90–10 plan. Think about it. We are saving Social Security with $1.4 trillion that was set aside. We are eliminating the marriage penalty for those who, of course, are suffering it, for the majority of those who suffer it. Twenty-eight million married couples will benefit. And there is one additional benefit, too. As my friend from Arizona pointed out earlier when we talked about this plan, what is really exciting is our goal not only to lower taxes for working Americans and working families but also to simplify the Tax Code.

One of the big benefits of doubling the standard deduction to twice that of a single filer is 6 million taxpayers will no longer have to itemize, will no longer have to use a schedule A. And in doing so, filing taxes is going to be simpler for 6 million filers. They will only need to file the 1040 EZ. That is a big victory. I am so proud that we not only save Social Security and eliminate the marriage tax penalty for so many, but this 90–10 plan received bipartisan support when it passed the House last Saturday, and I am proud to be a part of this.

Mr. HAYWORTH. I thank my colleague for the work he has done in focusing attention on the marriage penalty, one of the many features of our Tax Code that was just plain wrong. It did not make sense to penalize married couples, when other couples living out of wedlock were enjoying economic benefits as opposed to those who played by the rules, worked hard and observed the institution of marriage.

There are so many different things that we are offering in this relatively modest package of tax relief. Again, remember, we are setting aside $1,400,000,000,000 of the surplus to stay, to strengthen, to save Social Security, and only 10 percent of the projected surplus would go to tax relief. But in that package I think especially about my district and the seniors who live in my district and the many seniors who find that they have to work. As much as they would like to have the leisure time, their situation demands that they still need to earn an income.

And what we have done, as part of this bill of tax relief, is to increase the amount of money seniors can earn without losing Social Security benefits by increasing that earnings limit; to raise that, understanding that some people, A, enjoy working, they still want to be active, they appreciate the dignity of work, and they do not want to be penalized for working but; B, some folks, quite frankly, need it to make ends work. Why then would we seek to punish those seniors? And that is another area that is so vitally important.

My friend has another point to make, and I would gladly yield to him.

Mr. WELLER. I thank the gentleman. And I often think about seniors who we see working at restaurants, or they operate a small business on the side. We even see them at the arts and crafts shows. And it is just wrong that if we look at the Tax Code that senior citizens who have worked hard all their lives, and seniors are active longer, they are living longer, they want to be active longer, many want to work longer, of course they would like to have a little extra income, and it is really wrong that they are punished for working longer.

So that is why I think that raising the Social Security earnings limit to the level that we raise it makes a big difference for these seniors; that if we do not raise the earnings limit, they will have more of their Social Security benefits taxed away, and that is wrong. So by raising the Social Security earnings limit, we help a lot of seniors in Arizona, in Florida and Illinois.

And one thing I wanted to point out is that, of course, as we work on strengthening Social Security for the long term, a key part of that, I believe, is encouraging people to save for their retirement. And another provision in this tax package that I think is so important, as we help those who work hard and save a little for their retirement, for their future, is the Savers Act portion here.

And of course our colleague, the gentleman from Missouri (Mr. KENNY HULSHOF) really had the lead on this. A key member, a new member of the Committee on Ways and Means. His savers exclusion, which was included as part of this package, was a real winner if we want to encourage people to save for their retirement.

Because under this 90–10 plan we allow someone to have their first $100 in savings interest or dividend income exempt from taxes for a single taxpayer. And we also recognize, so there is no marriage tax penalty, that we allow the first $200 in savings interest for a married couple. What that essentially means is a married couple can have $10,000 in a bank account or a savings account, and the interest on that is tax free.

Not only do we reward saving for retirement, I would like to point out that is one more way that we simplify the Tax Code. It is estimated that 68 million taxpayers will benefit from exempting the first $100 for singles, $200 for couples from income taxes.

Not only will 68 million taxpayers benefit, but also it helps simplify the Tax Code. There is that Schedule B. That is where we report our dividend interest and dividend income in the taxes. And we helped simplify it because this will allow 10 million taxpayers to simplify their tax filing to the point where they only have to file one form. They will no longer need to itemize.

Think about that. Ten million taxpayers and seven million people will no longer need to file a Schedule B. So 17 million taxpayers will see their tax filing experience, which no one likes, simplified. That is a big victory. I thought it was important to point that out.

Mr. HAYWORTH. One of the things we have learned since coming to the Congress of the United States is just how important it is to listen to our constituents. When I was back home over the district work period, holding in excess of 30 town hall meetings, what I heard time and again from the folks who live in the Sixth Congressional District of Arizona is that they wanted to see now, as we move to the policies of surplus, that we set aside the surplus for three things: that we save Social Security; that we help pay down the debt, the $5.5 trillion debt, which hangs over the heads of our children; and that we understand again a hard and basic truth that has been difficult for folks inside the District of Columbia to understand, and it is a simple statement, very commonsensical, but sometimes the logic escapes people here, and it is this notion: that the funds that come from the pockets of American citizens belong to those citizens, not to the government.

To the extent possible, working people should hold on to more of their hard earned money and send less of it here to Uncle Sam, and that is the logic and the notion behind tax relief.

Mr. WELLER. The gentleman has brought up a really good point. As we

have shared many times in our conversations, we have talked about our districts and the good people we have the privilege of representing, I represent a really diverse district, the south side of Chicago, the south suburbs in Cook and Will counties; bedroom communities like Morris, where I live, and a lot of corn fields and farm towns.

Whether I am at the grain elevator, the union hall or the VFW or a local Business and Professional Women's meeting, I find there is a lot of common concerns, and saving Social Security, eliminating the marriage tax penalty, helping farmers, helping small businesspeople, helping families who want to set aside a little money to help put the kids through college and, of course, this 90–10 plan, accomplishes that.

I had a senior citizen come up to me this last couple of days while I was back in Illinois and he said, Representative WELLER, what I am really excited about with that Social Security savings plan and the marriage tax elimination and the other tax provisions in the 90–10 plan, is I remember when President Clinton gave his speech back in January.

Remember that State of the Union speech? The President said, let us save Social Security first and let us set aside the surplus for Social Security? I stood up and applauded and we all did in a bipartisan effort because we wanted to save Social Security.

That senior pointed out, he said, Representative, you folks did twice what the President asked for because when the President said set aside the surplus, there was $600 billion in projected extra tax revenue. Well, nine months later, there is a projected $1.6 trillion extra tax dollars now in the treasury and we set aside $1.4 trillion. That is more than two times what the President asked for. That is going to help us save Social Security not only for today's seniors but particularly for the baby-boomers and the future generations that are looking to Social Security as part of their retirement income.

I thought it was real important to share that experience and that conversation back home.

Mr. HAYWORTH. Mr. Speaker, I would point out one other fact that I hope that American citizens will keep in mind. When the President of the United States graced us with his presence and stood at the podium behind us here, he not only said that every penny should go to save Social Security, we should save Social Security first, but sadly his actions failed to reconcile with that promise. For, even as he made that promise from the podium behind us here, he subsequently spent almost $3 billion in Bosnia, which points up the other basic truth of the pitfall of the great debate that continues in this chamber and across America.

As my constituents tell me, the sad fact is, if we leave money in Washington, Washington spends the money. It belongs to the American people and that is money that should return to their pockets.

Mr. Speaker, we are joined here tonight by another colleague. I look and see another classmate from the 104th Congress, our good friend, the gentleman from Pennsylvania (Mr. FOX), who joins us here on the floor tonight.

Mr. FOX of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for yielding.

Mr. Speaker, I am very proud of the efforts of the gentleman from Arizona (Mr. HAYWORTH) on the Committee on Ways and Means to lead the fight to have the tax relief and to help our seniors in saving Social Security. I know we are joined by the gentleman from Missouri (Mr. HULSHOF) and also the gentleman from South Dakota (Mr. THUNE).

I think it is important that we be able to show this collective bipartisan effort to really help our seniors make sure that Social Security is secure.

I would say to my colleagues it is interesting to note that 60-plus, the fastest growing seniors advocacy group in the United States, has endorsed this 90–10 plan, which does exactly what the American people want. They want a Social Security system that is going to be secure, and with $1.4 trillion being placed in the Social Security trust fund, that is more than twice the amount of money that has been owed from prior Congresses.

The fact that we are able to make sure the marriage penalty elimination is going to help seniors and others, and the fact that the saver's tax exemption is going to help seniors and others, and the fact that reducing inheritance taxes is going to help seniors and others, shows that we have made our first initiative here to make sure that seniors have a Social Security system that is secure; then a modest tax decrease, which I think the American people deserve. It is their money after all.

This is really a great accomplishment. I am hoping that the Senate will move forward, agree with us and then eventually have the President sign the bill as well.

Mr. HAYWORTH. Mr. Speaker, we are joined also tonight by two colleagues from the freshman class of the 105th Congress, two gentlemen who hailed from States where agriculture is of vital importance, and I look to my left, very rarely philosophically do I find this gentleman on my left, but my friend, the gentleman from South Dakota (Mr. THUNE) joins us.

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

Mr. HAYWORTH. I yield to the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I want to thank my friend from the desert, the gentleman from Arizona (Mr. HAYWORTH), for yielding and thank him for the great work that he has done on the Committee on Ways and Means and our other colleagues on the floor this evening; the gentleman from Missouri (Mr. HULSHOF), who authored the small saver exclusion in this bill, which is so critical, too, for a lot of people in this country who are trying to save some money and is going to simplify the Tax Code.

There are a lot of people who will not have to fill out schedule B in the future and that is a significant thing, and the gentleman from Illinois (Mr. Weller), our distinguished colleague, who is responsible primarily for bringing forward and making the crown jewel of this tax cut package the marriage tax penalty relief.

What I would like to do just briefly is touch on a couple of other aspects of this bill which is very important in my part of the country, and that is in the world of agriculture. I might begin by saying that the last time we had a balanced budget in this country I was 8 years old. We have been living in this culture of debt now for the past 30 years, all of my adult life basically. It is just an amazing, I think remarkable, accomplishment.

The American people should make no mistake about it. The reason we are where we are is thanks to their hard work but also to the Republican majority in this Congress who when they were elected, when they came in in 1994 and we joined them in the 1996 and 1997 session of Congress, set upon a path of getting our fiscal house in order, making the hard decisions about spending and lowering taxes, which in the end has actually raised revenues so that we are in a position now to bring some additional tax relief.

Let me just briefly say on behalf of the farmers and ranchers of the country, and certainly those that I represent in South Dakota, that this is a wonderful plan for agriculture. The estate tax relief that is in here, the death tax relief which allows farmers and ranchers and small businesspeople to pass on their operation to the next generation without having to deal at the same time with the Internal Revenue Service and the undertaker, is, I think, a real tribute to the work that was done by this committee and a real asset and a real benefit to the producers of this country.

The health insurance deduction for self-employed individuals is critical. There are so many people in this country who are not able to deduct the premiums that they pay for health insurance policies and this allows for that to happen; an average benefit of about $382 to some 3.3 million people in this country who will benefit from that provision in the bill.

There is a small business expensing provision which will allow farmers and ranchers again the benefit of increasing the amount that they can expense out, and also a loss carryback provision for those who are experiencing losses, and there are a lot of them in

my part of the country right now who, due to the price disaster, are losing money. It has been a tough couple of years, but they can take those losses and offset them against more profitable years and get a refund this year, which will tremendously help the cash flow situation and the problems that they are facing in trying to deal with the working capital they need to stay in business.

These are all provisions, in addition to income averaging which makes permanent that provision that allows farmers to spread out their income over time, and thereby lessen their tax liability in any one year. Farming and ranching is a very volatile industry when it comes to the income that they generate, a lot of ups and downs.

There are many provisions in this that are good for agriculture, and I think it is just remarkable at the same time we were able to dedicate $1.4 trillion to saving Social Security and be able to help the farmers and ranchers of this country who desperately need help right now, who are trying to recover from the economic crisis they are in, in the form of tax relief.

I think this is a wonderful package and one that I hope we can move forward in the Congress, and I want to give credit to those of my colleagues who were instrumental in the Committee on Ways and Means and my friend, the gentleman from Pennsylvania (Mr. FOX) here as well who is on the floor this evening. I look forward to moving this and advancing it in the process in the hopes that we can make it the law of the land and help out those people across this country who have worked hard to give us the surplus and who deserve to have some of it back.

Mr. HAYWORTH. Mr. Speaker, let us not forget that a previous liberal Congress put upon the American people the largest tax increase in our history. Indeed, to quote a member of the other body on this hill, a liberal Senator from New York State, he said it was not just the largest tax increase in American history but the largest tax increase in the history of the world.

If there is one primary difference, it is this: Our common sense conservative majority believes that, Mr. Speaker, the folks who live in this country, who work hard and pay the bills, have worked very hard for the money they earn. They need to hold on to more of it and send less of it here to Washington.

My friend, the gentleman from Pennsylvania (Mr. FOX), has one point that he wants to bring out and I am happy to yield some time to him.

Mr. FOX of Pennsylvania. In my discussion previously, and I wanted to add on to what the gentleman from Arizona (Mr. HAYWORTH) said earlier, I had spoken, of course, of the programs to strengthen Social Security but also talked about modest tax decreases. I may have inadvertently said another word, but it is decreases and the tax cuts that are so important to our constituents back home. It is their hard earned money and we want to not only make sure that passes, but the private prepaid tuition plans are excellent. The bond value caps can help us with affordable housing, and also to help us with the school construction. All by having tax cuts, we are helping our communities. It is the opposite of what we had in the prior forty years with democratic rule, with tax increases which actually hurt us from having more jobs in the private sector.

Mr. HAYWORTH. Mr. Speaker, now to my right, fittingly, although he stands at the other microphone here in the well, it is another newcomer in this 105th Congress, the gentleman from Missouri (Mr. HULSHOF), who has played a major role on the Committee on Ways and Means in bringing the tax bill to the floor and seeing its subsequent successful passage here in this chamber.

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

Mr. HAYWORTH. I yield to the gentleman from Missouri.

Mr. HULSHOF. Mr. Speaker, I thank my friend, the gentleman from Arizona (Mr. HAYWORTH) for yielding.

Mr. Speaker, the gentleman from Pennsylvania (Mr. FOX) has it just right. There is so much about this tax cut package that is to like. When we had this debate last week, as the gentleman knows, there was a lot of discussion and a lot of rhetoric being thrown around by our friends on the other side, especially when we talked about Social Security.

The beauty of this particular provision is that we want to take 90 percent of the projected surplus and put it aside to save Social Security; surplus funds, not monies needed to balance the Federal checkbook.

In fact, I came, Mr. Speaker, to this very floor and caused, I think, a little consternation because I had ten one dollar bills in my hand and I said, we have been talking in trillions and billions of dollars and sometimes that is a difficult concept to grasp, these numbers with so many zeroes. Let us think of it this way, and I had ten one dollar bills.

We wanted to take nine of those ten and fold them up and put them in our pocket and put that aside to save Social Security, to make sure that Social Security is there not just for today's seniors but for tomorrow's as well. Simply, what we want to do is take one dollar of the surplus funds, one dollar out of ten, and leave it in the pockets of those who earned it.

I am troubled by the statements made at the other end of Pennsylvania Avenue and talks of potential vetoes. In fact, the White House even said that we were, quote, squandering the surplus, squandering the surplus, by letting the American taxpayer keep what is rightfully his or hers.

There are so many things in this particular provision. The gentleman from Illinois (Mr. WELLER) is exactly right. When trying to at least make a down payment on the elimination of the marriage tax penalty, we have much further to go, but certainly when my wife and I a few short years ago stood at the altar and said I do, it was not I do want to pay more in income tax, and yet that is the plight of many married couples in this country.

Simply by investing in the institution of marriage, their tax bill has gone up. I think that this provision does a good job of trying to level the playing field.

As the gentleman from South Dakota (Mr. THUNE) talked about, farmers and ranchers who are having a difficult time right now in this country, there is relief for those farmers and ranchers, small businesspeople, with the death tax. All of those things are addressed, as the gentleman from Pennsylvania (Mr. FOX) talked about, the head of our economic development back in Missouri wrote a letter on behalf of our governor, a democratic governor as it turns out, urging us to increase the private activity bond cap because of the affordable housing issue. It is addressed in this bill.

□ 2145

One of the things that I want to visit about is something that we have worked on specifically that would leave that dollar of that surplus money in the pockets of the low and middle income people in this country, and that is those who try to save, those people who try to put away their pennies and nickels. When you think about it, Mr. Speaker, they are being punished for their thrift.

I happen to have a 1040 form over here, modified just a bit, with a big circle and a slash. But when you think about, and I know this is maybe painful for you to think about April 15th of each year, but when you think about having to pull out the files and start to fill out your 1040, as we do most spring months, obviously most taxable income of most Americans is wages and salaries.

But when you consider that those of us that are able to put aside a little bit into a money market account, or maybe an interest bearing checking account, and any interest that we earn is being taxed, it is included in taxable income. And you carry it down here and you are being taxed on that amount, as you are the rest of your income, when many other countries actually provide some more incentives for their citizens to save and invest.

What this bill does is simply allow an exclusion up to $400, if you are a married couple, as the gentleman has been talking about with married couples, allowing joint filers to exclude up to $400 of interest or dividend income, to not be taxed, to put that back perhaps into other investments.

The Congressional Research Service has recently done a study just on this small saver provision that said this proposal would really benefit the low

and middle income taxpayers, because it hits them more proportionately than it would somebody down at Wall Street. Of course, having thousands of dollars in investments a $400 exclusion is not likely to help that individual very much.

As the gentleman from South Dakota talked about a moment ago, not only is this good in a broad-based way as far as providing relief for millions of taxpayers, the small saver provision is helping 68 million taxpayers, but, more importantly, it is an issue of simplification.

I know a year ago when we had the debate about taxpayer relief of 1997, one of the constructive comments was this was not something that added to simplification of the Tax Code. This bill we passed in the House does just that.

As the gentleman talked about, how many millions of taxpayers will not have to itemize any longer, just because of the marriage tax penalty elimination? I know that certainly millions of taxpayers will no longer have to fill out this Schedule B form, the interest and dividend income exclusion. So we are simplifying the Tax Code.

By not requiring those additional calculations and forms, some I think 10 million Americans will no longer have to file a 1040, they can file a 1040 EZ just because of the small saver provision. Seven million will not have to trouble themselves with the Schedule B if this small saver provision is signed into law by the President. So not only are we providing broad-based relief, we are simplifying the Tax Code, which I think is something even our friends on the other side support.

Mr. HAYWORTH. I thank my colleague from Missouri. As we take a look at the many different provisions, and as I hear my colleagues remark on the different provisions that benefit hard working Americans, Mr. Speaker, I am reminded again of the many town halls that I have held back in the 6th District of Arizona, and I hear from people, and perhaps we ought to change the nomenclature, because we so often casually refer to small business. I think, Mr. Speaker, we should change that notion and redefine small business as essential business, because really those essential businesses, not with thousands upon thousands of employees, but those smaller enterprises, sometimes called mom and pop operations, indeed form the backbone of our economy, for those essential businesses, or, in common nomenclature, those small businesses employ more people than the corporate giants.

Especially for those Americans who are self-employed, how much I have heard at town hall meetings, ''Congressman, I am self-employed. When can I deduct my health insurance costs like the big guys in corporate America?'' And this bill does that, allowing for 100 percent deduction of health insurance premiums for the self-employed, including so many of our hard working constituents down on the farm.

My colleague from Illinois, raised on a farm, understands what this means. How vital it is that we accelerate that, how important it is for so many Americans who have waited for so long to enjoy what others in corporate America at least have not taken for granted, but have benefitted from in years past with our Tax Code.

The gentleman from Illinois.

Mr. WELLER. Mr. Speaker, I would like to thank the gentleman from Arizona for yielding. The point the gentleman is making is such an important one. We often talk about small business, and I consider small business to be Main Street, and, of course, two-thirds of the jobs that are created in our Nation and our economy every year are small business.

I meet on a regular basis with a group of women entrepreneurs in the south suburbs, and they made a point to me that I took to heart, a lesson. They said when you think about small business issues, small business issues are women's issues, because the majority of new businesses that are created and started every year today, the majority of them are started by female entrepreneurs. In the State of Florida, two-thirds of new entrepreneurs are female, are women entrepreneurs.

I think that is why what we did last year with restoration of the home office deduction is so important, because many of the women entrepreneurs, they start a business in the home.

Of course, then the health insurance issue is so important, not just to women entrepreneurs, but to male entrepreneurs and all small business people and farmers and entrepreneurs. When you think about it, our goal is to make sure that health insurance is affordable for everyone. Our goal is giving everyone access to affordable health care. Of course, we should really work to achieve that goal.

This is a big step, because by giving the self-employed, the entrepreneur, the same tax deduction that the big corporations on Wall Street get, it is an issue of fairness. We are working to bring fairness to the Tax Code by helping these entrepreneurs, which I pointed out earlier the majority of are female-owned enterprises, that is a big victory.

But the 90–10 plan is good for education, and helping our schools and those who want to send their kids to college and local schools has been a priority in this Congress in the last four years that I have had the privilege of serving here.

I think it is important to note that some of what some people say are the smaller provisions in this tax package actually are pretty important.

Last year we gave tax exempt treatment to prepaid college tuition programs for state universities, such as the University of Illinois and the other state universities in the State of Illinois that offer them. States like Pennsylvania and others do as well. But we bring fairness to the Tax Code by extending that same tax exempt treatment to the small private colleges, schools such as St. Francis and Olivet Nazarene University and Lewis University in the district that I have the privilege of representing now will be able to offer prepaid college tuition programs and help parents who want to send their kids off to college in a few years be able to make the tuition much more affordable. That is a big victory.

I also represent a growing suburban and urban district. One of the challenges we have in the older urban areas is the school buildings are older. We have maintenance, and we want to wire them with fiber for computers, and keep the technology up as well as keep the roof from leaking, they need help.

Last year we passed a school construction bond program as part of the tax package. We also provide over $1 billion in school construction bond assistance to not only the old urban schools in need of repair, but also help those suburban school districts in need of adding additional classrooms. I think that is very, very important.

Of course, raising the bond cap, as my colleague from Missouri pointed out, it is so important. We provide for a 50 percent increase. That is to be a big help in states like Illinois, not only helping to provide affordable housing for working and moderate income families, but also in helping infrastructure, such as helping expand our schools.

I think it is important to point out that this tax package helps married couples, family farmers, small business people and entrepreneurs, and also those who want to send their kids off to college, and helps schools add on additional classrooms and keep the roof from leaking.

Mr. HAYWORTH. I thank my colleague from Illinois for raising this part of this very human equation, because there is a temptation when we start talking about tax bills and tax relief to somehow put on the green eyeshade and pull out the calculators or the slide rules and deal with numbers, and, please, do not get me wrong, the numbers are important, Mr. Speaker, especially the $1.4 trillion which we pledged to set aside for Social Security.

But, moreover, there is a concept here that my colleague from Illinois touched on, and it is this: There are those in this city who still fail to learn the lessons of history, who would still have us believe that a centralized bureaucracy can make decisions for your family, for your school district, sadly I suppose ultimately for your children in a lot of ways, and I think our new common sense conservative majority says this: That we believe education is too important to leave up to Washington bureaucrats. There is no way that folks inside this beltway can micro-manage education. Indeed, sadly, one need only look to the schools inside this District

of Columbia to see what disarray can befall an educational system at the hands of big government solutions and more and more spending with less and less accountability.

So what we are saying in this tax bill is for local school districts, to have provisions that they can use for capital improvements, for construction, for renovation. As my colleague from Illinois points out, that is the key. We understand that not all the answers exist inside the Beltway in Washington D.C., and we are better served when we transfer money, power and influence out of Washington and back home to people on the front lines, living their lives, educating their kids, and seniors in the dignity of retirement.

Mr. HOLSHUF. Mr. Speaker, if the gentleman would yield, there is another provision in this bill that I think has not been getting a lot of attention, and I know last year when we were debating tax relief, that we heard the mantra, the weary mantra from the other side, ''tax breaks for the wealthy.'' Yet in this particular bill, a colleague from the class of 1994, the gentleman from Oklahoma (Mr. WATTS) working with another colleague from Missouri, a neighbor of mine, the gentleman from Missouri (Mr. TALENT) from the 2nd Congressional District, the Watts-Talent Community Renewal Provision, again, to set up I think 20 separate empowerment zones, especially in these areas, you were talking about the schools, but especially in these inner-city areas that have become blighted, where we have seen businesses that have fled from those inner-cities to the suburbs. This particular provision would have zero capital gains for private industry that chooses to go back into the inner cities, to revitalize and renew those communities. That provision is in this bill as well and has not been getting much attention.

Again, I think what all of these very strong provisions, I dare say that I do not understand how the White House can talk about vetoing, and that is casting aside this very good tax package, with all of the things included, plus this very important community renewal provision that has been cosponsored by the gentleman from Oklahoma and the gentleman from Missouri.

Mr. HAYWORTH. Again, there are so many positive provisions of this bill that I think all of us on this floor stand in amazement to hear the mindset of those on the left who, after 40 years time, never set aside a single penny for Social Security, Mr. Speaker. That is right, zero, zip, zilch, nada, not even an idea of how to set aside funds to save Social Security.

Yet to hear the tired old chorus, they would have you believe some sort of cynical mumbo-jumbo that this is something that Americans are not entitled to. It is some sort of gimmick.

No, Mr. Speaker, I think all of us on the floor and those of us who voted for this common sense tax policy say quite the contrary: This is not a gift to the American people. This is money that belongs to the American people. We do not sit here and deign to give them a pittance of what they sent in to Uncle Sam. It is their money to begin with.

So, Mr. Speaker, tonight as we continue to review these provisions, let us respectfully take issue with those who time and again come to this floor, or sadly on an annual basis to the podium behind us here, and display a mindset that would seem to suggest that tax relief for working people is candy or dessert or some special gift, as if it is an accident.

□ 2200

Indeed, Mr. Speaker, the group here on this floor right now and other colleagues in this majority were sent to Washington precisely because the American people understand that they are not selfish for wanting to provide for their own families; that they are not selfish for wanting to have a greater control of their own destiny and their own futures; that they are not selfish for saying to Washington bureaucrats, we earned this money. We want to see a strong Federal Government, but not a government powerful enough to take away everything we have. That is the difference. Tax relief is not selfish; tax relief undergirds the notion of individual freedoms and a sense of responsibility.

I yield to my friend from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman from Arizona. The fact is that we would not be having this happy situation of a possible tax decrease if it were not for the fact that an historic balanced budget was adopted by the Republican-led Congress which has led to reduced costs for mortgage interest for the home, reduced costs for car expense loans, and reduced costs for education expenses. That has helped to spur the economy, have helped to increase employment, more people having jobs. The whole economy, we have seen it in the stock market, we have seen it in Wall Street, and we have seen it on Main Street, and that has led to the opportunity for what I believe should be a bipartisan tax decrease and a Social Security system that will be strengthened because of the passage of this bill.

We thank those of our colleagues who are on the Committee on Ways and Means for their leadership in starting the committee process.

I yield back to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, it is just a common sense notion. Money does not belong to Uncle Sam, it belongs to the hard-working people of the United States, and those hard-working people ought to hang on to more of it and send less of it here to Washington.

The gentleman from Illinois.

Mr. WELLER. Mr. Speaker, I thank the gentleman from Arizona for yielding.

I think one good point to make, I was of course walking down the street in Joliette the other day and the President had just given a little talk, and, of course, he said we should not ''squander'' was his term the surplus on anything except his priorities. What I found interesting is that the President ignores that we are setting $1.4 trillion, or $1 trillion, 400 billion in surplus tax revenue to set aside to save Social Security, and, of course, the remaining 10 percent we give back to the American people.

What the President for some reason does not want us to know is that I, growing up on the farm, as my friend from Arizona, I say, judge someone not by what they say, but by what they do. The President says we cannot squander surplus tax revenues on a tax cut for families because we have other things we want to use it for.

The President opposes what is a pretty modest tax cut, a $16 billion tax cut next year, but he turns right around and proposes spending $20 billion of the surplus tax revenues on defense spending and on the State Department and other things that he feels are important.

So he does not want to give back to the taxpayer that extra tax revenue; he wants to spend it. And that is why it is so important that the 90–10 plan be enacted. Because what is exciting I think really for the folks back home is the 90–10 plan, by setting aside 90 percent of the budget, the surplus, extra tax revenue for saving Social Security and giving the other 10 percent back in tax relief is we prevent those politicians who ran up the massive deficits over the last 28 years from spending it. I think that is a big victory.

I also would like to point out another provision in this tax bill. I think that it is also very important, one of those we do not hear about as much. All of us here, the 4 of us here are strong supporters of welfare reform, and whether one is liberal or conservative on welfare reform, I think we all agree that we want to have jobs there for those who are on welfare so that they can raise themselves up and become an active part of the community and a taxpayer and join the work rolls and get off of the welfare rolls. One of the key provisions that is in this legislation is we continue, and we extend, a streamlined work opportunity tax credit, a tax incentive for the private sector to give those who are on welfare an opportunity for a job. That is a big victory, I believe.

I think of the area in the south side of Chicago and in the south suburbs, where many communities are impoverished, older industrial communities, and there are those, even though the economy has been pretty good, who are still on welfare, who would like to have a job, and because of the work opportunity tax credit, we have now seen thousands of Illinois welfare recipients having the opportunity to go to work. In fact, I can think of about 6 companies that have provided almost 3,300

jobs in the Chicago area to former welfare recipients, giving them the opportunity to lift themselves up and go to work. That is a big victory.

That is why this tax package is so important. The President and his friends would like to spend the surplus on the State Department and military missions in Europe and so-called other spending priorities that the President has, but that is $20 billion next year he would like to spend of the surplus. We are saying, now, wait a second. What we spend here should go through the regular appropriations process, should be under the budget rules and be part of the budget. Instead, that extra tax revenue we should give back and use it to save Social Security.

That is what is exciting about the 90–10 plan. Under that plan we help save Social Security by setting aside $1.4 trillion, $1 trillion, 400 billion in extra tax revenue that goes to save social security, and the rest we give back. Eliminating the marriage tax penalty for the majority of those who have suffered, helping family farmers in Illinois, helping small businesses in Illinois, helping schools in Illinois, helping those on welfare in Illinois go to work, and helping those who want to send their kids to college in Illinois. That is a big victory for the kids back home.

That is why I think it is so important that we continue to work for bipartisan support. We need to convince the President that it is the right thing to do. We want to eliminate the marriage tax penalty and we want to eliminate those other unfair provisions in the Tax Code. We want to save Social Security and eliminate the marriage tax penalty. It should be a bipartisan effort. My hope is that the President will join with us.

One message I have heard time and time again back home, and that is that the seniors always say, let us keep the politics out of Social Security. Republicans and Democrats should work together to save Social Security and they should also work together to eliminate the marriage tax penalty as well.

I yield back to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague and would just reiterate his comments on welfare and welfare-to-work and what this tax bill does in providing those opportunities to extend the work opportunity tax credit and the welfare-to-work tax credit. It is so vital, because indeed, there has been a disconnection in this city with the rest of America, because this city has, and those in the Federal Government and the bureaucracy, have measured compassion by the number of people added to the welfare rolls. We say true compassion, Mr. Speaker, is exactly the opposite. True compassion is moving people off welfare and on to work.

Almost 4 million Americans have left the welfare rolls and are now gainfully employed. That is true compassion. Those are true results. And they go a long way, and this tax package will help further that endeavor.

The gentleman from Missouri.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman yielding. I know our time is drawing short.

In addition to one of the provisions in the bill that does not get a lot of air play, if you will, is the credit that we provide companies in this country to invest in research. Mr. Speaker, my friend from Arizona knows that technology is the key for America remaining on the cutting edge of being a world leader. In the past we have provided certain credits, tax credits for businesses who try those new ideas, who put into practice, as they ordinarily would, those innovative plans off the drawing board that they try to put into action. And that tax credit of course has expired, but now we include that tax credit, that research and development treatment so that companies and businesses, not just the big ones, but the mom and pops that think they can build a better mousetrap, that they can also have access by bringing those plans off the drawing board to make sure that we remain the most competitive among other nations across the planet, and it is something that does not get again very much discussion, but something I think that is very critical and crucial that is included in this tax plan.

Mr. Speaker, as a final point I would say to my friend and allow the gentleman to conclude, my colleagues here this evening, most of them were elected I think in the elections of 1994. As a new Member, someone who is just about to conclude his first term, there seems to be a universal attraction here in Washington between a pot of unspent money and a Washington politician. If we do not set aside this surplus money to save Social Security as we are doing, 90 cents out of every dollar, putting that aside, and then allowing 10 cents out of a dollar remaining in the pockets of the taxpayers who earned it, if we do not take the measures now, those affirmative actions now to shield off those surplus funds, it will be spent. It will be spent on big government, it will be spent on Washington.

So I very much applaud and support our efforts last week of taking 90 percent of projected surpluses, strengthening Social Security, shoring it up for the future. Again, not just for today's seniors, but for future generations of seniors, while at the same time of putting that 90 percent towards Social Security, and allowing 10 percent to remain in the pockets of the taxpayers who send it here to Washington. They deserve no less than that.

I appreciate the gentleman for allowing me to spend some time with him this evening.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Missouri, also my colleagues from Illinois, Pennsylvania and South Dakota, for coming to the floor of the people's House to discuss the people's solution, grounded on 2 realities, Mr. Speaker. Number 1, our firm conviction that the money in the pockets of American citizens belongs to those citizens. Not to Uncle Sam, not to the Washington bureaucrats, not to a burgeoning Federal Government, which has grown leviathan through the years, but instead to the people of the United States who deserve to hang on to more of their hard-earned money and send less of it to Washington.

The second notion is this firm conviction, that to fulfill the social contract, time-honored over years in this century, we believe it is vital of the surplus we are projecting to set aside 90 percent of that surplus, $1 trillion, 400 billion to save Social Security. In stark contrast to our liberal friends who, during 40 years time in the majority, never quite found the time or the inclination to set aside 1 penny. We believe we owe it to today's seniors and future generations to save $1 trillion, 400 billion which will be devoted exclusively to saving Social Security.

Mr. Speaker, I suppose it really comes down to the policies of hope and prosperity versus the politics of fear and class-envy. Indeed, one year ago the President of the United States journeyed out of the District of Columbia across the river to the Commonwealth of Virginia where on a Sunday before a statewide election he proceeded to lecture the people of Virginia, essentially telling them that if they wanted their car tax reduced, they were being selfish. For all his alleged political acumen, sadly, the President was mistaken and his advise to Virginia voters last year was overwhelmingly rejected with the election of Governor Gillmor who has worked to reduce that unfair car tax.

Now, for all 50 States and the District of Columbia, we reaffirm this basic notion. That money should remain in the pockets of hard-working Americans, not as some cynical stunt as those on the left would have us believe, but because it is the right thing to do.

□ 2215

This 90/10 plan provides, again, another modest attempt to ensure that Americans hold onto more of their money, thereby strengthening the institution of marriage, thereby strengthening the family, thereby strengthening local control of issues such as education, thereby strengthening seniors, who have seen the handcuffs taken off of the earnings limits; in short, to offer something to all working Americans, because, after all, Mr. Speaker, it is their money.

Mr. Speaker, in closing, I would address, through the Chair, the other body and those in the executive branch of government to join with us; to remain committed to the notion of a smaller, more effective Federal Government; to stay true to the notion of

Americans holding onto more of their hard-earned money.

We would ask that, in a bipartisan way, even with the reality of a pending election in a little more than one month's time, that we join together. For if we do not, Mr. Speaker, again, what we have done is offered a clear choice to the American people: Do they want to stand up for a plan that recognizes that we should save social security by setting aside $1,400,000,000,000, and at the same time offering tax relief, reaffirming the promise of our individual freedoms and individual endeavors, and the fact that it is our money? Or do we want to return to the tired, old ways of the Washington bureaucracy, and the notion that Washington, D.C. knows best?

Mr. Speaker, the choice is crystal clear. But even now, while we rejoice in difference, we would ask people to cooperate, because after all, the American people have the most to gain.

CYPRUS'S INDEPENDENCE DAY

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

Mr. PALLONE. Mr. Speaker, I rise tonight to congratulate the Republic of Cyprus on the 38th anniversary of its independence today. I came down to the House floor to speak about Cyprus's Independence Day because I think it is imperative that Congress take every opportunity to highlight the fact that the Republic of Cyprus does not enjoy true independence as we understand it in the United States.

For 24 of the 38 years since Cyprus became an independent State, the northern 37 percent of the island has been occupied by an illegal Turkish occupation force. Today, some 35,000 Turkish troops remain entrenched in the self-declared Turkish Republic of Northern Cyprus, which has been recognized only by the regime in Ankara. This occupation continues to destabilize the region, and sadly, the Turks appear to be growing only more and more intransigent and unreasonable in moving the peace process forward.

Despite numerous outstanding U.N. resolutions calling for a negotiated settlement, and a standing offer by Cypriot President Clerides to demilitarize the island, the regime in Ankara deliberately set the peace process back.

Over the last several months, there have been some actions by the Turkish side that have been of particular cause for concern. In May, as most of us who follow the Cyprus issue know, a new attempt to resuscitate peace talks led by Ambassador Richard Holbrooke collapsed when the Turks abruptly insisted on three new and unfounded preconditions to meaningful negotiations.

These preconditions, Mr. Speaker, were absolutely ridiculous. They prompted a public rebuke from Ambassador Holbrooke, who noted that peace talks are useless when only one party truly wants peace. Frustrated with the almost instantaneous collapse of these talks, I wrote to President Clinton urging that he adopt a hard-line policy, and use American influence with the Turkish military to get the Turks to cooperate.

Specifically, I asked that the U.S. government communicate to Ankara that there would be severe consequences in U.S.-Turkey relations if it did not prevail upon its puppet regime in Northern Cyprus to abandon these new demands and cooperate in the peace process. I have, unfortunately, seen no indication that any such message was communicated.

While I do not question the administration's commitment to bring peace to the region, I have nonetheless been disappointed with its tepid response to this newest spate of Turkish obstinance.

I am also very wary of the administration's response to another issue that I have been following closely and working on over the last few weeks. Shortly after the collapse of the peace talks, the Cypriot foreign minister was in town visiting Washington, and came to Capitol Hill to meet with Members of Congress.

At that meeting, some Members raised the issue of illegal Turkish transfers of American weapons to Northern Cyprus. This was very troubling to learn of, in light of the collapse of the peace talks, and because it was consistent with other reports of similar Turkish behavior. The illegal transfer of weapons by Turkey in fact was something I was already concerned about. On trips I had taken to Armenia, I saw firsthand American weapons that had been seized from the Azerbaijanis.

Following the meeting with the foreign minister, I decided that we ought to pursue the idea of holding congressional hearings on this topic of weapons transfers. I teamed up with the gentleman from California (Mr. BRAD SHERMAN) and the gentlewoman from New York (Mrs. CAROLYN MALONEY), and sent a Dear Colleague to all Members of the House asking them to sign a letter to the chairman of the Committee on International Relations, asking him to hold hearings.

As it was being circulated, it came to the attention of Ambassador Tom Miller. Ambassador Miller is now the State Department's special coordinator for Cyprus. He subsequently contacted myself, the gentleman from California (Mr. SHERMAN), and the gentlewoman from New York (Mrs. MALONEY), and asked if he could come to talk with us.

During the meeting, he informed me that in response to the inquiries by Members of Congress about Turkish arms transfers, the State Department would prepare a report on the matter, and that report is at this time being prepared.

In addition to the report, Ambassador Miller indicated that he would be willing to come to my district to talk to leaders of the Greek and Cypriot communities, which he did on September 13.

I have to say, Mr. Speaker, I appreciated the Ambassador's visit to New Jersey. Everyone there, myself included, told Ambassador Miller that it was our very strong belief that Turkey with not change its behavior unless it was clear that that behavior would bring serious consequences from the international community and the United States, in particular.

But our concern was that the U.S. has not indicated to the Turkish government there would be any serious response to their activities. If anything, the U.S. gives the impression that Turkey is more important as an ally today than it was in the past, and that the administration was going out of its way to show U.S. support for Turkey in the context of its application to the European Union, its strategic significance in the Middle East, and in many other respects. Even our condemnation of human rights violations in Turkey, particularly with respect to the Kurds, I think has been insignificant.

What I would like to emphasize, though, Mr. Speaker, before I conclude tonight, is that I, along with quite a few other Members, are intent on holding Turkey accountable for its actions and bringing true independence to Cyprus. We have seen success in Northern Ireland and Bosnia. With continued vigilance, we can bring success to Cyprus.

With hard work and a hard-line policy, I must emphasize, harder than we have now, we will one day surely be able to celebrate the true independence of Cyprus on a future Independence Day.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today and the balance of the week on account of family medical reasons.

Ms. HARMAN (at the request of Mr. GEPHARDT) for Thursday, October 1 on account of family business.

Mr. MARTINEZ (at the request of Mr. GEPHARDT) for Thursday, October 1 on account of personal 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. KENNEDY of Rhode Island) to revise and extend their remarks and include extraneous material:)

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SCAGGS, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. FOSSELLA, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELLER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.

(The following Members (at the request of Mr. THUNE) to revise and extend their remarks and include extraneous material:)

Mr. ARMEY, for 5 minutes, on October 2.

Mr. ENGLISH of Pennsylvania, for 5 minutes, on October 2.

Mr. DIAZ-BALART, for 5 minutes, on October 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KENNEDY of Rhode Island) and to include extraneous material:)

Ms. JACKSON-LEE of Texas.

Mr. KIND.

Mr. GORDON.

Mr. TOWNS.

Mr. MCGOVERN.

Mr. HAMILTON.

Mr. GEJDENSON.

Mr. BENTSEN.

(The following Members (at the request of Mr. HASTINGS of Washington) and to include extraneous material:)

Ms. ROS-LEHTINEN.

Mrs. ROUKEMA.

Mr. DREIER.

Mr. PETRI.

Mr. NEY.

Mrs. MORELLA.

Mr. MCKEON.

Mr. WALSH.

Mr. SMITH of New Jersey.

Mr. GILMAN.

(The following Members (at the request of Mr. MORAN of Virginia) and to include extraneous material:)

Mr. HOYER.

Mr. BENTSEN.

Mrs. CLAYTON.

Mr. KLECZKA.

Mr. STARK.

Mr. BERRY.

Mr. FARR of California.

Mr. KUCINICH.

Mr. BARCIA.

Mr. PALLONE.

Mr. DOYLE.

Mr. HINCHEY.

Mr. DAVIS of Florida.

Mr. GEJDENSON.

(The following Members (at the request of Mr. THUNE) and to include extraneous material:)

Mr. PORTMAN.

Mr. MCKEON.

Mr. SAXTON.

Mr. YOUNG of Florida.

Mr. CALVERT.

Mr. GALLEGLY.

Mr. SOLOMON.

Mr. CRANE.

Mr. ENSIGN.

Mr. CANNON.

Mr. NEY.

Mr. JENKINS.

Mr. CLAY.

Mr. LANTOS.

Mr. FAZIO of California.

Mr. UPTON.

Mr. STARK.

Mr. FATTAH.

Mrs. CLAYTON.

Mr. KLECZKA.

Mr. WEYGAND.

Mr. CLYBURN.

Mr. MARKEY.

Mrs. MCCARTHY of New York.

Mr. BERRY.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons.

H.R. 4060. An act making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1355. An act to designate the United States courthouse located at 141 Church Street in New Haven, Connecticut, as the ''Richard C. Lee United States Courthouse''.

S. 2071. An act to extend a quarterly financial report program administered by the Secretary of Commerce.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Friday, October 2, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

11387. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acrylic Acid, Styrene, -Methyl Styrene Copolymer, Ammonium Salt; and Styrene, 2–Ethylhexyl Acrylate, Butyl Acrylate Copolymer; Exemption from the Requirements of a Tolerance [OPP–300722; FRL 6032–4](RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11388. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fluroxypyr; Pesticide Tolerance [OPP–300724; FRL–6033–4] (RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11389. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Mepiquat Chloride; Pesticide Tolerances for Emergency Exemptions [OPP–300719; FRL–6032–6] (RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11390. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP–300721; FRL–6033–3] (RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11391. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carfentrazone-ethyl; Pesticide Tolerance [OPP–300718; FRL–6032–1] (RIN: 2070–AB78) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11392. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Zucchini Juice Added to Buffalo Gourd Root Powder; Exemption From the Requirement of a Tolerance [OPP–300683; FRL–6017–5] (RIN: 2070–AB78) received Septmeber 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11393. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Air Force is initiating a cost comparison of Precision Measurment Equipment Laboratories (PMEL) Air-Force-wide, pursuant to 10 U.S.C. 2304 nt.; to the Committee on National Security.

11394. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule—Home Mortgage Disclosure [Regulation C; Docket No. R–0999] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11395. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Consumer Leasing [Regulation M; Docket No. R–1004] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11396. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Savings [Regulation DD; Docket No. R–1003] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11397. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Electronic Fund Transfers [Regulation E; Docket No. R–1007] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11398. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Virginia; Final Approval of Underground Storage Tank [FRL–6167–7] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11399. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6169–3] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11400. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Massachusetts: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6167–9] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11401. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions; Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088) [FRL–6168–7] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11402. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District [CA 211–0102a: FRL–6161–8] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11403. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District [CA 206–0096a; FRL–6164–4] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11404. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6161–2] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11405. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6160–9] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11406. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Amendments to Title V Operating Permits Program; Pima County Department of Environmental Quality, Arizona [AD-FRL–6165–8] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11407. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program Revision [FRL–6165–3] Receiveed September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11408. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Alaska [AK10–1–7022a; FRL–6162–9] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11409. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District [CA 206–0095a; FRL–6164–6] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11410. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives: Modification of the Covered Areas Provision for Reformulated Gasoline [FRL–6169–5] (RIN: 2060–AG77) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11411. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Halon Recycling and Recovery Equipment Certification [FRL—6136–8] (RIN: 2060–AI07) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11412. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program: 1998 Reallocation of Allowances [FRL–6164–1] (RIN: 2060–AG–86) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11413. 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. (Big Pine Key, Clewiston, Ft. Myers Villas, Indiantown, Jupiter, Key Colony Beach, Naples and Tice, Florida) [MM Docket No. 94–155, RM–8468, RM–8802] received September 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11414. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's final rule—Financial Assurance Requirements for Decommissioning Nuclear Power Reactors (RIN: 3150–AF41) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11415. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance agreement with Japan [Transmittal No. DTC 100–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11416. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Canada [Transmittal No. DTC 112–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11417. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 122–98], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11418. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11419. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as cheifs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

11420. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severly Disabled, transmitting the Committee's final rule—Procurement List; Additions and Deletions—received September 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

11421. A letter from the Chairman, Federal Communications Commission, transmitting Activities under the Freedom of Information Act for calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

11422. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018–AE93) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11423. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of State, transmitting the Department's final rule—Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1998–99 Late Season (RIN: 1018–AE93) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11424. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Threatened Status for JOHNSON's Seagrass [Docket No. 980811214–8214–01; I.D. 052493B] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11425. A letter from the Acting Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna; Closure [I.D. 090498SA] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11426. A letter from the General Counsel, Office of Community Oriented Policing Services (COPS), Department of Justice, transmitting the Department's final rule—FY 1998 Police Recruitment Program (RIN: 1105–AA58) received September 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11427. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310, A300–600, and A320 Series Airplanes [Docket No. 97–NM–107–AD; Amendment 39–10759; AD 98–19–18] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11428. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–7B Series Turbofan Engines [Docket No. 98–ANE–50–AD; Amendment 39–10758; AD 98–14–51] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11429. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; S.N. Centrair 101 Series Sailplanes [Docket No. 98–CE–49–AD; Amendment 39–10755; AD 98–19–14] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11430. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, -15, and -30 Series Airplanes, and C–9 (Military) Airplanes [Docket No. 96–NM–272–AD; Amendment 39–10738; AD 98–18–22] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11431. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–47–AD; Amendment 39–10739; AD 98–18–23] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11432. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes [Docket No. 97–NM–156–AD; Amendment 39–10740; AD 98–18–24] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11433. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 97–NM–290–AD; Amendment 39–10741; AD 98–18–25] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11434. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes [Docket No. 96–NM–123–AD; Amendement 39–10737; AD 98–18–21] (RIN: 2120–AA64) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11435. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Price, UT [Airspace Docket No. 98–ANM–12] received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11436. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29330; Amdt. No. 1890] (RIN: 2120–AA65) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11437. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29329; Amdt. No. 1889] (RIN: 2120–AA65) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11438. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29328; Amdt. No. 1888] (RIN: 2120–AA65) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11439. A letter from the National Director of Appeals, Internal Revenue Service, transmitting the Service's final rule—Subchapter K Anti-Abuse Rule [Regulation 1. 701–2] received September 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11440. A letter from the National Director of Appeals, Internal Revenue Service, transmitting the Service's final rule—Tenant Allowances To Retail Store Operators—received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11441. A letter from the Acting Chief, Regulations Branch, United States Customs Service, transmitting the Service's final rule—Andean Trade Preference (T.D. 98–76) (RIN: 1515–AB59) received September 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11442. A letter from the Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year 1997, pursuant to 45 U.S.C. 231f(b)(6); jointly to the Committees on Transportation and Infrastructure and 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. 2566. A bill to amend title 5, United States Code, to expand the class of individuals under the Civil Service Retirement System eligible to elect the option under which the deposit which is normally required in connection with a refund previously taken may instead be made up through an actuarially equivalent annuity reduction; with amendments (Rept. 105–757). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 560. Resolution providing for consideration of the bill (H.R. 3789) to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions (Rept. 105–758). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 563. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; with an amendment (Rept. 105–759). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee of Conference. Conference report on H.R. 4104. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–760). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 4280. A bill to provide for greater access to child care services for Federal employees; with an amendment; referred to the Committee on House Oversight for a period ending not later than October 9, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h), rule X. (Rept. 105–756, Pt. 1).

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. GIBBONS (for himself and Mr. YOUNG of Alaska):

H.R. 4656. A bill to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada; to the Committee on Resources.

By Mr. GIBBONS (for himself and Mr. YOUNG of Alaska):

H.R. 4657. A bill to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition by the Secretary of the Interior of environmentally sensitive lands in the State of Nevada; to the Committee on Resources.

By Mr. SMITH of Texas:

H.R. 4658. A bill to extend the date by which an automated entry-exit control system must be developed; to the Committee on the Judiciary.

By Mr. FAZIO of California (for himself, Mr. HYDE, Mr. YATES, Mr. MILLER of Florida, Mr. OBEY, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, Mr. TAYLOR of North Carolina, Mr. NEAL of Massachusetts, Mr. SHAYS, Ms. CARSON, Mr. RUSH, Mr. PARKER, Mr. FROST, Mr. STEARNS, Mr. BENTSEN, Mr. ALLEN, Mr. POMEROY, Mr. UNDERWOOD, Mr. ETHERIDGE, Mr. CRAMER, Mr. WAXMAN, Mr. BERMAN, Mr. SMITH of Michigan, Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, Mr. SNYDER, Mr. RAMSTAD, Mrs. TAUSCHER, Mr. EVANS, Mr. MALONEY of Connecticut, Mr. TURNER, Mr. ENGLISH of Pennsylvania, Mr. MATSUI, Mr. BAESLER, Mr. LUTHER, Mr. SANDLIN, Mrs. MYRICK, Mr. HILLIARD, and Mr. FORBES):

H.R. 4659. A bill to amend the National Child Protection Act of 1993 to ensure that elementary and secondary schools are included as a qualified entity; 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 Mr. GILMAN (for himself, Mr. LANTOS, Mr. HYDE, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. KING of New York, Mr. FOX of Pennsylvania, and Mr. BLUNT):

H.R. 4660. A bill to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia; to the Committee on International Relations.

By Mr. BISHOP:

H.R. 4661. A bill to designate the facility of the United States Postal Service at Tall Timbers Village Square, United States Route 19 South, in THOMASville, Georgia, as the ''Lieutenant Henry O. Flipper Station''; to the Committee on Government Reform and Oversight.

By Mr. BUNNING of Kentucky:

H.R. 4662. A bill to direct the Commissioner of Social Security to establish a demonstration project to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself and Mr. MATSUI):

H.R. 4663. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 4664. A bill to establish a program to support a transition to democracy in Iraq; to the Committee on International Relations.

By Mr. HALL of Ohio (for himself, Mr. STENHOLM, Mr. GILMAN, Mr. HAMILTON, Mr. WOLF, Ms. JACKSON-LEE of Texas, and Mrs. EMERSON):

H.R. 4665. A bill to establish the Bill Emerson and Mickey Leland memorial fellowship programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on International Relations, 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. HINCHEY (for himself, Mr. WATKINS, Mr. OLVER, Ms. LEE, Ms. WATERS, Mr. RODRIGUEZ, Mr. BRADY of Pennsylvania, Mrs. THURMAN, and Mr. JACKSON of Illinois):

H.R. 4666. A bill to authorize the Secretary of Agriculture to make grants to establish 33 additional rural enterprise communities, to provide grant funding for 20 empowerment zones, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, 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. MARKEY:

H.R. 4667. A bill to enhance consumer privacy, prevent unfair and deceptive practices, and protect children's privacy; to the Committee on Commerce.

By Mr. PEASE (for himself, Mr. VISCLOSKY, Mr. MCINTOSH, Mr. ROEMER, Mr. SOUDER, Mr. BUYER, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. HAMILTON, and Ms. CARSON):

H.R. 4668. A bill to designate the facility of the United States Postal Service at 30 North 7th Street in Terre Haute, Indiana, as the ''John T. Myers Federal Building''; to the Committee on Government Reform and Oversight.

By Mr. PICKETT (for himself, Mr. WELDON of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. JONES, Mr. SISISKY, and Mr. ORTIZ):

H.R. 4669. A bill to amend title 10, United States Code, to restore military retirement benefits that were reduced by the Military Retirement Reform Act of 1986; to the Committee on National Security.

By Mr. PITTS:

H.R. 4670. A bill to establish a program of formula grants to the States for programs to provide pregnant women with alternatives to abortion, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 4671. A bill to redesignate the Marsh-Billings National Historical Park in the State of Vermont as the ''Marsh-Billings-ROCKEFELLER National Historical Park''; to the Committee on Resources.

By Mr. SMITH of Michigan:

H.R. 4672. A bill to reenact chapter 12 of title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

H.R. 4673. A bill to stimulate increased domestic cruise ship opportunities for the American cruising public by temporarily reducing barriers for entry into the domestic cruise ship trade; to the Committee on National Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. KLECZKA):

H.R. 4674. A bill to amend part C of title XVIII of the Social Security Act to prohibit MedicareChoice organizations from arbitrarily limiting coverage of medically necessary services under MedicareChoice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAUZIN (for himself, Mr. MARKEY, Mr. DEAL of Georgia, Mr. BOUCHER, Mr. SANDERS, and Mrs. KELLY):

H.R. 4675. A bill to amend the Communications Act of 1934 to establish rules and regulations for the redistribution or retransmission of local signals by satellite broadcasters, and for other purposes; to the Committee on Commerce, 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.

By Mr. TOWNS:

H.R. 4676. A bill to amend the Inspector General Act of 1978 to establish an Office of Inspector General Oversight Council; to the Committee on Government Reform and Oversight.

By Mr. TRAFICANT:

H.R. 4677. A bill to require the registration of all persons providing intercountry adoption services; to the Committee on International Relations.

By Mr. BILBRAY:

H. Con. Res. 331. Concurrent resolution expressing the sense of Congress concerning the inadequacy of sewage infrastructure facilities in Tijuana, Mexico; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. CARDIN, Mr. FOX of Pennsylvania, Mr. LANTOS, Mr. HALL of Ohio, Mr. MORAN of Virginia, Mr. OLVER, Mr. PAYNE, Mr. MCGOVERN, Mr. ENGEL, Mr. WEXLER, Mr. HASTINGS of Florida, and Mr. MCNULTY):

H. Res. 561. A resolution concerning the crisis in Kosovo and calling for NATO agreement to take direct and decisive action against those forces attacking civilian populations in Kosovo; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. LANTOS, Mr. HYDE, Mr. HOYER, Mr. MARKEY, Mr. CHRISTENSEN, Mr. ROHRABACHER, Mr. SALMON, and Mr. FOX of Pennsylvania):

H. Res. 562. A resolution concerning properties wrongfully expropriated by formerly totalitarian governments; to the Committee on International Relations.

By Mr. BASS (for himself, Ms. DUNN of Washington, Mr. GINGRICH, Mr. BACHUS, Mr. BAKER, Mr. BALDACCI, Mr. BALLENGER, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. BENTSEN, Mr. BERRY, Mr. BLUNT, Mr. BOEHLERT, Mrs. BONO, Mr. BORSKI, Mr. BOUCHER, Mr. BOYD, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CAMP, Mr. CAMPBELL, Mrs. CAPPS, Mr. CARDIN, Ms. CARSON, Mr. CHAMBLISS, Mrs. CLAYTON, Mr. CLEMENT, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. COOK, Mr. COOKSEY, Mr. CRAMER, Mr. CUMMINGS, Mr. CUNNINGHAM, Mr. DELAHUNT, Mr. DIXON, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. ETHERIDGE, Mr. EWING, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FAZIO of California, Mr. FILNER, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. GALLEGLY, Mr. GEKAS, Mr. GIBBONS, Mr. GILMAN, Mr. GORDON, Mr. GOSS, Mr. GREEN, Mr. HALL of Ohio, Mr. HASTERT, Mr. HEFLEY, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOBSON, Mr. HOLDEN, Mr. HORN, Mr. HOUGHTON, Ms. JACKSON-LEE of Texas, Mr. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Ms. KILPATRICK, Mr. KING of New York, Mr. KLECZKA, Mr. KOLBE, Mr. LANTOS, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. MCDERMOTT, Mr. MCINTOSH, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEKS of New York, Mr. METCALF, Mr. MICA, Mrs. MYRICK, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEY, Mr. OBERSTAR, Mr. PALLONE, Mr. PAPPAS, Mr. PASCRELL, Mr. PAYNE, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. REDMOND, Mr. RILEY, Mr. ROGAN, Mr. ROMERO-BARCELO, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. SABO, Mr. SALMON, Mr. SANDERS, Mr. SANDLIN, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. ADAM SMITH of Washington, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. SUNUNU, Mr. TORRES, Mr. TOWNS, Mr. WATTS of Oklahoma, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEYGAND, Ms. WOOLSEY, and Mr. YOUNG of Florida):

H. Res. 565. A resolution expressing the sense of the House of Representatives regarding the importance of mammograms and biopsies in the fight against breast cancer; to the Committee on Commerce.

By Mr. STUPAK (for himself, Mr. DINGELL, Mr. BARRETT of Wisconsin, Mr. JOHNSON of Wisconsin, Mr. STRICKLAND, Mr. OBERSTAR, Ms. RIVERS, Mr. OBEY, Mr. KILDEE, Mr. ENGLISH of Pennsylvania, Ms. KILPATRICK, Mr. LATOURETTE, Mr. WALSH, Ms. KAPTUR, Mr. RAMSTAD, Mrs. THURMAN, Mr. KIND of Wisconsin, Mr. LUTHER, Mr. SABO, Mr. VISCLOSKY, Mr. SOUDER, Mr. VENTO, Mr. BARCIA of Michigan, Mr. MCHUGH, Ms. STABENOW, and Mr. BROWN of Ohio):

H. Res. 566. A resolution expressing the sense of House of Representatives that the President and the Senate should take the necessary actions to prevent the sale or diversion of Great Lakes water to foreign countries, business, corporations, and individuals until procedures are established to guarantee that any such sale is fully negotiated between and approved by the governments concerned; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DAVIS of Florida introduced A bill (H.R. 4678) to authorize conveyance of each of two National Defense Reserve Fleet vessels to The Victory Ship, Inc., located in Tampa, Florida; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mrs. CHENOWETH and Mr. ADAM SMITH of Washington.
H.R. 519: Mr. CAMPBELL.
H.R. 902: Mr. CAMPBELL, Mrs. ROUKEMA, Mrs. WILSON, Mr. KASICH, Mr. SHUSTER, and Mr. BALLENGER.
H.R. 1126: Mr. JENKINS
H.R. 1197: Mr. PETERSON of Pennsylvania.
H.R. 1441: Ms. STABENOW.
H.R. 1521: Mr. ROGAN.
H.R. 1891: Mr. SPENCE.
H.R. 2020: Mr. DEAL of Georgia.
H.R. 2450: Mr. BURR of North Carolina.
H.R. 2549: Mr. STUMP.
H.R. 2635: Mr. BILBRAY, Mr. BOYD, and Mr. PASCRELL.
H.R. 2733: Mr. KUCINICH, Mr. BLAGOJEVICH, and Mrs. EMERSON.
H.R. 2914: Mr. BROWN of Ohio.
H.R. 2938: Mr. RODRIGUEZ.
H.R. 3032: Mr. KUCINICH and Mr. KANJORSKI.
H.R. 3081: Mr. EVANS, Mr. PASCRELL, Mr. SANDERS, Mr. QUINN, Mr. KIND of Wisconsin, Mrs. THURMAN, Mr. FRELINGHUYSEN, Mr. JOHNSON of Wisconsin, Mr. OBERSTAR, Mr. ABERCROMBIE, Ms. MILLENDER-MCDONALD, Mr. MATSUI, Mr. MOAKLEY, Mr. GILMAN, Mr. BECERRA, Mr. KENNEDY of Massachusetts, Mr. PASTOR, Mr. MCNULTY, and Mr. FATTAH.
H.R. 3134: Mr. DIXON, Mr. TORRES, Ms. ROYBAL-ALALRD, and Mr. MARTINEZ.
H.R. 3234: Mr. DAN SCHAEFER of Colorado.
H.R. 3251: Mr. MILLER of California and Mr. BILBRAY.
H.R. 3448: Mr. OLVER.
H.R. 3514: Mr. BARCIA of Michigan.
H.R. 3572: Mr. BALDACCI and Mr. JONES.
H.R. 3632: Mr. HASTINGS of Washington.
H.R. 3792: Ms. PRYCE of Ohio and Mr. RAMSTAD.
H.R. 3794: Mr. BENTSEN.
H.R. 3795: Mr. FOX of Pennsylvania.
H.R. 3831: Mr. RUSH.
H.R. 3855: Mrs. HARMAN, Mr. TRAFICANT, Mr. GILLMOR, Ms. THURMAN, Mr. BERMAN, Mr. PICKETT, and Mr. DEUTSCH.
H.R. 3861: Mr. KENNEDY of Rhode Island.
H.R. 3895: Mr. RUSH.
H.R. 3925: Mr. TURNER and Mr. LEACH.
H.R. 3949: Mr. LAMPSON.
H.R. 3990: Ms. STABENOW.
H.R. 3991: Mr. CARDIN, Mr. BEREUTER, and Mrs. CAPPS.
H.R. 4019: Mr. ENSIGN, Mr. MCINTYRE, and Mr. MARTINEZ.
H.R. 4080: Mrs. MALONEY of New York.
H.R. 4121: Mr. TALENT.
H.R. 4127: Mr. HILLIARD.
H.R. 4151: Mr. DOYLE.
H.R. 4167: Mr. BARCIA of Michigan and Mr. RAHALL.
H.R. 4214: Mr. DIXON, Mr. BROWN of California, and Mr. PALLONE.
H.R. 4220: Mr. BONIOR.
H.R. 4280: Mrs. KELLY.
H.R. 4293: Ms. FURSE.
H.R. 4311: Mr. GUTIERREZ and Ms. SLAUGHTER.
H.R. 4332: Mr. ADERHOLT, Mr. JOHNSON of Wisconsin, and Mr. SCARBOROUGH.
H.R. 4339: Mr. OBERSTAR and Mr. METCALF.
H.R. 4340: Ms. SLAUGHTER.
H.R. 4353: Mr. BILIRAKIS.
H.R. 4358: Mr. ACKERMAN.
H.R. 4376: Mr. FORBES.
H.R. 4402: Mr. GOODLATTE and Mr. BLILEY.
H.R. 4403: Mr. WAXMAN, Mr. BROWN of Ohio, Mr. MILLER of California, Mr. SMITH of New Jersey, and Mr. STUPAK.
H.R. 4421: Mrs. MINK of Hawaii, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, and Mr. MANZULLO.
H.R. 4446: Mrs. NORTHUP.
H.R. 4449: Mr. CAMPBELL, Mr. MCINNIS, Mr. STUMP, Mr. VENTO, and Mr. DICKEY.
H.R. 4450: Mr. RUSH.
H.R. 4455: Mr. GOODE and Mr. RUSH.
H.R. 4465: Mr. LATOURETTE.
H.R. 4467: Ms. PELOSI.
H.R. 4504: Mr. THOMPSON.
H.R. 4513: Mr. DREIER.
H.R. 4527: Mr. MENENDEZ.
H.R. 4538: Mr. KUCINICH and Mr. BLUMENAUER.
H.R. 4567: Mr. MALONEY of Connecticut, Mr. ENSIGN, and Mr. NADLER.
H.R. 4574: Mr. CHRISTENSEN.
H.R. 4590: Mrs. JOHNSON of Connecticut, Ms. CARSON, Mr. KOLBE, and Mr. SHAYS.
H.R. 4591: Mr. HILLIARD.
H.R. 4621: Mr. REGULA, Mrs. KELLY, Mr. FROST, Mr. DOYLE, and Mr. MCHUGH.
H.R. 4627: Mrs. CAPPS, Mr. PALLONE, Mr. HINCHEY, Mr. MEEKS of New York, Mr. BOSWELL, Mr. OLVER, Mr. BLUMENAUER, Mr. HOLDEN, Mr. KLECZKA, and Mr. MATSUI.
H.R. 4634: Mr. PRICE of North Carolina, Mr. CAMPBELL, Mr. ENGLISH of Pennsylvania, Mr. METCALF, Mr. KENNEDY of Rhode Island, and Mrs. MORELLA.
H. Con. Res. 55: Mr. FOX of Pennsylvania.
H. Con. Res. 274: Mr. GINGRICH.
H. Con. Res. 281: Mr. DEFAZIO.
H. Con. Res. 295: Mr. JEFFERSON.
H. Con. Res. 299: Mr. SMITH of Oregon.
H. Con. Res. 328: Mr. JACKSON of Illinois, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. LATOURETTE, and Mr. LEWIS of Georgia.
H. Res. 460: Mr. DEFAZIO, Mr. KING of New York, Mr. DAVIS of Illinois, and Mr. LIVINGSTON.
H. Res. 519: Mr. GIBBONS, Mr. SMITH of New Jersey, Mr. WATTS of Oklahoma, Mr. FOX of Pennsylvania, and Mr. ROHRABACHER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3789

OFFERED BY: MR. CONYERS

AMENDMENT NO. 1: Page 7, strike lines 11 through 21 and insert the following:

''(f) If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, the court shall remand the action to the State court from which the action arose. Upon remand of the action, the period of limitations for any claim brought by any member of the proposed class in any future class action or individual action shall be tolled for the period of time provided under Federal or State law, or for the period of time that the removed action was pending in Federal court, whichever period is longer. The remand of the action shall be without prejudice to the reallegation of any such claim in any State court in a class action that may meet applicable class certification requirements. The removal provisions of section 1453 shall apply after remand to any renewed State court class action described in the preceding sentence, and if the renewed action is removed to Federal court, the Federal court shall determine whether the renewed action meets the requirements of Rule 23 of the Federal Rules of Civil Procedure.''.

H.R. 3789

OFFERED BY MR. DOGGETT

AMENDMENT NO. 2: Page 5, line 3, strike the quotation marks and second period.

Page 5, insert the following after line 3:

''(4) Paragraph (1) and section 1453 shall apply to a State only if such State, on or after the date of the enactment of this Act, enacts a statute that—

''(A) is adopted in accordance with procedures established by that State's Constitution for enactment of a statute;

''(B) does not conflict with that State's Constitution, as interpreted by that State; and

''(C) declares that paragraph (1) and section 1453 shall apply to that State.''.

H.R. 3789

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Strike all after the enacting clause and insert the following:

SECTION 1. STUDY OF CLASS ACTIONS.

Within 12 months of the date of enactment of this Act, the Judicial Conference of the United States, in consultation with the National Center for State Courts, shall conduct a study of Federal and State class actions, which study shall include—

(1) identification of the number of class actions being brought and maintained in Federal and State courts;

(2) the extent to which class action rules are collusively misused or manipulated by either plaintiffs or defendants in a manner which denies any of the parties the right to fairness and due process; and

(3) the extent that changing Federal law to allow for removal to Federal court in any case where any one member of a plaintiff class and any one defendant are citizens of different States, and eliminate the $75,000 amount in controversy requirement of section 1332 of title 28, United States Code, would have on—

(A) the workload of the Federal judiciary and the civil docket backlog in the Federal courts; and

(B) possible delays in the resolution of class actions.

Upon completion of the study, the Judicial Conference of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate, which shall include any recommendations for changing class action rules at the Federal or State level.

H.R. 3789

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: In section 1332(b) of title 28, United States Code, as added by section 2(a) of the bill, strike the quotation marks and second period at the end of paragraph (3) (page 5, line 3), and after paragraph (3) (page 5, after line 3) insert the following:

''(4)(A) Paragraph (1) and section 1453 shall not apply to any class action that is brought for harm caused by a tobacco product.

''(B) As used in this paragraph, the term 'tobacco product' means—

''(i) a cigarette, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

''(ii) a little cigar, as defined in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332);

''(iii) a cigar, as defined in section 5702(a) of the Internal Revenue Code of 1986;

''(iv) pipe tobacco;

''(v) loose rolling tobacco and papers used to contain that tobacco;

''(vi) a product referred to as smokeless tobacco, as defined in section 9 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408); and

''(vii) any other form of tobacco intended for human consumption.''.

H.R. 3789

OFFERED BY: MR. PALLONE

AMENDMENT NO. 5: Page 5, line 3, strike the quotation marks and second period.

Page 5, insert the following after line 3:

''(4) Paragraph (1) and section 1453 shall not apply to any class action that is brought for harm caused by any group health plan, health insurance issuer, health care provider, or health care professional, if the primary defendant in the action is a group health plan or health insurance issuer which has a substantial commercial presence in the State in which the action is brought.''.

H.R. 3789

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 6: Page 5, strike line 17 and all that follows through page 6, line 19.

Page 6, line 20, strike ''(b) REMOVAL'' and insert ''(a) REMOVAL''.

Page 7, strike line 1 through the matter following line 3.

Page 7, line 4, strike ''(d)'' and insert ''(b)''.

Page 7, line 9, strike ''(e)'' and insert ''(c)''.

Page 4, line 1, strike ''and section 1453''.

Page 4, line 4, strike ''and section 1453''.

H.R. 4274

OFFERED BY: MR. ENGLISH OF PENNSYLVANIA

AMENDMENT NO. 7: Page 95, after line 17, insert the following new section:

SEC. 517. There are appropriated for carrying out the Low-Income Home Energy Assistance Act of 1981 $1,100,000,000, to be derived by hereby reducing by 3.098 percent each of the amounts appropriated by this Act that are not required by law to be appropriated.

H.R. 4274

OFFERED BY: MR. FATTAH

AMENDMENT NO. 8: Page 54, line 24, after the dollar amount, insert the following: ''(decreased by $200,000,000)''.

Page 55, line 6, after ''section 1125,'' insert the following: ''$200,000,000 shall be available for the education finance incentive program under section 1125A,''.

H.R. 4274

OFFERED BY: MR. FATTAH

AMENDMENT NO. 9: Page 55, line 6, after ''section 1125,'' insert the following: ''$200,000,000 shall be available for the education finance incentive program under section 1125A,''.

H.R. 4274

OFFERED BY: MR. FILNER

AMENDMENT NO. 10: Page 61, line 11, after the dollar amount insert ''(increased by $12,000,000)''.

Page 63, line 16, after the dollar amount insert ''(decreased by $12,000,000)''.

H.R. 4274

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 11: Page 32, line 9, after the dollar amount, insert the following: ''(decreased by $5,000,000)''.

Page 57, line 12, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

H.R. 4274

OFFERED BY: MR. LOBIONDO

AMENDMENT NO. 12: Page 44, line 9, insert ''(increased by $10,000,000)'' after the dollar figure.

Page 63, line 16, insert ''(reduced by $10,000,000)'' after the dollar figure.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 13: Page 2, line 16, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 2, line 22, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 53, line 17, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 53, line 19, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Page 58, line 26, after each of the dollar amounts, insert the following: ''(increased by $50,000,000)''.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 14: Page 54, line 18, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 54, line 19, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 55, line 10, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 56, line 17, after the dollar amount, insert the following: ''(increased by $120,000,000)''.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 15: Page 54, line 18, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 54, line 19, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 55, line 10, after the dollar amount, insert the following: ''(reduced by $120,000,000)''.

Page 56, line 17, after the dollar amount, insert the following: ''(increased by $60,000,000)''.

Page 58, line 26, after each of the dollar amounts, insert the following: ''(increased by $60,000,000)''.

H.R. 4274

OFFERED BY: MR. RIGGS

AMENDMENT NO. 16: Page 56, line 18, after the dollar amount, insert the following: ''(reduced by $50,000,000)''.

Page 56, line 23, after ''1965,'', insert the following: ''$150,000,000 shall be for charter schools,''.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 17: Page 28, line 15, insert after the first dollar amount ''(increased by $5,900,000)''.

Page 62, line 20, insert after the dollar amount ''(decreased by $5,900,000)''.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 18: Page 56, line 5, after each dollar amount, insert ''(decreased by $2,000,000)''.

Page 20, line 9, after the dollar amount, insert ''(increased by $2,000,000)''.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 19: Page 95, after line 17, insert the following new section:

SEC. 517. Whereas 4,400,000 of this Nation's most vulnerable families will lose essential energy assistance, leaving them freezing in the winter or suffering from oppressive heat during the summer, if the Low-Income Home Energy Assistance Program (LIHEAP) is not funded; and whereas two-thirds of LIHEAP households have incomes of less than $8,000 per year, 49 percent of households receiving heating assistance have children less than 18 years old, households containing the elderly comprise 34 percent of all LIHEAP recipients, and households with at least 1 disabled person comprise 24 percent of those receiving heating assistance: Now, therefore, be it *Resolved*, That it is the sense of the House of Representatives that the Low-Income Home Energy Assistance Program should receive no less than the fiscal year 1998 level of $1,100,000,000 for fiscal year 1999.

H.R. 4274

OFFERED BY: MR. SANDERS

AMENDMENT NO. 20: Page 95, after line 17, insert the following new section:

SEC. 517. It is the sense of the House of Representatives that the Low-Income Home Energy Assistance Program should receive no less than the fiscal year 1998 level of $1,100,000,000 for fiscal year 1999.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 21: Page 53, after line 8, insert the following new section:

SEC. 221. The program under section 1001 of title X of the Public Health Service Act shall be carried out in accordance with section 59.9 of title 42, Code of Federal Regulations, as issued on February 2, 1988 (53 Fed. Reg. 2945), except that such section 59.9 shall apply as if there were no references in the section to sections 59.8 and 59.10 of such title 42.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 22: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Of the funds made available in this Act under the heading ''Department of Education—School Improvement Programs'' for the arts in education program, not more than 40 percent may be used for the Federal administrative costs of such program.

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be made available by the Secretary of Education to any educational agency or institution that—

(1) denies or prevents the parent of an elementary school or secondary school student the right to inspect and review any instructional material used with respect to the educational curriculum of, or testing material

that has been administered to, the student; or

(2) without the prior, written, informed consent of the parent of a student—

(A) requires the student to undergo medical, psychological, or psychiatric examination, testing, treatment, or immunization (except in the case of a medical emergency); or

(B) requires or otherwise seeks the response of the student to reveal any information about the student's personal or family life (other than directory information or information necessary to comply with the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a)).

H.R. 4274

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 24: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the amounts made available in this Act may be expended—

(1) to carry out the program under section 1001 of title X of the Public Health Service Act in a manner inconsistent with section 59.9 of title 42, Code of Federal Regulations; or

(2) to administer the provisions of such section 59.9 that relate to sections 59.8 and 59.10 of such title 42.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144 WASHINGTON, THURSDAY, OCTOBER 1, 1998 No. 135

Senate

(Legislative day of Tuesday, September 29, 1998)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by the Reverend Allen P. Novotny of the Society of Jesus, Gonzaga College High School, Washington, D.C.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Father Allen P. Novotny, S.J., offered the following prayer:

Almighty God, we acknowledge at the beginning of these deliberations that all power in our world is from You. May Your power become a reality in our lives and in our Nation: the power of You, our God—the power of truth, the power of justice, the power of holiness, the power of love.

May this power fire the hearts of the women and men of this Senate. May this power reach out through their hands to build up our Nation, to overcome all obstacles, to cross all distances, to give life and hope and care and dignity to each other and to all our people.

In a spirit of humility, may they accept the gift of this power and the responsibility it enjoins on them. May they commit themselves to the hard work of freedom and justice—the work of You, our God, which leads to understanding. Amen.

RECOGNIZING THE SENATE'S GUEST CHAPLAIN

Mr. HATCH. Mr. President, I am pleased to introduce to my colleagues Reverend Allen Novotny. He is our guest Chaplain today and I hope some of you will take the time to introduce yourself. Fr. Novotny is the President of Gonzaga College High School, a Jesuit high school for boys located only a few blocks away from the Capitol.

In 1821, the Jesuits founded Gonzaga which operates in the tradition of teaching and learning established by the founder of the Jesuits, Ignatius of Loyola. Throughout our nation's history—through the Civil War, the Great Depression, the World Wars, and the civil rights movement, Gonzaga has maintained its commitment to teaching and learning in the heart of Washington's inner-city, on a street it shares with leaders of business and government, on a block where it ministers to and comforts the least fortunate of society.

It is both ironic and appropriate that Gonzaga be situated just a few blocks from our nation's Capitol Building. Gonzaga, like so much of the United States, is a melting pot. Gonzaga combines the largest minority population of any Jesuit High School in the United States with one of the lowest tuitions in the Washington area. Gonzaga is a realized mission of social and economic diversity that offers all who attend the school a glimpse of the full life spectrum. Gonzaga combines service to the community—taking the form of service projects both in the U.S. and abroad, student-assisted tutoring for underprivileged children, and an on-campus, student-assisted McKenna Center & Food Wagon homeless shelter—with top academics and athletics. Gonzaga is, in other words, a complete educational experience.

I hope my colleagues will take the time to learn more about Gonzaga's special character. Gonzaga has served the Washington community well and, under the steady leadership of Fr. Novotny, I believe it will continue to do so.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. GORTON. Mr. President, this morning the Senate will immediately resume consideration of the Department of Defense authorization conference report. There are 3 hours remaining for debate, with a vote occurring on adoption of the conference report at 12 noon. Following that vote, the Senate may begin consideration of S. 442, the Internet bill, under the consent agreement reached last night. The Senate may also begin consideration of the Cold Bay-King Cove legislation under a 6-hour time agreement, or any other legislative or executive items cleared for action. Therefore, Members should expect rollcall votes throughout Thursday's session as the Senate continues to consider important legislation prior to sine die adjournment. I thank my colleagues for their attention.

STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999—CONFERENCE REPORT

The PRESIDENT pro tempore. The clerk will report the conference report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 3616 to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the conference report.

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

The PRESIDENT pro tempore. The clerk will call the roll.

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

Printed on recycled paper.

The legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, today the Senate considers the conference report to accompany the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999. I want to thank all the members of the conference committee for their hard work and cooperation. To give the Members of the Senate some insight into the complexity and magnitude of the work involved in the conference process, we had to reconcile nearly 1,000 funding differences and craft compromises for over 570 legislative issues in disagreement between the House and Senate bills. The conferees succeeded in settling the many difficult issues in this complex process only by putting the national interest above all others. I particularly want to thank Senator LEVIN, the ranking member of our committee, for his continued leadership and support.

I also want to acknowledge the contributions of Senator COATS, Senator KEMPTHORNE, and Senator GLENN. This is their last defense authorization bill. On behalf of the committee and the Senate, I wish to thank them again for their dedication to the national security of our country and their support for the young men and women who serve in our armed services. We will miss their valuable counsel next year.

Mr. President, I also want to acknowledge the contribution of the staff of the Senate Armed Services Committee in bringing our conference process to closure. We on the committee are very proud of our staff. They are a model of bipartisan competence and everyone in this body is indebted to them for their dedication to excellence. I ask unanimous consent that a list of the members of the staff be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, I also wish to recognize the members and staff of the Senate Defense Appropriations Subcommittee. We have worked more closely together this year than ever before. I want to express on behalf of the Armed Services Committee our appreciation to Chairman STEVENS and to the members and staff of the Defense Subcommittee for their cooperation and support.

Working together, we have produced a bill which keeps the Department of Defense on a steady course and is consistent with the balanced budget agreement. It is a sound bipartisan approach to some very difficult policy issues. This is reflected in the fact that for the first time in memory, all of the conferees in both committees have signed the conference report. This bill sends a strong signal to our men and women in uniform and their families that we are fully committed to supporting them as they perform their dangerous missions around the world.

The conference report addresses three challenges to maintaining a strong national defense in the 21st century: the training and readiness of our military forces, the modernization of weapon systems and other defense equipment, and the preservation of quality of life programs for our military personnel and their families. The conference report, for example, authorizes funding of increases to a number of readiness accounts totaling nearly $1 billion above the administration request.

We have also authorized the construction of six new ships, increased the procurement of new tactical aircraft, and provided an increase of approximately $90 million for advanced space systems and technologies as well as an increase of about $132 million for strategic force upgrades.

In the conference, we have authorized a 3.6-percent pay raise and a comprehensive series of accession and retention bonuses and special pay to reduce the financial sacrifices involved with military service. In order to enhance the quality of life for our service personnel and their families, we have authorized increases totaling $666 million above the request for military construction and family housing.

The conferees have also crafted a number of management initiatives to ensure that limited budgets are managed more efficiently and that the burdens of service for our men and women in uniform are kept to a reasonable level. The bill includes provisions to ensure that commercial sole-source spare parts are procured in a cost-effective manner. The conference report authorizes a series of initiatives to test new health care benefits for Medicare-eligible military retirees. The bill also requires the Department of Defense to address the Year 2000 information technology issues in a more comprehensive fashion.

Mr. President, this conference report is a sound and balanced approach to meeting our national security needs with constrained resources. It is my hope that the Senate will vote to adopt the report overwhelmingly.

This is the 40th defense authorization conference report on which I have worked since joining the Armed Services Committee in 1959. It is the fourth and last as chairman of the committee as I have announced my intention to step down as chairman at the end of this year while retaining my seat on the committee. I regard my work on the committee to ensure a strong national defense as among the most important accomplishments of my public service. My tenure as chairman over the last 4 years has been the culmination of that service. Words cannot express the pride and appreciation I feel for the honor my colleagues have bestowed by designating this authorization bill as the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

Looking back over the national security issues that have challenged the United States over the past 40 years and turning forward to the 21st century, I am very concerned about maintaining our ability to meet foreign policy ambitions with declining defense resources. If we do not change course soon, present and projected defense investment levels will expose the people of the United States to unacceptable levels of risk. We will have abdicated our fundamental responsibility to provide for a strong common defense.

We are in the midst of a period of unprecedented commitment of U.S. military forces in peacetime. The United States is using military forces to respond to a growing spectrum of international aggression, ethnic unrest, and domestic conflict. The operational tempo of each of our services is at an all time high as we respond in a sustained manner to crises in Africa, the Persian Gulf, and the Balkans. As we struggle with supporting these operational deployments, the backlog of modernization and real property upgrades continues to climb. Moreover, the imperative of maintaining our defense technological superiority over the next 10 to 15 years will soon generate a further requirement for substantial new investment.

Yet our defense spending is declining. The authorization for new budget authority in this conference report is $270.5 billion, which is $2.6 billion below the inflation-adjusted level for fiscal year 1998. We are currently spending barely more than 3 percent of our gross domestic product on defense. This level is consistent with defense spending during the Depression-ridden 1930's. That level is projected to decline even further to 2.6 percent by 2002. We cannot hope to meet increasing foreign policy commitments with such declining resources.

We are already seeing the effects of this mismatch of resources and commitments. The Chiefs of the military services indicate that they have now hit rock bottom in readiness and modernization. We are seeing increasing spare parts shortages, increased cannibalization, declining unit operational readiness rates, cross-decking of critical weapons, equipment and personnel. Personnel retention rates—especially for skilled personnel such as pilots—are in a steep decline.

These trends have been evident for the last several years. The leadership in the military services, distinguished observers in the defense community, such as former Secretary of Defense Schlesinger, and even the political leaders in the Department of Defense have been sounding warnings of increasing peril for our national security. Now even the President has been forced by the mounting evidence to recognize

the impact of underfunded administration requests and to call for an immediate increase in defense spending. In a letter to me last week, the President called for a series of steps to redress defense underfunding, including an increase of $1 billion in fiscal year 1999 and a process for revising the programmed spending in the future years defense plan. I commend the President for this proposal and look forward to working with the administration to make it a reality. I ask that the full text of the President's letter be printed in the RECORD at the end of my statement.

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

(See exhibit 2.)

Mr. THURMOND. The extent of current and future readiness problems were laid out in stark detail Tuesday morning by the Joint Chiefs of Staff at a hearing before the Senate Armed Services Committee. The service Chiefs all testified on the manner in which our current readiness is fraying and the long-term health of the Total Force is in jeopardy. While additional funding in fiscal year 1999 will help address the most pressing short-term concerns, it is imperative that we provide significant continuing increases in funds for modernization above that for additional pay and benefits. The Marine Corps estimates a shortfall of $1.8 billion per year in modernization over the Future Years Defense Program under the current administration projections. The Army estimates an annual $3 to $5 billion per year shortfall during the same period. We must embark on a course of sustained increases in defense investment over the next several years.

Mr. President, at the beginning of this Congress, I called for developing a clearer strategic context within which to design an effective, affordable national defense to meet our foreign policy commitments. The need for this clarity has never been greater. With the belated recognition by the President of the need for increased defense resources, we have an opportunity to free the determination of U.S. strategy from being a by-product of the budget process. As I said in February 1997, let us seize the day. We must work in a cooperative, bipartisan fashion to avert a certain military decline. The first step in that process is the rapid and overwhelming approval of this conference report.

EXHIBIT 1

STAFF OF THE ARMED SERVICES COMMITTEE

Charlie Abell, John Barnes, June Borawski, Philip Bridwell, Les Brownlee, Stuart Cain, Monica Chavez, Chris Cowart, Dan Cox, Madelyn Creedon, Rick DeBobes, Marie Fabrizio Dickinson, Katy Donovan, and Shawn Edwards.

Jon Etherton, Pamela Farrell, Richard Fieldhouse, Maria Finley, Jan Gordon, Creighton Greene, Gary Hall, Larry Hoag, Melinda Koutsoumpas, Larry Lanzillotta, George Lauffer, Henry Leventis, Peter Levine, and Paul Longsworth.

David Lyles, Steve Madey, Mike McCord, Reaves McLeod, John Miller, Ann Mittermeyer, Bert Mizusawa, Cindy Pearson, Sharen Reaves, Cord Sterling, Scott Stucky, Eric Thoemmes, Roslyne Turner, and Banks Willis.

EXHIBIT 2

THE WHITE HOUSE,
Washington, September 22, 1998.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Preserving our military's readiness has been the top priority of my national security program. Since I first took office, increasingly greater shares of our Defense budget have been allocated to ensuring that our armed forces are ready to respond and have the tools to accomplish their mission. Although we have done much to support readiness, more needs to be done.

This year alone, important steps have been taken to protect military readiness. For FY 1998, we worked with the Congress to secure both an additional $1 billion in military readiness funds through a budget reprogramming and a $1.85 billion emergency funding package to cover the costs of unanticipated operations in Bosnia and Iraq. For FY 1999, my Administration proposed a Defense budget request that increased funding for personnel and operations programs over the 1998 appropriated levels and a $1.9 billion emergency budget amendment to fund the ongoing peacekeeping operations in Bosnia. Passage of this emergency funding is critical to avoid a readiness crisis in the fiscal year that begins on October 1. I strongly urge the Congress to approve these requests.

We also have done a lot on our own to address the burden on our men and women who have been deployed at higher than anticipated rates. We established standards for deploying units and intensively manage the force to minimize the possibility that units exceed these standards. We cut Air Force temporary duty assignments in half. And we are cutting back, by 25 percent over the course of five years, the total number of exercise days. Additionally, we reduced or replaced some overseas deployments with units on stand-by in the United States.

My Administration has sought ways to get a greater readiness return from each dollar spent implementing better management practices, cutting overhead, and reducing base infrastructure. Working together, we can identify methods for eliminating wasteful spending. I need your help in addressing these objectives if we are to ensure that our men and women in uniform receive the best training and equipment possible in the most cost effective manner. They deserve no less.

I recently met with Secretary Cohen and the Commanders-in-Chief of our U.S.-based and overseas forces to receive a status report of the units under their command. As always, the dedication of our civilian and military leaders to the troops' well being was clearly evident in their reports. I was particularly satisfied to hear that our forces are capable of carrying out our national military strategy and meeting America's defense commitments around the globe. They are, in the words of the Chiefs, the best-trained and best-equipped forces in the world.

Notwithstanding this assessment of our overall posture, the Secretary and the Chiefs identified several concerns that must be addressed to sustain high military readiness levels. To address our readiness needs, I believe several steps are in order:

1. We must act now to provide additional resources in FY 1999 for operations and personnel programs important to military readiness. This includes resources to minimize shortfalls in certain critical spare parts, Navy manpower, and Army unit training activities. I have asked key officials of my Administration to work together over the coming days to develop a fully offset $1 billion funding package for these readiness programs.

2. I have instructed the Office of Management and Budget and the National Security Council to establish with Secretary Cohen and General Shelton a separate process within the context of the FY 2000 joint budget review that will examine the longer-term military readiness issues raised at my meeting with the CINCs. Meeting this challenge will require a multi-year plan with the necessary resources to preserve military readiness, support our troops, and modernize the equipment needed for the next century. I anticipate this examination will result in a series of budget and policy proposals for the FY 2000 Defense budget and the Future Years Defense Program. Our challenge is to strike a balance between providing sufficient resources for military readiness while maintaining fiscal discipline and appropriate funding levels for other investments necessary to sustain a growing economy.

The security of the nation depends on our military forces' ability to quickly, effectively, and successfully prosecute their mission. Ensuring that these forces are trained and ready is a priority upon which we all can agree.

Sincerely,

BILL CLINTON.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First, Mr. President, it is a pleasure for me to join with the chairman of the Armed Services Committee in bringing to the floor the Strom Thurmond National Defense Authorization Act for fiscal year 1999. It is truly a fitting honor for our chairman that this conference report which is named in his honor has been signed by not only all the Senate conferees on both sides of the aisle, but also by all conferees from the House National Security Committee on both sides of the aisle.

I am sure that I speak for all of our colleagues in saying just how much we appreciate the leadership that Senator THURMOND has provided on this bill, the fair and even-handed manner in which he has managed the committee not just on this bill, but as long as he has been a chairman of this committee, as well as how much we appreciate the lifelong dedication that he has brought to the national defense. We look forward to many, many more years of working with him. He has expressed his appreciation for having the bill named after him. I just want to tell him that it is my very strong personal feeling that it has been a pleasure for me to work with him to bring forward measures such as this that are so critical to the national defense. We will miss him as chairman, but we will not miss him as a member of the committee, because he will continue to be an active member of the committee.

Mr. President, this is also the last defense authorization act for several of our colleagues on the committee, as Senator THURMOND has noted. Senator GLENN, Senator COATS and Senator KEMPTHORNE will all be leaving us at the end of this year. All three have

made great contributions to the work of the committee and to the national security of our country. They will be greatly missed, and I know many of us will have more to say about that during the next few days.

The conference report that we bring to the Senate today is the product of more than 6 months of work, including a full 2 months in conference with the House. Overall, we have reached a bipartisan conference report that advances the security of our country in the best interests of the men and women in uniform. I am particularly pleased that on a series of issues that were important to the Department of Defense and the Department of Energy and to the administration, we have been able to eliminate or modify positions that would have led to a veto.

First, we eliminated a series of House provisions that would have barred any exports of satellite or related technology for launch in China, and also the provision which we eliminated also would have prohibited participation in launch failure investigations. So we have eliminated a number of provisions. However, the conference report does provide that the licensing of applications to launch satellites in China will be returned to the State Department. However, that return will be delayed until March 15, 1999. In the interim, there is a requirement for the Secretary of State to plan for a more timely and orderly licensing process.

The only effective difference since January of 1996 between the licensing being done by State or Commerce has been the long delays that exist in the State Department's processing of license applications. The delay in the effective date of the transfer from Commerce to State will give the administration time to take steps to speed up the State Department's licensing process and provide the new Congress with an opportunity to review the transfer in a less politically heated atmosphere after the elections.

It is critical for American security that American satellites continue to be launched in large numbers, both because, as Senator BOB KERREY has pointed out, most of our intelligence information comes from open sources, such as satellites, and because the satellite transmission of programming is critically important to forcing open closed societies whose dictatorships threaten American interests. The compromise embodied in the bill before us should protect our national security interests by helping to ensure that American satellites will continue to be launched in appropriate numbers and in a timely and secure manner.

Second, we have eliminated a House provision that would have prohibited the Secretary of Energy from even considering the less costly of the two options for renewed tritium production. It would have achieved this result by prohibiting the production of tritium in a commercial facility, even though tritium is widely used in commercial products and is not a special nuclear material like uranium or plutonium.

The provision in the bill will provide a level playing field for the selection of an option for future tritium production by delaying the implementation of the decision made by the Secretary of Energy to select either option until October 1, 1999, the beginning of the next fiscal year. This approach will provide Congress an opportunity to review the Secretary's decision—whatever it may be—before it is implemented. It will have no adverse impact on our national security because we will not need a new source of tritium for several years. The Secretary's decision could not be implemented in any case until funding is approved by Congress, and Secretary Richardson has indicated that delaying implementation of his decision until October 1 of next year will have ''minimal impact'' on future tritium production.

Third, we eliminated a House provision that would have prohibited gender-integrated training at the basic training level in all three military services. This prohibition was opposed by the uniformed military, opposed by a majority of the Senate, and it would have led to a veto by the President. The bill does contain provisions that, (a), direct the Secretaries of the military departments to provide for separate and secure housing for male and female recruits with sleeping areas separated by permanent walls and served by separate entrances; and, (b), prohibit afterhours access to sleeping areas by unescorted members of the opposite gender. These provisions are consistent with, and would in fact codify, the current policies of the Department of Defense.

Fourth, a Senate provision was dropped that would have made it harder for the Secretary of Defense to downsize and close unneeded military facilities. I recognize that many Members on both sides of the aisle supported this provision. However, the provision was strongly opposed by the civilian and uniformed leadership of the Department of Defense and would have led to a veto. I am personally hopeful that in the next session of Congress we will at least authorize one additional round of base closings.

Mr. President, I am also pleased with the outcome on several issues that have been important to the Department of Defense, including the adoption of a Senate provision authorizing Bosnia funding on an emergency basis; the decision to fund cooperative threat reduction programs at a level close to the one proposed by the administration; and, most importantly, the decision to fund a 3.6-percent pay raise for our men and women in uniform. Nothing is more important to our national security than their well-being and high morale.

Mr. President, this conference report is the product of hard-fought compromise, and I cannot say, of course, that I support every provision in it.

I would have preferred that we not fund seven C–130s and one F–16 that the Department of Defense says it doesn't want and doesn't need.

I would have preferred that we not cut into the readiness of our Armed Forces by reducing the Department's operations and maintenance accounts below the administration's budget request.

I would have preferred that we not include a House provision that unfairly singles out a single facility by prohibiting the China Ocean Shipping Company from leasing a facility at the Long Beach Shipyard that was closed in the last base closure round.

I would have preferred that we not reach outside of our jurisdiction to resolve a complicated tax dispute between two States.

On balance, I think we have succeeded in reaching a fair resolution on the issues in the conference. I am convinced that we have a very solid compromise of the major issues, and I hope the President will sign the bill.

Again, I will conclude by thanking our chairman, Senator THURMOND, for the open and the bipartisan manner in which he conducted the conference on this bill. Senator THURMOND and his staff have made every effort to include the minority at every stage of the deliberations. I also thank the chairman and ranking minority member of the House National Security Committee, Congressman SPENCE and Congressman SKELTON, for their cooperation in bringing the conference to a successful conclusion.

Of course, none of this could have been accomplished without our staffs. I want to express the appreciation we all feel on the committee to the staffs of the Armed Services Committee—both the majority and minority staffs—for the extraordinary effort they put into this bill and this conference. It was a long, long conference. It just simply would not have been possible to achieve the result we did without the outstanding work of David Lyles, Les Brownlee, and their dedicated supporting cast. I also extend my thanks to the staff of the House National Security Committee and the House and Senate legislative counsels for their help in preparing this large bill.

Mr. President, it is a good conference report. It strengthens our national security. I know our colleagues will be pleased to join me in supporting the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I wish to express my appreciation to Senator LEVIN for the kind words he said about me. He has done a fine job. We could not have done this work without him.

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. THURMOND. 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. THURMOND. Mr. President, I ask unanimous consent that the time for the quorum call be charged equally to both sides.

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

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

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

Mr. FORD. Mr. President, I believe I have 90 minutes.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Mr. President, I regret that I am here this morning making my remarks, because in this piece of legislation we have preempted the States and their ability to tax. Under the Buck Act, it gave that responsibility to the States. But in here we are preempting the States.

The Presiding Officer understands the problem between Oregon and Washington. But Oregon has passed a law that exempts residents of Washington. So, therefore, the States have worked out their problem. Here, the Federal Government, Big Brother, has to tell the States what they can do. I think it is highly unfair. I think it is unprecedented where the Armed Services Committee has gone around the Finance Committee.

Senators can't come to this floor and say that the chairman of the Finance Committee says this section is all right. It has to go before the Finance Committee. The Finance Committee is the committee of jurisdiction here—not the Armed Services Committee.

The occupant of the Chair is one of the finest jurists in the Senate, having been, I believe, Attorney General of his State.

The law says:

> No person shall be relieved from his liability for any income tax levied by any State, or by any duly constitutional taxing authority therein having jurisdiction to levy such a tax by reason of his residing within a Federal area, or receiving income from transactions occurring or services performed in such areas, and such State, or taxing authority, shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

That is the Buck Act.

The Armed Services Committee has altered or broken that statutory provision. They preempted the States. They went around the Finance Committee. Now they are altering the Buck Act.

As I said, Mr. President, this is regrettable, for me to think that my colleagues would have such a sweetheart deal that when the State of Kentucky and the State of Tennessee were in the process of negotiation and working out their problems, they were told it would be worked out in Washington and not to worry about it; therefore, the negotiations were cut off, and the sweetheart deal was started.

I want to call the attention of my colleagues to the provision in the defense authorization bill which I consider to be one of the most misplaced, misguided, and unfair proposals I have seen in my 24 years in the Senate. I am referring to a tax proposal in this defense authorization bill which preempts the State of Kentucky from administering its own tax laws.

Let me repeat that.

I am referring to a tax provision in the defense authorization bill. We are now establishing, Mr. President, the precedent that defense authorization bills can become vehicles for State tax provisions.

The Finance Committee has jurisdiction over tax issues in the Senate. But the Finance Committee did not report this legislation. The Finance Committee did not report any other legislation with this tax proposal contained in this defense authorization bill. It is not even a Federal tax issue. This is not a Federal tax issue. This is a tax provision in this bill which dictates to States how they administer State income tax laws.

The Republican Party has always been States rights. That is one of their long suits. I have heard in campaigns all my life, ''States rights.'' And now in this bill you are preempting States rights. We are preempting my State, the Commonwealth of Kentucky, from deciding for itself how to administer its own income tax laws on work performed within the State of Kentucky by private sector employees. It is an outrage that my colleagues who are conferees from the other side of the aisle agreed to include this provision in the final bill.

Mr. President, Fort Campbell is a military facility which straddles the Kentucky-Tennessee border. It is located partially in Trigg County and Christian County in my State and partially in Tennessee. There are Federal employees working at Fort Campbell who reside in both Kentucky and Tennessee, and there are private sector employees working at Fort Campbell, some on a full-time basis, some on a contractual or part-time basis.

How would you like to be sitting at the table having lunch, and the worker across the table from you, working for the same company, doing the same job as you, pays no tax, but you have to pay yours?

For Kentucky employees, there is no exemption from the sales tax in Tennessee. That will be the next bill that will be in the Chamber, and I am going to encourage my colleagues to do that so all you have to do is show your driver's license and where your residence is and you are exempt from Tennessee sales tax, which is one of the highest in the Nation.

According to groups such as the Federation of Tax Administrators, which is an organization comprised of the top revenue officials from all 50 States and the District of Columbia, it is a fundamental principle of taxation that workers are taxed where the work is performed. Workers are taxed where the work is performed. That is the basic rule. There are exceptions to the rule, of course, but the exceptions come from agreements negotiated between States—negotiated between States. States can agree to a variety of ways to treat income tax earned within one State's borders by out-of-State residents—States rights. And we recognized that a long time ago even in the Buck Act.

But this is for the States to decide. Congress should keep its nose out of their business. But not this Congress, not this majority, and not this defense authorization bill. Do I want to be against the Strom Thurmond defense authorization bill? Of course, I do not. I do not want to be against the Wendell H. Ford aviation bill either. But what is in this bill is not right.

That is my responsibility as a Senator, and I am surprised that my colleague on the other side, who is a major player with the Republican Party, did not defend his constituents rather than his party. We are losing $4 million a year. Not even the Congressman from the First District raised a peep about it. Who are you supposed to be representing up here in this body or in the other body? You are supposed to be representing your State and your constituency.

A dispute arose when some Tennessee workers objected to paying income taxes on work performed within the borders of Kentucky. Legislation was introduced in the House to impose a Federal solution on the States. Hearings were held. The House Judiciary Committee held a hearing on April 17th of last year on this issue. The Senate Governmental Affairs Committee held hearings on October 24 of last year. To my knowledge, the Senate Armed Services Committee held no hearings. The Senate Armed Services Committee held no hearings on this issue during either session of this Congress. The reason is obvious. Because the Armed Services Committee has absolutely no jurisdiction over this issue—none. The conferees for this defense authorization bill have no business attaching language which preempts State tax laws as part of this defense authorization bill. It has no place in this piece of legislation.

Let's go back now to the House hearing of last April. What kind of testimony did that committee hear? It heard that the Kentucky tax structure met all appropriate constitutional standards for fairness and nondiscrimination. The committee was

told that the ability of States to define their own tax structure within the bounds of the Constitution was ''one of the core elements of sovereignty preserved to the States under the Constitution.''

That committee was told that if Congress jumped in and preempted State laws in this case, ''It will by definition create a preferred class of taxpayers that benefits at the expense of all other taxpayers. Currently, all workers, public and private, in Kentucky are subject to the same rules. This should not be disrupted by the Congress without a strong policy rationale.''

The House committee was also told that the proposal to grant special status to Tennessee residents violated the spirit of the Unfunded Mandate Act of 1995. I wonder how many colleagues on the other side in 1995 voted for the unfunded mandate bill. Are you going to fund this unfunded mandate? No. It breaks that law. You are taking away by mandate funds that belong to my State. It is under the unfunded mandate law of 1995.

Do you think this bill is not going to go to court? You can bet your sweet bippy that once the President signs it, if he does, this portion of the bill will be in court. It is wrong. It is wrong from the start; it is wrong from the middle; it is wrong from the end.

The House committee was also told that if Congress believes that the impact of Federal workers employed on installations crossing the borders of two States should be offset, it should provide the funding necessary to offset the cost imposed on the States affected and not just preempt legitimate taxing authorities. This is what the committee was told, but the committee didn't pay any attention to that—it is our way or nothing. What Kentucky is getting is nothing. I am not going to allow this bill to go forward without having an opportunity, which I am doing now, to express to my colleagues my outrage and what their outrage should be. Pretty soon, I will tell you, 240 installations that are subject to the same law—subject to the same law, 240 in this country—will want the same. So what are you going to look forward to next year? Are you going to preempt all these States? Be fair. Be fair.

So, let me repeat one section of that sentence that the committee in the House was told:

> . . . if Congress feels the impact of federal workers employed on installations crossing the border of two states . . . should be offset, it should provide the funding necessary to offset the costs imposed on the states affected and not just preempt legitimate taxing authority.

Mr. President, the Senate Governmental Affairs Committee heard similar testimony during its hearing last August. The Senate Armed Services Committee, however, heard no such testimony because it held no such hearings and has no jurisdiction over this issue. Nevertheless, without any floor debate, a provision was snuck into the House version of the defense authorization bill on the House floor. Where was my Congressman from the First District when that happened to his employees and to his State? I do not know where my House colleagues from Kentucky were on this issue when this issue arose. Maybe they did not notice. Maybe they were just asleep at the switch. But either way, not a finger was lifted by my colleagues on the other side of the aisle to stop it.

Let me explain to my colleagues why this provision is so offensive. The provision preempts the State of Kentucky from applying its own tax laws to Federal workers at Fort Campbell. But it does not stop there, it is broader. It also exempts private sector employees, such as contractors, who perform work at Fort Campbell. Private contractors are exempt. This goes well beyond any precedent which exists anywhere else in Federal law.

What it means is that when two contractors bid on work to be performed on the Kentucky side of Fort Campbell, a Tennessee contractor is going to have a built-in advantage over a Kentucky contractor because of the special exemption written into this defense authorization bill. Can you imagine what other Senators would be doing this morning if this had happened to them? Maybe, with this precedent, it will. Why don't we try to prevent it?

The House language is overly broad and, in my opinion, extremely unfair. No such language is included in the Senate version of the bill. However, I was very concerned about the attempt to sneak this in. I informed my colleagues on the committee of my strong concerns with this tax proposal on June 25th, when the bill was debated on the floor.

I should say at this point that the ranking member of the committee, the Senator from Michigan, acknowledged that tax issues had no place in a defense authorization bill, he shared my concern about the broad and misguided precedent set by this proposal to preempt State tax laws, and he fought to keep it out of the final bill. However, apparently among my colleagues on the other side of the aisle, this was a done deal. I do not believe the issue was even a matter of serious discussion by the Republican conferees. So here we are on the Senate floor with a sweetheart deal being cut on a tax provision which preempts State law. I thought I had seen it all.

Mr. President, this tax provision raises serious constitutional questions. This provision raises serious constitutional questions. Back in June I inserted in the RECORD a legal memorandum from the Office of the Attorney General of Kentucky which raised serious constitutional questions about this tax preemption proposal. I am sure the issue of whether to challenge the constitutionality of this tax preemption proposal will be studied carefully, should this bill become law—and it will be.

Let me also inform my colleagues that revenue officials in my State have had contact with those in the State of Tennessee. This is the right way to solve this problem. The States of Washington and Oregon did. But once the word was out that Congress will attempt to impose a Federal solution regarding this matter, the discussions between the two States became a moot point. Why should they spend the time and resources necessary to reach a compromise agreement when Congress was considering preempting State law and imposing a solution which favors just one side? What incentive was there to negotiate? Big Brother in Washington was acting to impose a solution on a matter which is normally left to the States to work out on their own.

Mr. President, a sweetheart deal cut by the Republican conferees is going to cost my State about $4 million per year. Let there be no mistake about my Governor's opposition to this tax preemption provision. Let me read from his letter of June 25, 1998, from Governor Paul Patton of Kentucky.

> I am writing to express Kentucky's opposition to the Thompson amendment currently under consideration by the United States Senate. The issue addressed by this legislation is the tax imposed by the Commonwealth on income earned within Kentucky by non-resident federal workers.

He went on to lay out why.

> We are attempting to resolve this issue through a joint effort with Tennessee Governor Sundquist's office. This matter is one to be settled at the State level, and not an issue for Congress to resolve.
>
> * * * * *
>
> In closing, I would like to reiterate the Kentucky taxation of non-residents working in Kentucky is fair in concept and in practice. To exempt all non-residents or a special group of non-residents who work in Kentucky would be unfair. If I may provide you with any other information on this issue, please feel free to contact me.

Mr. President, I ask unanimous consent the letter from the Governor of Kentucky be printed in the RECORD.

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

> COMMONWEALTH OF KENTUCKY,
> OFFICE OF THE GOVERNOR,
> *Frankfurt, KY, June 25, 1998.*
>
> Hon. WENDELL FORD,
> *U.S. Senate, Washington, DC.*
>
> DEAR SENATOR FORD: I am writing to express Kentucky's opposition to the Thompson amendment currently under consideration by the United States Senate. The issue addressed by this legislation is the tax imposed by the Commonwealth on income earned within Kentucky by non-resident federal workers.
>
> The protest by federal workers employed at the Fort Campbell military base against the imposition of the Kentucky income tax has centered on their contention that the tax is unfair to them. All income in question is taxed the same whether earned by a resident or non-resident of Kentucky. Only the income earned within the Commonwealth of Kentucky is taxed. It would be unfair to tax the income of residents but not the income of non-residents doing the same job in the same place. Indeed, if this were the case, it would make sense for Kentucky residents

working on the Fort Campbell base to move to Tennessee to avoid the Kentucky income tax.

On June 23, 1998, Kentucky's Attorney General sent to me a memorandum which offers a compelling and reasonable argument against the constitutionality of the Thompson amendment under the Commerce Clause. A consequence of this amendment would be its detrimental impact on the Kentucky communities which surround Fort Campbell. The legislation would exceed Congressional authority and would likely be proven as unconstitutional. Congress granted the states the power to tax income, and on several occasions, courts have held that states can assess an income tax to nonresidents who earn their income in that state. Congress can reduce the states' power of taxation, but only through an amendment within the confines of the Commerce Clause.

We are attempting to resolve this issue through a joint effort with Tennessee Governor Sundquist's office. This matter is one to be settled at the state level, and not an issue for Congress to resolve. The impacts of the Thompson amendment would far surpass Fort Campbell. These impacts would extend to the employees of every federal institution within close proximity with state borders.

In closing, I would like to reiterate that Kentucky's taxation of non-residents working in Kentucky is fair in concept and in practice. To exempt all non-residents or a special group of non-residents who work in Kentucky would be unfair. If I may provide you with any other information on this issue, please feel free to contact me.

Sincerely,

PAUL E. PATTON,
Governor.

Mr. FORD. The State preemption provision in this bill is also strongly opposed by the Federation of Tax Administrators. Let me read from a June 24, 1998 letter from Mr. Harley T. Duncan, the executive director of the Federation of Tax Administrators:

I am writing concerning amendments to the defense appropriations bills (S. 2057) which would preempt Oregon, Kentucky and Nebraska from applying their income tax to certain federal employees (and in some cases, contractors) who work in those states, but reside in bordering states with no income taxes. . . .

These amendments have been separately considered earlier in the 105th Congress as H.R. 1953. The Federation of Tax Administrators is an association of the principal tax administration agencies in the 50 States, the District of Columbia, and New York City. The Federation has adopted a policy which urges that the Senate reject H.R. 1953 and any similar language which may be offered as an amendment to other bills.

We ask the Senate to recognize that, throughout the history of income taxation, both federal and state, workers are taxed by the jurisdiction where the work is performed. This system represents the keystone of taxation. State lawmakers make exceptions to this system to address individual circumstances where strict adherence to the principle leads to undesirable results. In particular, in those instances where sound fiscal and government policy permit, a State may enter into a reciprocal agreement with a bordering State to permit taxpayers to file a single return in the state of residency. Kentucky is at the forefront of such policy refinements.

They are complimenting my State for being in the forefront of these policy refinements.

—it has a reciprocal agreement with every border state that has a broad-based individual income tax.

The U.S. Constitution imposes substantive constraints on the manner in which such states may structure their tax systems. These constraints ensure that the tax imposed meets fundamental tests of fairness in dealing with all citizens. The Constitution further ensures that state taxes do not impose undue burdens on interstate commerce or the federal government. The taxes imposed by these states meet these requirements and should not be preempted. There is no question that states have the legal authority to tax the income of nonresidents working in Oregon, Kentucky or Nebraska.

It goes on, Mr. President:

Further, the language exempts from taxation wages paid to Federal workers . . . but it exempts from tax income paid to all individuals who work in Fort Campbell in Kentucky.

A special group is set out here.

This encompasses not only contract employees who work directly for the military . . . but also includes employees of private companies who run businesses or perform services on the bases, including such businesses as restaurants and road maintenance firms. These are clearly private business people, not federal workers.

But they are exempt. They are exempt under this particular bill.

Finally, and most importantly, if change is necessary, it is within the power of the states involved to do so. This is an issue for state lawmakers, not federal lawmakers. Lawmakers in Kentucky and Tennessee are seeking an equitable solution that would not impose an unfair burden on either state. . .

The Senate is faced with an opportunity to demonstrate good faith to the principles contained in the Unfunded Mandates Act of 1995.

And we are not doing that.

If Congress feels that the impact of federal workers employed on installations crossing the borders of two states—one of which imposes an income tax and another which does not—should be offset, it should provide the funding necessary to offset the costs imposed on the states affected.

This is signed Harley T. Duncan, executive director, Federation of Tax Administrators.

Mr. President, I ask unanimous consent that the letter from Mr. Duncan be printed in the RECORD.

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

FEDERATION OF TAX ADMINISTRATORS,
Washington, DC, June 24, 1998.

Hon. WENDELL H. FORD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: I am writing concerning amendments to the defense appropriations bills (S. 2057) which would preempt Oregon, Kentucky and Nebraska from applying their income taxes to certain federal employees (and in some cases contractors) who work in those states, but reside in bordering states with no income taxes (Washington, Tennessee and South Dakota).

These amendments have been separately considered earlier in the 105th Congress as H.R. 1953. The Federation of Tax Administrators is an association of the principal tax administration agencies in the 50 states, the District of Columbia and New York City. The Federation has adopted a policy which urges that the Senate reject H.R. 1953 and any similar language which may be offered as an amendment to other bills.

We ask the Senate to recognize that, throughout the history of income taxation, both federal and state, workers are taxed by the jurisdiction where the work is performed. This system represents the keystone of taxation. State lawmakers make exceptions to this system to address individual circumstances where strict adherence to the principle leads to undesirable results. In particular, in those instances where sound fiscal and government policy permit, a state may enter into a reciprocal agreement with a bordering state to permit taxpayers to file a single return in the state of residency. Kentucky is at the forefront of such policy refinements—it has a reciprocal agreement with every border state that has a broad-based individual income tax. (The agreements do not function with non-income-tax states such as Tennessee, and thus they are not applicable in this case.)

The U.S. Constitution imposes substantive constraints on the manner in which states may structure their tax systems. These constraint ensure that the tax imposed meets fundamental tests of fairness in dealing with all citizens. The Constitution further ensures that state taxes do not impose undue burdens on interstate commerce or the federal government. The taxes imposed by these states meet these requirements and should not be preempted. There is no question that states have the legal authority to tax the income of nonresidents working in Oregon, Kentucky or Nebraska.

What this amendment would do is carve out a special tax benefit for workers who choose to live (or move) out of state that would not be available to any other employees working at the same location. Further, the language exempts from taxation wages paid to federal workers in Oregon and Nebraska—but it exempts from tax income paid to all individuals who work in Fort Campbell in Kentucky. This encompasses not only contract employees who work directly for the military (for instance, school teachers), but also includes the employees of private companies who run businesses or perform services on the base, including such businesses as restaurants and road maintenance firms. These are clearly private businesspeople, not federal workers. If Kentucky is to be preempted from taxing individuals who work for the federal government, we particularly urge the Senate to adopt language that more precisely defines the matter. (More precise definitions have been offered by the Pentagon.)

Finally, and most importantly, if change is necessary, it is within the power of the states involved to do so. This is an issue for state lawmakers, not federal lawmakers. Lawmakers in Kentucky and Tennessee are seeking an equitable solution that would not impose an unfair burden on either state. Oregon has already passed a law that exempts from taxation those federal employees who work on the dam in Oregon. (We would emphasize that to continue to include Oregon in this bill is unnecessary and an insult to the elected officials of that state.)

The ability to define their tax systems within the bounds of the Constitution is one of the core elements of sovereignty preserved to the states under the Constitution. A central feature of this sovereignty is the ability to tax economic activity and income earned within the borders of the state, and it is vital to the continued strong role of the states in the federal system. State taxing authority should be preempted by the federal government only where there is a compelling policy rationale. There is no such rationale present here.

The Senate is faced with an opportunity to demonstrate good faith to the principles contained in The Unfunded Mandates Act of

1995. If Congress feels that the impact of federal workers on installations crossing the borders of two states—one of which imposes an income tax and the other of which does not—should be offset, it should provide the funding necessary to offset the costs imposed on the states affected.

Sincerely,

HARLEY T. DUNCAN,
Executive Director.

Mr. FORD. Mr. President, the National Conference of State Legislatures also strongly oppose the State tax preemption provided in the defense authorization bill. Let me read from an August 7, 1998, letter to the conferees. This was written to the chairman of the Senate Armed Services Committee, the Senator from South Carolina, Senator THURMOND. ''Federal preemption of legitimate State taxing authority.'' The National Conference of State Legislatures wrote to the chairman and said this is wrong:

On behalf of the National Conference of State Legislatures, I am writing in opposition to Section 1045 of the House version of the National Defense Authorization bill (H.R. 3616). NCSL opposes federal action that preempts the states' constitutional authority to tax income earned within their borders . . . We urge you to preserve the States' sovereignty—

Preserve the States' sovereignty.

I ask unanimous consent that the letter from the National Conference of State Legislatures be printed in the RECORD.

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

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, August 7, 1998.

Re Federal preemption of legitimate State taxing authority.

Hon. STROM THURMOND,
Chairman, Senate Armed Services Committee, U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR THURMOND: On behalf of the National Conference of State Legislatures, I am writing in opposition to Section 1045 of the House version of the National Defense Authorization bill (HR 3616). NCSL opposes federal action that preempts the states' constitutional authority to tax income earned within their borders. Such federal legislation leads to inequitable, unfair and unlevel state tax policies and establishes a precedent for increased restrictions on source taxation.

Section 1045 of the House bill would preempt state taxation of federal workers in three locations. NCSL believes that the states in question should be allowed to determine how to tax workers who reside in one state and work in another, free from federal intrusion.

We urge you to preserve the states' sovereignty right to define their own tax systems by removing. Section 1045 from the conference report on the bill. Finally, should the conferees include the provision in the final bill, we urge you to find an offset for the cost. Burdening the states with an unfunded mandate violates the Unfunded Mandates Reform Act of 1994. The cost associated with the loss of states tax revenue, due to change in federal policy, should be borne exclusively by the federal government.

We look forward to working with you on this issue. Should you have additional questions, please contact our committee staff, Gerri Madrid, at (202) 624–8670.

Sincerely,

TOM JOHNSON,
Chair, Federal Budget and Taxation Committee, Ohio House of Representatives.

Mr. FORD. Mr. President, apparently all of these requests to the Republican conferees to keep this State preemption provision out of the defense bill fell on deaf ears. The conferees either did not listen or did not care. One way or another, this was a done deal, a sweetheart deal, a special tax provision which favors one set of workers over another for the same work performed, at the same location, despite State law.

We are sitting at the same table. We are both working for the same employer. We are both doing the same job. We are both drawing the same pay, but you do not pay any taxes because you are a resident of Tennessee. I am a resident of Kentucky, and I pay my taxes.

Mr. President, all of the requests to the Republican conferees to keep this State tax provision out of the defense bill fell on deaf ears. I wanted to repeat that. It is a special tax provision which favors one set of workers over another. It also gives the employers, or the companies, an advantage when they bid, because they don't have to pay the tax under this.

As I said earlier, the next bill ought to be exempting Kentucky residents from the sales tax in Tennessee. Just show your driver's license and your address and place of employment, and you don't pay the taxes, one of the highest sales tax States in the Nation because their income comes from the sales tax.

I hope my colleagues understand the precedent that is being set here. We are preempting State law—preempting State law—and establishing a special tax status for a group of not just Federal employees, but private sector workers who perform their work entirely within one State's borders. It is a very broad precedent. There is no stated policy rationale for this special preemption and special tax status we are granting. It is a precedent that will haunt my colleagues.

I want my colleagues to understand how many other Federal facilities are in similar situations. When the workers at these facilities, not just the Federal workers, but the private sector workers as well, when these workers find out about the sweetheart deal at Fort Campbell, they are going to be asking their Senators, ''Why can't we get a good deal as well?''

I have asked the Federal Tax Administrators just how many other Federal facilities are similarly situated. We have a preliminary list, but it is only preliminary. It probably does not include everything. The partial list we have shows there are 240 Federal facilities around the country that are on or near the borders of two or more States with significantly different income tax structures.

We talk about how hard it was to work out this bill, how many issues came before the committee. In the future, if this is the precedent that is being set, the Armed Services Committee will be in the tax business; they will be in the finance business; they will be preempting State laws and will not be looking after the right thing they should be doing, and that is the defense of this great country of ours.

I want to share this with my colleagues because more than 20 other States are affected. I think about 20 other States. That is 40 Senators—pretty good bunch of Senators. In other words, Senators from at least 20 other States are in jeopardy of having to face this same issue.

What have you done to the future of the military bill, the defense authorization bill? What have you done to it? You have turned it into a finance bill, not a defense bill. And I say to my colleagues, if they are from one of these States, you might be standing up here next year. Once the private sector employees find out about the special tax preemption, they may be lobbying their Senators next year to exempt them from the State tax laws in your State.

Let me read a list, and this is only a partial list: Arkansas has 7 installations. Arizona has 7. California has 50—50 installations similar to the one in Kentucky. Think about that when the two Senators from California will have to say—it goes all the way from military facilities, such as Fort Irwin Naval Weapons Center, Sierra Army Depot, the Grand Mesa National Forest.

Connecticut has 2. Georgia has 1. Maine has 1. Oh, I remember the argument here between Maine and New Hampshire. They are left out of this bill. They are left out of this bill because both of them apparently are on the other side. I was for Maine.

Massachusetts has 1. Mississippi has 8. Mississippi is probably the most vulnerable State of all of them because of their border situation. Can you imagine what would happen if all of these employees went to the two Senators in Mississippi and said, ''Right across the line here in Tennessee they receive tax exemptions. What about us? What about us? What's fair for the goose is fair for the gander.''

Missouri has 6. Montana has 10. They are not in this bill. Nebraska has 1. New Jersey has 20—New Jersey has 20. New Mexico has 6. New York has only 1. I was surprised at that. But North Carolina has 13—North Carolina has 13. Oregon has 20. Pennsylvania has 1. I heard a lot about the Philadelphia Naval Yard last year.

South Carolina has 1. South Dakota has 3. Tennessee has 3. Utah has 37. Think about that. Utah has 37 installations similar to the situation in this bill.

What about those employees—Federal employees, private sector employees—who were not exempt? Can you

imagine what the two Senators from Utah are going to face when they understand that other States were preempted and created a special tax group?

Vermont has 2. The State of Washington has 37.

What about the Indian reservations? Oh, we get into a good one there—Indian reservations. What about State workers at Indian casinos located on tribal lands? I do not understand. Why, the little leak in the dike here is beginning to take away the whole dike; and it could.

Mr. President, I ask unanimous consent that the list of these locations in the various States be printed in the RECORD.

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

240 FEDERAL FACILITIES POTENTIALLY AFFECTED BY THE PRECEDENT (LOCATED ON OR NEAR STATE BORDERS)

ARIZONA (7)

Hoover Dam.
Davis Dam.
Glen Canyon Dam.
Parker Dam.
Imperial Dam.
Several National Forests.
Military Installations near Yuma.

ARKANSAS (9)

Federal prison in Forrest City.
Corps of Engineers projects at Beaver Lake.
Corps of Engineers projects at Bull Shoals Lake.
Corps of Engineers projects at Norfolk Lake.
Corps of Engineers projects at the Arkansas River.
Fort Chaffee Army base.
Felsenthal National Wildlife Refuge.
White River National Refuge.
VA Hospital in Fayetteville.

CALIFORNIA (50)

Military Facilities—Fort Irwin, Naval Weapons Center, Sierra Army Depot.
National Forests—Eldorado, Inyo, Klamath, Modoc, Plumas, Rogue River, Shasta-Trinity, Sierra, Siskiyou, Six Rivers, Stanislaus, Tahoe, Toiyabe.
National Parks and Monuments—Clear Lake National Wildlife Refuge, Death Valley National Park, Joshua Tree National Park, Kings Canyon National Park, Lava Beds National Monuments, Lower Klamath National Wildlife Refuge, Modoc National Wildlife Refuge, Mojave National Preserve, Mt. Shasta Recreation Center, Redwood National Park, Tule Lake National Wildlife Refuge, Yosemite National Park.
U.S. Bureau of Reclamation—Boca Dam, Imperial Diversion, Laguana Diversion, Lake Tahoe Dam, Prosser Creek Dam, Senator Wash, Sly Park, Stampede Dam, Colorado Dinosaur National Monument.
Routt National Forest.
Arapaho National Forest.
Roosevelt National Forest.
Rocky Mountain National Park.
Pawnee National Grassland.
Comanche National Grassland.
Great Sand Dunes National Monument.
Rio Grande National Forest.
San Juan National Forest.
Mesa Verde National Park.
Uncompahgre National Forest.
Colorado National Monument.
Grand Mesa National Forest.

CONNECTICUT (2)

U.S. Naval Submarine Base, Groton.
U.S. Coast Guard Academy, New London.

GEORGIA

Kings Bay Naval Submarine Base.

MAINE

Portsmouth Naval Shipyard.

MASSACHUSETTS

Hanscom Air Force Base.

MISSISSIPPI (8)

Holly Springs National Forest.
NASA Test Site, Bay St. Louis.
Vicksburg National Military Park.
U.S. Corps of Engineers District Office, Vicksburg.
Natchez Trace Parkway.
Meridian Naval Air Station.
Columbus Air Force Base.
TVA, Tupelo.

MISSOURI (6)

Federal Locks and Dams:
No. 20 near Canton.
No. 21 near West Quincy.
No. 22 near Saverton.
No. 24 near Clarksville.
No. 25 near West Alton.
No. 27 near St. Louis.

MONTANA (10)

Kootenai National Forest.
Lolo National Forest.
Bitteroot National Forest.
Beaverhead National Forest.
Custer National Forest.
Bighorn Canyon National Recreation Area.
Yellowstone National Park.
Glacier National Park.
Crow Reservation.
Blackfeet Reservation.

NEBRASKA

Gavins Point Dam.

NEW JERSEY (20)

McGuire Air Force Base.
Fort Dix Army Installation.
U.S. Naval Air Station, Lakehurst.
Pomona Naval Training Airport.
U.S. Naval Recreation Target Area, Ocean City.
Ft. Monmouth, Monmouth.
Ft. Hancock, Sandy Hook.
U.S. Coast Guard Bases (Cape May, Fort Dix, Highland, Pt. Pleasant, Ocean City).
Sandy Hook Gateway National Recreation Area.
Delaware Water Gap National Recreation Area.
Morristown National Historic Park.
Killcohock National Wildlife Refuge.
Red Bank National Battlefield Park.
Great Swamp National Wildlife Refuge.
Edwin B. Forsythe National Wildlife Refuge.
Brigantine National Wildlife Refuge.

NEW MEXICO (6)

White Sands Missile Range.
Cannon Air Force Base.
Carlsbad Caverns National Park.
Kiowa National Grassland.
Carson National Forest.
Santa Fe National Forest.

NEW YORK

Ellis Island.

NORTH CAROLINA

Great Smoky Mountains National Park.
Cherokee Indian Reservation.
Pisgah National Forest.
Blue Ridge Parkway.
Uwharrie National Forest.
Fort Bragg Military Reservation.
Pope Air Force Base.
Camp Butner Federal Prison.
Sunny Point Army Terminal.
U.S. Coast Guard Air Station, Elizabeth City.
Veterans Hospital—Swannanoa.
Veterans Hospital—Oteen.
Veterans Hospital—Durham.

OREGON (20)

Bonneville Power Administration.
U.S. Army Corps of Engineers, North Pacific Division.
FAA Facilities.
Portland Air Force Base.
Kingsley Air Force Base in Klamath Falls.
U.S. Coast Guard, Captain of the Port.
Fremont National Forest.
Winema National Forest.
Rogue River National Forest.
Siskiyou National Forest.
Lower Klamath National Wildlife Refuge.
Hart Mt. National Wildlife Refuge.
Wallawa-Whitman National Forest.
Hells Canyon National Recreation Area.
Umatilla Army Depot.
Mt. Hood National Forest.
Umatilla National Forest.
Cold Springs National Wildlife Refuge.
McCay Creek National Wildlife Refuge.
Warm Springs Indian Reservation.

PENNSYLVANIA

Philadelphia Naval Yard.

SOUTH CAROLINA

Savannah River Site.

SOUTH DAKOTA (3)

Black Hills National Forest.
Mt. Rushmore.
Lake Wahee.

TENNESSEE (3)

Fort Campbell.
Millington Naval Base.
Arnold Engineering Research Facility.

UTAH (37)

Flaming Gorge National Recreation Area.
Manti La-Sal National Forest.
Canyonlands National Park.
Arches National Park.
Ashley National Forest.
Dinosaur National Monument.
Brown's Park National Waterfowl Management Area.
Bryce Canyon National Park.
Caribou National Forest.
Cottonwood Canyon, BLM.
Dart Canyon Primitive Area.
Dart Canyon Wilderness Area.
Desert Range Experimental Station.
Deseret Test Center, USAF.
Dixie National Forest.
Dugway Proving Grounds.
Escalante Staircase National Monument.
Glen Canyon Dam.
Glen Canyon National Park.
Golden Spike National Historic Site.
Governor Arch, BLM.
Grand Gulch Primitive Area.
High Uintas Wilderness Area.
Hill Air Force Range.
Hovenweep National Monument.
Processing Center, Ogden.
Jones Hole Federal Hatchery.
Joshua Tree Forest, BLM.
Mount Naomi Wilderness Area.
Mt. Honeyville Wilderness Area.
Paria Canyon Cliffs Wilderness Area.
Piute Wilderness Area.
Rainbow Bridge National Monument.
Sawtooth National Forest.
Wasatch National Forest.
Wendover Range, USAF.
Zion National Park.

VERMONT (2)

Green Mountain National Forest.
Border Patrol Station, Highgate.

WASHINGTON (37)

Federal Dams on the Columbia River.
Federal Dams on the Snake River.
Fairchild Air Force Base.
Mt. Spokane Air Force Facility.
U.S. DOT/U.S. Coast Guard Station Ilwaco and Westport.

Veterans Offices/Hospitals—Vancouver and Walla Walla.

U.S. Department of Energy—Hanford Site.

Indian Reservations—Spokane, Kalispel, Colville, Yakima, Shoalwater.

National Forests—Gifford Pinchot, Umatilla, Colville, Kaniksu, Pend Oreille, Okanogan.

National Historic Sites—Whitman Mission, Ft. Vancouver.

Mt. St. Helens National Volcanic Monument.

USGS Cascade Volcano Observatory.

National Wildlife Refuges—Julia Butler Hanson, Willapa, Ridgefield, Conboy Lake, Umatilla, Toppenish, Turnbull, Little Pend Oreille.

Bonneville Power Administration—Vancouver facility.

Bureau of Reclamation Offices and Sites—Franklin County.

FAA Offices—Pasco, Walla Walla, Spokane.

OTHER GENERAL CATEGORIES

1. National Forests which straddle State borders.

2. Indian Reservations—What about state workers at Indian casinos located on tribal lands?

3. National Refuges which straddle State borders.

Mr. FORD. Mr. President, I also want to make clear to my colleagues that this special tax preemption provision in the bill is a clear violation of the spirit of the Unfunded Mandates Act. I have said that before, but I want to make it clear. This provision will cost my State $4 million in lost revenue. What are we doing to offset the loss from the special tax preemption provision in this bill? Nothing. Absolutely nothing. Not a thing.

Mr. President, if this special provision had been offered on the Senate floor, I would have offered a second-degree amendment requiring us to at least study the broad scope of the precedent we were setting here before we acted. I am not sure a great deal of thought has been given to the far-reaching effect of this one little amendment in the defense authorization bill. It was a special political decision, and that special political decision will have ripples that will turn into waves in the future.

Mr. President, had this special provision been offered on the Senate floor, I would have asked for a study. Let's think through this one. We are preempting the States; we are telling the States how they can tax and how they cannot tax. This is not a Federal tax. This is a State tax.

I think my colleagues would have been shocked at how broad this precedent is by applying this sweetheart deal at Federal facilities across the country. They would be embarrassed to find out the extent to which we are meddling in State tax law matters on a defense authorization bill—all to create a special State tax status for a select group of Federal and private sector workers. I think my colleagues would want to know this information.

Mr. President, I ask unanimous consent that a copy of the amendment I would have offered be printed in the RECORD.

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

In lieu of the matter proposed to be inserted, insert the following:

SEC. . STUDY ON NON-RESIDENT WAGE EARNERS AT FEDERAL FACILITIES.

(a) The Secretary of the Treasury shall conduct a study which—

(1) identifies all federal facilities located within 50 miles of the border of an adjacent State;

(2) estimates the number of non-resident wage earners employed at such federal facilities; and

(3) compiles and describes all agreements or compacts between States regarding the taxation of non-resident wage earners employed at such facilities.

(b) The Secretary shall transmit the results of such study to the Congress not later than 180 days after the enactment of this Act.

Mr. FORD. Mr. President, the proponents of this special deal suggest that Tennessee employees receive no services from the State of Kentucky and, therefore, should be entitled to their special exemption. Mr. President, this is simply not the case. Let me read from a July 11, 1997, letter from the Kentucky Revenue Cabinet outlining the services the State of Kentucky provides to those workers.

Again, I remind my colleagues that these are Federal and private sector workers who perform their work within the borders of the State of Kentucky.

Roads—Fort Campbell is accessible from both the Kentucky side and the Tennessee side. Most workers enter the base at the gate nearest their work station. This means, for example, that most hospital workers enter on the Tennessee side . . . and most school workers enter on the Kentucky side using Kentucky maintained roads (the school is in Kentucky).

Water and sewer services— . . .

Electrical service—Most is supplied directly to the base by the Tennessee Valley Authority. One housing area, however, is supplied by the Pennyrile Electric Cooperative, a Kentucky-based electric company.

Cooperative Fire Protection [is there]. . . .

Schools—The school system on the Fort Campbell base is fully self-contained and federally funded. It is limited [however] to the children of active duty military personnel . . .

Police Protection—. . . .

Unemployment Benefits—. . . .

Mr. President, we talk about exempting the Tennessee employees from paying Kentucky tax, but the Federal civilian workers who become unemployed can apply for benefits from the State where they work or the State where they live. If a Tennessee resident working in Kentucky becomes unemployed and applies in Tennessee, a transfer is made from the Kentucky fund to the Tennessee fund to pay that worker's unemployment claim.

What is wrong with that agreement? I don't think anything. The result is that wherever the claim is filed, Kentucky funds pay the claim.

Mr. President, I ask unanimous consent a letter from Alex W. Rose, commissioner, Department of Law, Kentucky Revenue Cabinet, be printed in the RECORD.

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

REVENUE CABINET,
OFFICE OF GENERAL COUNSEL,
Frankfort, KY, July 11, 1997.

Re H.R. 1953—Fort Campbell.

Mr. HARLEY DUNCAN,
Federation of Tax Administrators,
Washington, DC.

DEAR HARLEY: The Revenue Cabinet has gathered some information on the Fort Campbell issues of whether employees who live in Tennessee and work on the Kentucky side of the Fort Campbell installation receive any benefits from the state of Kentucky.

The question of what services Kentucky provides is quite broad. I will attempt to itemize below what we have investigated and the results.

Roads—Fort Campbell is accessible from both the Kentucky side and the Tennessee side. Most workers enter the base at the gate nearest their work station. This means, for example, that most hospital workers enter on the Tennessee side (the hospital is in Tennessee), and most school workers enter on the Kentucky side using Kentucky maintained roads (the school is in Kentucky).

Water and Sewer Service—Self contained on the base.

Electric Service—Most is supplied directly to the base by the Tennessee Valley Authority. One housing area, however, is supplied by the Pennyrile Electric Cooperative, a Kentucky based electric company.

Cooperative Fire Protection—Local communities in both Kentucky and Tennessee have agreements with Fort Campbell to assist in the event of a major fire or other emergency.

Schools—The school system on the Fort Campbell base is fully self-contained and federally funded. It is limited to the children of active duty military personnel stationed at the military base.

Police Protection—All police protection is self-contained. Responsibility for Fort Campbell and all federal military bases rests with the federal/military police.

Unemployment Benefits—Federal civilian workers who become unemployed can apply for benefits from the state where they work or the state where they live. If a Tennessee resident working in Kentucky becomes unemployed and applies in Tennessee, a transfer is made from the Kentucky fund to the Tennessee fund to pay that worker's unemployment claim. The result is that wherever the claim is filed, Kentucky funds pay the claim.

I hope this information is helpful to you in your efforts concerning H.R. 1953. It is our belief that the civilian employees who work on the Kentucky side of Fort Campbell definitely receive some benefits from the state of Kentucky.

The Kentucky Revenue Cabinet greatly appreciates the work FTA is doing on H.R. 1953. Harley, we can't thank you and your staff enough. If I can be of further assistance, please let me know.

Sincerely,

ALEX W. ROSE,
Commissioner, Department of Law,
Kentucky Revenue Cabinet.

Mr. FORD. Mr. President, had this conference report been on a Senate bill, I would have offered a motion to recommit the bill to conference to strip this special State tax preemption provision from the bill. It is quite unfair, and I think everybody understands that.

They are doing a political favor, because the Senators who represent that

State are from another party. I do not understand why my colleague, who is a member of that party, would allow this to happen to his State. I thought we were here representing our constituents, not our party. I think it is disappointing that both my colleagues here in the Senate and the Congressman from the First District in my State allowed this to happen without at least raising their voice in objection.

However, I understand the option is no longer mine to offer any kind of amendment or any kind of motion to recommit. Since this is a House bill and it has already been approved by the House, thereby dissolving the conference, I understand the rules. I think I know the rules reasonably well here—not quite as well as Senator BYRD or, hopefully, the Parliamentarian, but I have no illusions about what the outcome of that vote might have been. After all, a sweetheart deal is a sweetheart deal.

I did want to draw attention to this provision. It is patently unfair. It has no place in this bill. The committees that put this bill together have no jurisdiction over the issue whatever. I think it is a dark mark on this piece of legislation as it relates to States rights, going outside the jurisdiction of the committee. I think it leaves a black mark and a black cloud over this piece of legislation. This special tax preemption provision is terrible policy. We should not be dictating to States how to administer their own tax laws. We should not be imposing our will on the States in matters that have nothing to do with the Federal law and are traditionally and constitutionally left to the States to resolve.

We hear a lot of rhetoric from the other side of the aisle that is never matched by the actions we see around this place. They say ''lower taxes,'' but fail to say how they will offset them without causing more deficits. They say ''less government,'' without saying where they will cut. They say ''no more unfunded mandates,'' but continue to impose unfunded mandates on the States. And this is, in the strictest interpretation, an unfunded mandate. They say ''States rights,'' but continue to pass special proposals like this one, which preempt State law, even in the areas that have been left to the States for the last 200 years.

Once again, Mr. President, we see that the rhetoric does not match the reality. When my friends on the other side see that expanding the role of Federal law fits their purposes, the rhetoric about States rights goes out the window. When they create a special tax exemption by imposing a $4 million cost onto another State, the unfunded mandates rhetoric goes out the window.

Mr. President, I am very disappointed we have seen this issue, the preemption of State tax law, legislated this way on a defense authorization bill. It is bitterly opposed by my State and it ought to be bitterly opposed by every other Senator on this floor.

I say to my colleagues, you have created a broad precedent here that I believe will come back to haunt you. I will not be here on the floor to see it play out but I can see it coming. The next time, it won't be Kentucky that will be hit. It very well may be the State of one of the Members who sat on the conference.

How much time remains?

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator has 40 minutes remaining.

Mr. FORD. I reserve the remainder of my time and I yield the floor.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum and I ask that the time be equally charged.

Mr. FORD. I object, Mr. President.

The PRESIDING OFFICER. The objection is heard.

Mr. FORD. Since I objected, I will use some of my time.

I was hoping that the proposer of this amendment would be here on the floor so we could discuss it a little bit more. I have been here, now, for about 30 minutes—I guess, a little better—trying to discuss my side, and I don't want to lose my time on the basis that the opposition or the proponent is not here. I am more than willing to let the time come off of the time of the managers of the bill but I prefer the time not come off of mine. If the chairman of the committee and the manager of the bill would like to do that, I would have no objection. If he prefers not to do that, I hope he will encourage the Senators from Tennessee to come to the floor.

The only problem I have here before I suggest a quorum is, I would not want to be preempted from taking the quorum off—which I could—and then we would have to go through the process. Would the Senator give me the assurance he would not object if I want to take the quorum off?

Mr. THURMOND. No objection.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FORD. Mr. President, I ask unanimous consent that the time during the quorum be charged equally to the four entities that have time on this bill.

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

Mr. FORD. 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. THOMPSON. 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. THOMPSON. Mr. President, I rise to express my strong support for the conference report we are considering today. This report includes a provision that will provide relief to approximately 2,000 citizens of my State of Tennessee who are being unfairly taxed by the Commonwealth of Kentucky. These people are civilian employees at Fort Campbell who live in Tennessee and work on the Kentucky side of Fort Campbell.

They are being required to pay income tax to Kentucky. But they receive no services from Kentucky.

I understand that it has been stated on the floor this morning that Tennessee is taking unfair advantage of Kentucky, that perhaps we will bankrupt the State or do grievous harm to them—basically a conspiracy among Democrats and Republicans, apparently, Tennesseans and Kentuckians, to perpetrate somewhat of an outrage against the good folks of Kentucky.

I am sorry that we can't debate it based strictly on the merits of the action being taken, because it is a very, very meritorious objective consideration of what we are doing here today. On any objective consideration in terms of sound policy, or in terms of fairness, this provision stands and survives.

We are not taking unfair advantage of the Commonwealth of Kentucky, our good neighbors to the north. What we are doing, as attested to by a vote of 15-to-0 out of the Governmental Affairs Committee, is righting a wrong and correcting an inequity.

The Commonwealth of Kentucky has gotten used to being able to tax Tennesseans—levy income tax on them—without providing any services to them. Weaning from a situation like that I guess perhaps can be somewhat painful, but I don't think it is going to do grievous harm to the Commonwealth of Kentucky, which I understand had a $306 million surplus last year, and is perhaps beside the point.

But when we are talking about fairness and equity, and some of the other things we are discussing today, and the fact that we are discussing basic principles and so forth, and who looks out for the little guy, we are basically dealing with civilian employees working at Fort Campbell with average incomes of about $30,000 a year. So these Tennesseans are paying about $1,800 a year to Kentucky for nothing in return. So let's just put that in a little bit of perspective.

Of course, it is not just the Tennessee-Kentucky situation, it is two other situations where the Federal facility straddles the State border. This provides relief for the State of Washington also. It also provides relief for the State of South Dakota. I don't see the Members of the State of Oregon, which is affected by it, or the State of Nebraska, which is affected by it, to seem to have any problems either with

the constitutionality or the fairness of their situations. The situations are basically the same.

But we have an issue here today with regard to Tennessee and Kentucky. So be it.

As I said, these are civilian Federal employees. They work in Fort Campbell, KY. As it is well known, 80 percent of Fort Campbell is in the State of Tennessee. The mailbox is Kentucky. It is referred to as Fort Campbell, KY. There are several Federal civilian employees who live in Tennessee and who work on the Kentucky side. Some of them have worked on the Tennessee side for a long time and are assigned on the Kentucky side. They have nothing to do with that. It is not within their power, if they want to remain employed. And thereby Tennessee does not have an income tax. Kentucky does. They pay the maximum sales tax and other taxes in Tennessee, plus the income tax of Kentucky. They enter the Federal facilities on the Kentucky side by a Federal route. They do not go on the property of the Commonwealth of Kentucky to enter the place where they are working.

As I said, there are no services provided. I understand there was some reference made to some resident facilities being provided with water or some services. Of course, these people do not avail themselves of that. I can't imagine anything other than a most dire emergency where fire, water, sewer, and police protection, and all of that is provided by the Federal Government. If the problem gets so big, I imagine folks in Tennessee and Kentucky would come in and try to help out. But basically, in terms of basic services—fire, police, sewer, and water—none of those services is provided by the Commonwealth of Kentucky for the benefit of these employees. Basically what they are doing is paying income taxes for nothing received.

As I said, these people are not in the military. There is already an exemption for the military employees. They can only be taxed in their State of residence.

This is a situation where literally some people have been transferred and moved across the street, or even down the hall in their own building, and become subject, just because of that move, to Federal income tax or to income tax from the Commonwealth of Kentucky. When people in that situation—who live in Tennessee, work in Kentucky, only go on Federal property to get to their job, come right back, no services—if those individuals go on unemployment, they can't go to the Commonwealth of Kentucky and get unemployment benefits.

We had a witness before the Governmental Affairs Committee, when this was taken up, who makes $15,000 a year—$15,000 a year, and three kids—is a Federal civilian employee, lives in Tennessee, and works on the Kentucky side. When she went on hard times and had to apply for food stamps, she applied to the State of Kentucky and was turned down.

There was another witness who appeared before our committee who had been in the Air Force for 20 years, grew up in Kentucky, and paid Kentucky taxes far 20 years; then he moved to Tennessee; then he was assigned at Fort Campbell on the Kentucky side while he was living in Tennessee—the typical kind of a situation we are addressing. His daughter applied to the University of Kentucky. He sought instate tuition rates. He was denied that. He was treated as out-of-State for purposes of tuition when his daughter wanted to go to the University of Kentucky.

In other words, he is a Tennessean under some circumstances, when it benefits the Commonwealth, and a Kentuckian in other circumstances, when it benefits the Commonwealth.

As I said, it is not just Tennessee that is involved here. Employees at the Gavin's Point Hydroelectric Dam are in a similar situation. This dam is a Federal facility maintained by the Army Corps of Engineers and it straddles the Missouri River. The Missouri River is the border between South Dakota and Nebraska. The 35 South Dakotans who are employed at the dam are subject to Nebraska income tax on half their wages earned on the dam. Nebraska claims that because half of the Gavin's Point Dam is in the State of Nebraska, half the wages earned by South Dakotans on the dam are subject to Nebraska income tax. But these South Dakotans only travel into Nebraska while they are working on the Federal dam and they receive no benefits from Nebraska for the taxes that they are required to pay. They are ineligible for Nebraska unemployment benefits and accident insurance benefits.

Likewise, Washingtonians employed at the Columbia River hydroelectric dams were subject to tax by the State of Oregon until just recently.

These dams are Federal facilities maintained by the Army Corps of Engineers. They straddle the Columbia River. The Columbia River is the border between Washington and Oregon. One-hundred and forty Washingtonians working on these dams only cross into Oregon when their work takes them across the midpoint of the dams. Oregon had required these employees to keep detailed records regarding the exact amount of the time they spent on the Oregon side of the dam in order to obtain a tax refund from Oregon for time worked on the Washington side of the dam. Oregon also required Washington residents to pay income tax on a prorated amount of their vacation pay based upon the percentage of time during the year worked on the Oregon side of the dam. Because employees at the dam cross back and forth multiple times a day, Oregonians' recordkeeping requirements forced the Federal employees to waste a good portion of their workday documenting their movements across the dam.

The Washington residents working on the Columbia River Dam receive no benefits from the State of Oregon. They are not eligible for instate tuition rates at Oregon schools. They are not eligible for Oregon unemployment compensation benefits. In fact, when a Washingtonian who was laid off from Washington at one of the dams applied for Oregon unemployment compensation, he was denied. But when he later received unemployment benefits from Washington, Oregon tried to tax those benefits.

I recognize that the Oregon State Legislature enacted a bill last year to exempt Washingtonians employed at the Columbia River Dam from Oregon income tax. But it appears that the State was only reacting to the other body's swift movement of H.R. 1953. Oregon is continuing to require Washington residents to file W–2 forms in Oregon. Therefore, Washingtonians fear that Oregon may repeal the recently enacted exemption in the absence of Federal legislation.

Now, there is no question that with the passage of the Buck Act in 1940, States have the authority to tax Federal employees, but over a period of time, after due deliberation by Congress, there have been exceptions that have been made to this. There has been an exception for the military. There has been an exception for Members of Congress. There has been an exception for Amtrak employees, for example, employees who, of course, travel over several States. There was an exemption with regard to the ability to tax pension income from nonresidents. So these have been exemptions, and we can argue and debate the wisdom of each of these exemptions, but it has been long recognized.

There is no question about the constitutionality, incidentally. The witnesses even before our committee who did not think that what we were doing was the best way to go, I don't think raised any questions concerning the constitutionality of what we were doing.

Congress clearly has the right constitutionally to move in this regard. We can debate the merits of each of these exemptions, but there has been no question over the years after due deliberation there have been exemptions carved out on the basis of what is right and on the basis of fairness. This idea that we are opening up Pandora's box and it is going to affect anybody who works near a Federal facility or anything of that nature is certainly a misplaced concern. But that is not something that has been affected here—not employees who are near a border. We are talking about a specific situation where you have a Federal facility straddling two States. One State does not have a State income tax and the other State does. That is a very, very specific and narrow situation with which we are dealing.

It does not affect national parks, for example, where local governments

have much more to do with providing emergency services and things of that nature than the Commonwealth of Kentucky or the other two States affected here, the State of Oregon and the State of Nebraska, provide in these situations.

I agree that Congress should tread carefully when it acts to limit the taxing authorities of States, but these three situations addressed by the conference report are exceptional, and I believe they meet the elevated threshold which has been set by Congress for preempting a State's taxing authority.

At this time I would like to thank my distinguished colleagues who have served as conferees on the Strom Thurmond National Defense Authorization Act for including this important provision in the final bill. I would also like to thank my friends from Tennessee, Congressman BRYANT and Senator FRIST, for their hard work on behalf of these 2,000 Tennesseans. I am pleased they are finally getting the tax relief they deserve. I urge all of my colleagues to support this conference report.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I am delighted that the distinguished Senator from Tennessee would come to the floor to explain his reasons for using the Armed Services legislation in an authorization bill for a tax provision.

One of the things my distinguished friend said is that Kentucky provides no facilities. Well, if a person who is employed at Fort Campbell files for unemployment benefits in Tennessee, guess who pays for it. Guess who pays for it. Kentucky reimburses Tennessee. Isn't that a service?

I heard talk about other States. Let's talk about our States—the roads that enter at the nearest gate. Sure, we have electrical service that is provided. That comes out of Kentucky into Fort Campbell. We have cooperative fire suppression. If they say it is serious, both Tennessee and Kentucky would be there.

Unemployment benefits—I am surprised the Senator would say that we don't pay anything. We reimburse Tennessee for the unemployment. Kentucky pays. He raised the fact that the Governmental Affairs Committee held a hearing on this but the Finance Committee did not. When did the Governmental Affairs Committee take over for the Finance Committee?

The Senator has talked about Oregon quite a bit. I have a copy of a letter to the Senator, written from the director of the Department of Revenue, saying that they settled their own problem, that Oregon passed their bill and the States worked it out. There is no need for them to be included in this legislation. Here is the letter, dated October 21, 1997. The Senator had it almost a year, but yet they put Oregon and Washington in this legislation and they don't need it. The States have worked it out themselves.

Mr. President, I ask unanimous consent that a letter to Senator THOMPSON from the director of the Oregon Department of Revenue be printed in the RECORD.

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

OREGON DEPARTMENT OF REVENUE,
Salem, OR, October 21, 1997.

Hon. FRED THOMPSON,
U.S. Senate, Chair, Committee on Governmental Affairs, Senate Dirksen, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to alert you to a piece of proposed federal legislation that is scheduled for a hearing this Friday. The proposal, contained in H.R. 1953, would place a federal prohibition upon the state of Oregon that would not allow Oregon to impose an income tax on Washington residents whom are federal employees working on the dams that span the Columbia River.

We were alerted to this problem earlier this year and were successful in obtaining legislation at the state level that exempts these Washington residents from Oregon income tax effective January 1, 1997. A copy of the bill, which has been signed into law by our Governor, is enclosed (See Sections 6 and 7 of Enrolled Senate Bill 998). We have been in contact with the Army Corps of Engineers and have jointly developed procedures that will ensure that the affected workers will not be taxed on this income and will receive a full refund of any amounts withheld prior to the passage of the bill.

I am concerned that the federal government is proceeding with legislation to address a problem that Oregon has already resolved. We take very seriously our responsibility to establish and maintain a tax system that is fair to all citizens regardless of their state of residency. As such, we are generally opposed to external mandates believing that they impinge on Oregon's sovereign right to define its own tax system. Accordingly, any efforts on your part to remove Oregon from this federal mandate would be greatly appreciated.

Thank you for the opportunity to express my concerns about this proposed legislation. Please feel free to contact me if you want to discuss the issue further.

Sincerely,

ELIZABETH HARCHENKO,
Director.

Mr. FORD. The Senator says that this only applies to two States really, or very few. But the precedent here is the dangerous thing. We start under the Buck Act, and I am sure the Senator, being a legal expert, is fully familiar with the Buck Act and what it says about the State's ability to tax its own. Now, if he is not familiar with that, I can help him a little bit in trying to explain the Buck Act.

But the two States were in the process of negotiating when they were informed, or at least the Tennessee side was informed, that it would be taken care of here. And it was being taken care of, so the negotiations were called off.

I remember when Tennessee called a special session to prevent Kentucky contractors from doing business in Tennessee. This is a long-term thing. It is just not the first one. I go back into the early 1960s when this occurred.

So, Mr. President, I understand what the Senator is trying to do, but I wonder how he voted on the unfunded mandates bill. You are eliminating $4 million a year—$4 million a year—from Kentucky's income. Are Kentuckians excused from the high Tennessee sales tax? Why not? Why wasn't that put in this bill? If you are going to be exempt from our income tax, why don't you exempt Kentuckians, who are identical employees with an identical employer? What about the restaurants and the canteens and the cleaners and such that are going to be exempt under this, the private sector? This is a broad, broad piece of legislation. Broad, broad.

Let me read the Buck Act. Of course, we have the authority, I guess, to do that, but is it right? There are 240 known installations similar to this situation. And Mississippi is one of the most vulnerable States in the country as it relates to this type of legislation.

The Buck Act says:

> No person shall be relieved from his liability for any income tax levied by any State, or by any duly constitutional taxing authority therein, having jurisdiction to levy such a tax by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area. And such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

That is the Buck Act.

My colleague lays out exempting military employees. When I served in World War II, we got exempted then. You only paid taxes in the State where you resided. That is nothing new. That is 55 years old, I guess—something near that. It has been here for 55 years.

He talked about Amtrak employees. They are on a train, they are going across the country. Would they pay tax in every State? Of course not. That is common sense, to let them pay tax in the State where they reside.

We have a lot of employees on the Interstate Highway System. They live in one State and they work in several States, as they construct interstate highways through various States. They are exempted. That is common sense.

But, to take an exemption and cost a State $4 million—what kind of surplus does Tennessee have? He refers to the surplus of Kentucky. What kind of surplus does Tennessee have? That has nothing to do with the principle and the character of this provision under the armed services defense authorization bill.

The Senator can argue all he wants to, but when he talks about in-State and out-of-State college, that individual renounced his Kentucky citizenship and moved to Tennessee. You enjoyed him moving over there. You probably welcomed him with open arms. But then you come in here and say he cannot get exemption in another State? Why didn't he go to Tennessee, if he likes it so much? We have a few universities there that are pretty good. They

get State exemption, residential exemption. He just happened to want to go to a better school. So, you fuss about that. They moved to Tennessee. Anybody else from any other State would not be exempted. Tennessee would not exempt a Kentuckian residing in the State of Kentucky to go to a Tennessee school. That seems to me a pretty thin reason for having this section of the armed services bill.

Mr. President, I go back to the point—I have heard many, many Senators in this body talk about States rights. There is a lot of rhetoric here. There is a difference between talk and action—talk and action. The talk is States rights. The action is taking it away.

This bill is going to pass. There is no question about that. I have no illusions. I have counted votes around here longer than the Senator from Tennessee, and I understand what the vote will be. But you have something in the legislation that is not right, that is not fair, that the States were in the process of trying to work out and to negotiate. Then the word comes from Big Brother: ''Don't you worry about it, we'll take care of it. Big Brother is going to preempt the States. Big Brother is going to take care of a few residents in this legislation.'' There are other States that have already settled. The Senator from Tennessee has the letter setting it out and objecting to what he is trying to do here because they worked it out as a State. You preempt the States.

What would happen if we were preempting Tennessee? Oh, it would be a bear in here. There would be growling and fighting and fuming and fussing over preempting Kentuckians in Tennessee. I hope my colleague from Kentucky, Senator MCCONNELL, will offer an amendment or something next year so Kentuckians who are in the same position will not have to pay the outrageous Tennessee sales tax. Just have a drivers license, show it, so we can be exempt.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I forgot to inquire as to the time situation. I understand we had 30 minutes. May I ask if time was kept on me before, how much time I have remaining on that?

The PRESIDING OFFICER. The Senator from Tennessee controls 14 minutes 30 seconds.

Mr. THOMPSON. Mr. President, just in response on some of the points that my friend from Kentucky made with regard to whether or not the other States need this and whether or not it is worked out permanently to their satisfaction, I think probably the Members of this body who represent those States would be the best witnesses. If the Oregon situation is worked out, then perhaps Senator GORTON and Senator MURRAY will oppose me on this. But I do not think they do. I think the two Senators from the State of Washington do not feel like it has been worked out.

Just as the situation is with South Dakota. I think the distinguished minority leader of this body supports this provision in the legislation. So, regarding the Tennessee/Kentucky situation, the negotiations that my friend refers to, I think the result was a bit different than what has been alluded to. My understanding was there was one meeting in August and the suggestion was that Tennessee absorb the difference; that we give these Tennessee employees a credit and the State of Tennessee absorb the difference. That was not considered to be fair by the people in Tennessee, so those negotiations broke down.

With regard to the college tuition situation, at issue here is not that this gentleman moved from Kentucky back to Tennessee; that is for sure. The issue is he was working on the Kentucky side and paying Kentucky income taxes and still not getting that benefit from Kentucky. That is the point. I believe, if my colleague will check—I suppose we cannot resolve it here this morning—but I think, if my colleague will check, he will see that when the situation is reversed, my understanding is when Kentuckians work on the Tennessee side, they get Tennessee instate tuition.

I do not want to get into an extended battle between the States here. We enjoy a common border and friendly relationships and all that. But just on the basis of fairness, I believe we are doing a little bit better in that regard, in terms of comity, in terms of out-of-State tuition for workers who work at Fort Campbell. It is just simply based upon the proposition that a person should not have to go across the border, down the hall or down the street or across the street and so forth, when he is assigned new duties, not use any of the Kentucky facilities, and have to pay Kentucky income tax and not get any of the benefits, whether it be college instate tuition or not.

I would also point out to my colleague with regard to Kentucky employees working at Fort Campbell who work on the Tennessee side, as far as ''on the post'' is concerned, they do not pay Tennessee sales tax. If they go off the post they will pay Tennessee sales tax, but then they are using Tennessee facilities. The point is just simply not well founded any way that you look at it.

With regard to the States rights issue, that is something that, of course, is of concern to all of us. A lot of people strongly believe in federalism and that the proper role of the States should be preserved in the relationship between the State and the Federal Government. I would simply point out that with regard to most of these issues, it has to do with the relationship between the State governments and the Federal Government, and the Federal Government's relationship with the States and their policies vis a vis the Federal Government.

This has to do with the way a State government is treating the citizens of another State. Ever since we have had the interstate commerce clause in the Constitution, that has been something that has been appropriately addressed by the Congress of the United States.

So I do not want to beat a dead horse here either. I feel, as does my colleague from Kentucky, that we are not going to change very many votes on this debate. But, in closing, I hope our friends in Kentucky do not feel that this is some kind of a power grab, something that is unfair to them, something that we have them over the barrel on.

This is something that is supported by Democrats and Republicans in this body. It is very narrowly tailored. My friend refers to 240 other situations. They are not similar. The only comparable or analogous situations would be those situations where Federal facilities straddle a State border, and there are only three of them, and those are the three that we deal with here.

We are trying to do what we often do in this body, and that is finely tailor a remedy for something that doesn't affect many people. It doesn't affect many people at all. But with regard to those who are affected, it is important for those folks who on average are making $30,000 a year. It is something we have been trying to work out for 10 years. We have not been able to. I would rather not have to come to the floor of the U.S. Senate and resolve this matter this way, either. After trying all other avenues, we were left with no choice.

Mr. President, I thank my colleagues and extend my good wishes and respect to the senior Senator from the Commonwealth of Kentucky who has fought so long and hard for his State. I never look forward to having to come to the floor and take him on in any circumstance, especially when he is defending or representing and taking the side of the Commonwealth of Kentucky, because I know his heart and soul is in it. I respectfully disagree with him on this. I think it is the right thing to do. I think it is fair to these employees, and I urge its adoption. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from the Commonwealth of Kentucky.

Mr. FORD. Mr. President, I appreciate the Senator's flattery, but in this case, it won't get him anywhere.

Let me correct one thing, if I can. The Senator said we were exempt from sales tax. That is not true. We checked this morning. You pay tax at restaurants, dry cleaners—all that—you pay the sales tax on the base. On the base, you pay it. We called down there this morning. Now, if you want to call again, that is fine. I know where it is. I have been there. They have trooped out the troops for me. They jumped with parachutes and all that. It is obvious my name won't be on any building

down there, however, but that is all right. I don't really worry about that.

What I worry about is what is being done here and the precedent that is being set. They talk about they are all similar. The two other locations are dams. They are dams. They go across a river. They connect the States. That is a very small area. This is 105,000 acres that we are talking about here. This is a different facility, different situation, different problem altogether. One is a hydro; the other one is a dam. I say to my friend, in those two cases he is defending here, it is limited to Federal employees. In the Tennessee-Kentucky problem, it is not. You did not limit it to Federal employees. You went to private sector contractors and their employees. That is the reason the $4 million is there and there is no unfunded mandate help for my State.

It is quite different. This is as broad as broad can be, with a capital B. It is not only Federal employees. The others are very small—35 employees. They are hydroelectric and dams, both of them. This is 105,000 acres.

We pay sales tax, as Kentucky residents, on the base. You exempt private contractors and their employees, and it costs us plenty. People will say, ''FORD, this is fair.'' Fair to whom? I can bring the document—I don't have it here with me—but tuition was part of the negotiations. I wouldn't negotiate either if it was going to be settled here and you know what is going to happen. But the rights of the minority should be protected. I can't change the vote. Mine is the only one that I can handle, that I can guarantee, but we ought to be protected.

I have seen a lot of debate here in a little over 24 years. The distinguished Senator from South Carolina has seen a lot more. But most of the time, almost without exception, both sides have wanted to protect the minority, and here there is no protection.

Mr. President, as we are being stampeded here, I think it is highly unfair, it is uncalled for, and this is very one-sided. We pay the unemployment, reimburse Tennessee, we help with electricity, we help with roads—we do all those things. You act like we don't do anything. But if you have unemployment benefits and Kentucky pays a Tennessee resident and reimburses the State—Kentucky doesn't do anything.

It is very difficult for me to understand when they start talking about precedents set here. That is for active duty military. They pay the tax, if any, in the State in which they are a resident. The Senator brought up Amtrak employees. You can get on a train in New York and wind up in California. Do you pay in each one of the States you go through? Of course not. That is just common sense.

You can have a construction worker who is building interstate highways and can go through several States. You wouldn't expect him to pay tax in every State. So common sense says pay the tax in the State in which he is a resident.

Here it is different. If you are a resident of Tennessee and work in Kentucky, you don't pay any tax. If you are a private sector employee and you are at a Federal facility, you don't pay any tax. The Tennessee contractor who would offer a bid at Fort Campbell has a sweetheart deal because a Kentucky contractor, or any other contractor, will have to pay the taxes, but Tennessee will not.

Big Brother says we are going to settle State taxes, not Federal taxes, State taxes, and put it on the defense authorization bill. It has never been to the Finance Committee, which has jurisdiction. And the testimony that was received in the House was something that I think we should go back to.

The Senate Governmental Affairs Committee held a hearing on October 24th of last year. The House held a hearing on April 17th of last year. To my knowledge, the Senate Armed Services Committee held no hearings on this issue in either session of this Congress. The reason is obvious: because the Armed Services Committee had absolutely no jurisdiction over this issue—none.

The conferees on the defense authorization bill, in my judgment, have no business attaching language which preempts State tax as part of the defense authorization bill.

Let's go back to the House hearing of last April. What kind of testimony did that committee hear? It heard that Kentucky's tax structure met all appropriate constitutional standards for fairness and nondiscrimination. That is the testimony. That committee was told that the ability of States to define their own tax structures within the bounds of the Constitution was ''one of the core elements of sovereignty preserved to the States under the Constitution.'' It may be constitutional, but it is ''one of the core elements of sovereignty preserved to the States under the Constitution.''

The committee was told that if Congress jumps in and preempts State laws in this case, ''it will by definition create a preferred class of taxpayer * * *. Currently all workers—public and private—in Kentucky * * * are subject to the same rules. This should not be disrupted by the Congress without a strong policy [mandate].''

The House committee was also told that the proposal to grant special status to Tennessee residents violated the spirit of the Unfunded Mandates Act of 1995. The committee was told, ''if Congress feels that the impact of federal workers employed on installations crossing the borders of two states * * * should be offset, it should provide the funding necessary to offset the costs imposed on the states affected and not just preempt legitimate taxing authority.'' That is the testimony. That is what the committee was told.

Mr. President, the Senate Governmental Affairs Committee I believe heard similar testimony during the hearing last August. The Senate Armed Services Committee, however, heard no testimony—the Senate Armed Services Committee, however, heard no such testimony—because it held no such hearing and had no such jurisdiction over this piece of legislation.

Nonetheless, without any floor debate, a provision was snuck into the House version of the defense authorization. So I ask where my Kentucky colleagues were.

Mr. THOMPSON. Will the Senator yield for a moment?

Mr. FORD. Glad to.

Mr. THOMPSON. Mr. President, I yield the remainder of my time to the floor manager, Senator THURMOND.

The PRESIDING OFFICER. The Senator has that right.

Mr. THOMPSON. I thank the Senator.

Mr. FORD. I ask the Chair, how much time do I have left?

The PRESIDING OFFICER. Five minutes 38 seconds.

Mr. FORD. Well, I understand why the Senator from Tennessee does not want to debate this; because he is wrong. I like him. He is a nice fellow, friendly. Oh, you could not ask anybody to be any friendlier than the Senator from Tennessee. And I have always enjoyed his acting. In fact, I have seen some reruns. I have enjoyed watching those a second and third time. I look for him. But that does not mean he is wrong or right all the time. But in this case he is wrong.

And I wish this would not happen because, I say to my colleagues, when we start telling the States how to tax, when we take that authority away from the States, then we have gone a long way in disrupting what the Founding Fathers said this country should be made up of.

So I will not leave this Senate without having made this statement. I understand where the votes are. I understand what is going to happen to this bill. But at some point, I believe, sincerely, that it will be in court. And the constitutionality of this and the preemption of States' ability—not a Federal tax but a State tax—they give a preferred class of taxpayer here. You have two people sitting across the table, having lunch, and both are working for the same company; both do the same job; both make the same money; but the fellow from Tennessee pays no tax; the fellow from Kentucky pays it on a military installation.

There are 240 of these, at least, out there. And as I said, Mississippi is going to be one of the most vulnerable States.

Mr. President, I yield the remainder of my time to Senator LEVIN for his use, and I yield the floor.

The PRESIDING OFFICER. Who yields the time?

Mr. FORD. I suggest the absence of a quorum, and it be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. 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. THURMOND. I yield 5 minutes to the Senator from Arkansas.

Mr. HUTCHINSON. I thank the Chair.

Mr. President, I rise in strong support of the fiscal year 1999 Strom Thurmond defense authorization conference report. I congratulate the managers of this bill for their exemplary work. In particular, I would like to express my most sincere gratitude and appreciation to Chairman THURMOND for his service to the Senate and for his service to our country.

Mr. President, I know that this was one of the most contentious conferences in the past decade, particularly because of the U.S. satellite licensing provisions. However, I am pleased that this conference report contains a provision shifting the jurisdiction for U.S. satellite licensing from the Commerce Department back to the State Department, where I believe the national security of this country can best be protected. This action is a step away from the controversial policy that President Clinton established in 1996 and it is a step toward enhanced national security. I hope the President, in signing this bill, will walk forward with us.

In addition, I am very pleased by the addition of several China-related provisions that I spoke in behalf of—sponsored some of those—that I believe will limit the role of the oppressive Chinese regime and United States complicity in their actions.

In particular, this conference report includes a provision requiring the Departments of Defense and Justice, FBI, and the CIA to compile a list of known PLA commercial fronts operating in the United States. This provision also authorizes the President to monitor, to restrict, and to seize, if necessary, the assets of, and ban the operation of, such PLA companies within these United States.

Furthermore, the Senate adopted and included in the conference report a provision authorizing funding for additional customs agents to enforce the existing ban on slave labor products, an ongoing problem. These products are produced in slave-labor conditions in China and are sold to American consumers, unbeknownst to the consumer. These sections call upon the President to strengthen international agreements to improve monitoring of slave-labor imports.

There is yet a further provision that I am heartened the conference has included regarding Radio Free Asia. This provision would fund 24-hour-a-day Radio Free Asia broadcasts throughout China in each of the major dialects. This provision will allow the Voice of Freedom to penetrate through the oppressive veil now muting the Chinese people.

I want to make one final observation. Last week, in declaring the success of his country in combating the floods raging throughout China, President Jiang Zemin compared that success to the success of stemming the tide of democracy and praising their crackdown at Tiananmen Square. I think I need say little more, Mr. President, as to the ongoing problems of an oppressive regime in China. I applaud the chairman and the conference for including these very important provisions in the conference report.

I yield the floor.

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from Indiana, Mr. COATS.

Again, I want to say, since the Senator is leaving this year, he has been one of the ablest men on the Armed Services Committee. The Armed Services Committee and the Senate will greatly miss this individual. Again, I commend him and wish him well in all of his undertakings.

Mr. COATS. Mr. President, I thank the chairman for his kind words. I want to return that compliment, because it has been a distinct privilege and pleasure for me to serve under the able leadership of our chairman, Senator THURMOND. Senator THURMOND is, perhaps, not one of but perhaps the most remarkable individual I have ever known, someone who has committed a lifetime and more of political service to his fellow man and to his Nation, and who has served as a Rock of Gibraltar in support of a strong national defense. Serving on the committee with his leadership has been a great privilege for me, as well as it has been with all my colleagues who serve on the Armed Services Committee.

This committee of the Congress is the least partisan of all the congressional committees. We put the national defense and national security above partisanship. We work together in a team fashion. While we don't always agree across the aisle on every issue, we do find consensus. Our purpose is to protect and support our men and women in uniform, and protect the citizens of the United States by giving them the very best defense that we can purchase for their investment of tax dollars.

This particular bill is to be commended in many ways. It addresses some of the quality of life and readiness and modernization issues that we have been struggling with. As chairman of the Airland Committee, I have had the privilege of overseeing a very considerable amount of spending that goes into modernizing our forces. We haven't been able to do everything that has been asked, but we certainly have taken important steps in trying to make sure that our defense forces are capable of meeting the threat and are unparalleled in terms of their superiority.

As a member of the Personnel Subcommittee, as former chairman of that committee, I am pleased that we have continued to address some of the important issues of pay and housing that are necessary to maintaining the spirit and moral of the people in our force. But, we have a great deal more to do in this area.

The Joint Chiefs of Staff testified just a couple of days ago about the state of readiness for today and tomorrow. Readiness is a function of quality of life, of training, and of adequate infrastructure. Two of these three areas—the infrastructure, the housing, the equipment, the facilities, the tools which we provide our service members with, and the quality of life—are strained and in many cases inadequate. The pay is too low and military benefits are in question. We are losing good people, too many good people. A great deal needs to be done in this area.

A great deal also needs to be done on the whole infrastructure front, not only in providing necessary facilities, but in terminating that infrastructure which is no longer needed. Too often we have perpetuated that infrastructure that is no longer required, and done so at great expense.

I have also been engaged in the whole question of defense transformation. How can we transform our national defense from a cold-war effort that has been unparalleled in the history of national defense—not only this country, but in this world. How can we transform that into a national security apparatus our defense structure to addresses the threats of the future, which will be different from the threats of the past. That is a monumental undertaking. I have suggested a number of ways in which this could be done. I have joined with my colleagues on the committee, particularly Senator LIEBERMAN, to define a process by which we can make those decisions, utilizing both inside and outside experts.

We have attempted, through this process, to ask the necessary questions and to make the necessary decisions about how we move forward. In that regard, in the future some very difficult but necessary decisions and tough choices are going to have to be made about how we spend our limited defense resources.

While we all acknowledge and hopefully will provide some additional funds to address the readiness concerns addressed by the Joint Chiefs, we are a long way from successfully allocating the resources we have available to us in the very best way that will give us the national security apparatus we need to address future threats. Tough decisions have to be made because we have the tendency to continue to fund systems that we already have in the force. Decisions are often made, both in the Pentagon and in the Congress, about maintaining what I call ''legacy'' systems—systems that have had a long shelf life, that are very near and dear to our heart, produced in our district, or systems we have related to over the

years. There is a great tendency to perpetuate these legacy systems and not give sufficient resources and weight to the new systems that are necessary to address the new threats of the future.

My challenge to the Congress, and my challenge to the Department of Defense, is to step up and make the unpopular choices, make the very difficult choices to divest legacy systems and structures which are no longer required, or whose value will depreciate quickly in the future, so that we can free up the resources that we must to address the question of providing the right national security apparatus that embraces the potential for a revolution in military affairs and addresses the threats of the future.

Mr. President, I congratulate the chairman, Senator THURMOND, and the ranking member, Senator LEVIN, for their leadership of a truly bipartison effort which achieves an effective balance across the quality of life of our servicemembers and their families, the readiness of the force, and the modernization of our systems as we enter the 21st century.

This accomplishment is of particular note because this defense bill adheres to the budget agreement of approximately $270 billion, a 1.1 percent decline in real terms over last year's defense budget, and it is approximately 35 percent below the cold war heights.

This defense authorization includes numerous provisions that will enhance military quality of life. It includes a 3.6 percent pay raise for military personnel. It also provides an increase of $660 million in military construction projects, over $250 million of which will fund barracks, dining facilities, and military housing. And this bill directs three health care demonstrations for our military retirees who are Medicare eligible.

This bill also adds over $800 million to the key readiness accounts of our active and reserve forces. We are all aware of the stress that current operations such as those in Bosnia or the Persian Gulf have on military readiness. The funds we have added will support infrastructure maintenance, training, and the availability of parts and supplies to sustain readiness levels.

Despite the gains we have made in areas of quality of life and readiness, we are still well short of the $60 billion procurement goal stated by Secretary of Defense Cohen and his predecessor Secretary Perry which was to have been achieved in fiscal year 1998.

Here we are again proposing a procurement level for fiscal year 1999 that is below $50 billion. Correspondingly, service modernization accounts remain on the margin—well short of the level required to recapitalize our joint capabilities for the 21st century.

And now I would like to comment on several modernization issues from my perspective as chairman of the Airland Subcommittee.

The Army is moving to consolidate the gains from the Force XXI process and to investigate smaller, faster, more lethal, and more deployable forces. But the Army's modernization strategy to pursue this transformation is lacking in areas of aviation, armored vehicles, and trucks, and we have provisions addressing these issues.

And I must say that we have made progress in addressing reserve component modernization thanks to the fine work of Senator GLENN, the ranking member of the Airland Subcommittee, to structure a coherent process for the consideration of Guard procurement. First, the budget request included nearly $1.4 billion in procurement for the guard and reserves—about a 50 percent increase over last year. And this bill provides another several hundred million. Clearly, the Senate's bipartisan efforts are having a positive affect on total force integration.

This bill also supports TACAIR modernization programs of the services and we have taken additional prudent steps to ensure these programs stay on track.

Last year, I spoke at length about my concerns with F–22 cost overruns and demonstrated performance. And I must acknowledge that I have these concerns as a supporter of F–22 development. But based on the testimony of the Air Force and the assessment of the General Accounting Office, there are many who share a deep concern over whether we can maintain support for the F–22, whose costs are approaching $200 million per aircraft, if the program does not adequately demonstrate performance and cost control.

This bill takes a very important further step to put key oversight provisions in place that fence the contract award for advance procurement of lot II F–22 until:

10 percent of testing is complete (the minimum specified by the Defense Science Board); or, the Secretary of Defense certifies that a lesser amount of flight testing is sufficient, and provides his rationale and analysis for that certification; however, the funds are fenced until the F–22 flies at least 4 percent of flight tests—the amount now planned prior to contract award—have been completed.

This provision holds the Department to its own plan at a minimum and places the emphasis squarely on the demonstrated performance of the F–22 program. No performance, no money.

This bill also contains a provision on a new joint experimentation initiative that is fundamental to defense transformation.

The Congress has been keenly aware of the need to transform our military capabilities to address the potentially very different operational challenges of the future. The National Defense Panel Report argues that these challenges—which include among other things, asymmetric challenges in power projection, information operations, and weapons of mass destruction—may place this Nation's security at far greater risk than we face today.

This provision includes a sense of Congress on the designation of a combatant commander with the mission for developing, preparing, conducting, and assessing a process of joint warfighting experimentation. Secretary Cohen has signed a charter assigning this mission to USACOM in Norfolk. And the provision lays out a set of reporting requirements from this CINC to keep Congress informed of the status of transformation.

The process of joint experimentation is designed to investigate the co-evolution of advances in technology, with changes in the organizational structure of our forces, and the development of new operational concepts. Accordingly, the purpose of joint experimentation is to find those technologies, organizations, and concepts which provide true leap-aheads in joint warfighting capabilities.

And just as important, it is the purpose of joint experimentation to identify those technologies and concepts which are failures. Some will consider the cost of these failures as wasteful. But quite the contrary. The true failure would be continuing to invest in systems before we really know what will or will not work on the battlefields of the 21st century. And given the level of defense budgets, we cannot afford to invest in systems which fail to contribute markedly to our future warfighting capabilities.

Previously in our history we have found ourselves unprepared for threats we faced at the outset of war. Our Nation rallied to eventually overcome these threats, but at a cost—not only in fiscal terms, but in lives.

In the very near future, technology will enable a different range of threats we must be prepared for. The process of joint experimentation supported in this bill will be central to ensuring our Armed Forces are prepared to successfully meet the national security challenges of the 21st century.

This bill makes great strides in improving the quality of life, readiness, and modernization of the force; and in laying the framework for the transformation of defense capabilities for the 21st century.

Yet there is much more work that needs to be done. The Joint Chiefs testified on Tuesday that defense budgets are not adequate to sustain current readiness and to keep our defense forces on firm footing for the future.

But defense budgets will likely not increase to the levels requested and this will leave the Pentagon, the administration, and the Congress with some tough decisions which must be made. And we need to know what these decisions are and when they need to be made. I proposed that another quadrennial defense review and national defense panel be established in the year 2000 to conduct another comprehensive assessment of defense strategy, policy, and programs. I trust that the defense committees will work to include those provisions in next year's bill.

I would like to thank and acknowledge the distinguished service of the chairman of the Senate Armed Services Committee, Senator THURMOND and the distinguished ranking member of the Airland Subcommittee, Senator GLENN for their tremendous stewardship of defense issues in this Defense authorization bill.

We often ask ourselves: ''Where have the heroes gone?''. Well I know where two of them have been, and that is working side-by-side with many of us deliberating defense issues. I commend them for their service and wish them the best in all future endeavors. In closing, this bill has my full support, and I strongly encourage all Members to support it.

Mr. THURMOND. Mr. President, again, I wish to thank the Senator for his good work on the Armed Services Committee.

Mr. KENNEDY. Mr. President, I support the conference report on the Fiscal Year 1999 Defense authorization bill. The House and Senate conferees have produced a worthwhile defense bill that deserves to be approved.

Before the conference, the House version contained several provisions that the administration had threatened to veto. We worked effectively in our deliberations with the House to resolve these differences and find satisfactory solutions.

Gender integration in basic military training is the first of these important issues. In the Fiscal Year 1998 Defense Authorization Act, Congress established a bipartisan panel to review gender integration in basic military training. That commission has started its work and will report to us next year. The conference compromise on this issue will enable the commission to finish its work, while requiring each of the services to provide separate, safe and secure housing for male and female recruits with the sleeping areas separated by permanent barriers and limited access.

The second of these issues is production of tritium for the nation's strategic arsenal. The Secretary of Energy has already initiated a comprehensive analysis to determine the best way to produce this material. That study will be concluded by December 31, 1998. The conference report includes a provision to withhold funds for the implementation of the Secretary of Energy's recommendation until full and complete congressional review next year.

The conference report provides needed support for our military forces while maintaining a realistic balance between readiness to take care of immediate needs, and investment in new systems for the future. The report also includes a fully funded and well-deserved 3.6 percent pay raise for military personnel.

We also tried to deal with the important and complex issue of military retiree health care. The report includes a provision for the Department of Defense to initiate a comprehensive test plan to evaluate the best method to provide health care to retired military personnel and their families. The Department of Defense will establish two demonstration plans, which will be evaluated before any future implementation. The first plan will allow selected retirees to enroll in the Federal Employees Health Benefit Plan. The second plan will implement a redesigned pharmacy benefit for Medicare-eligible DOD beneficiaries at two sites. This plan will also provide needed information for reducing out-of-pocket costs for military retirees.

Protecting the safety of our service men and women was also high on our priorities in the conference. The daily operations of our military forces have obvious risks and dangers. All branches of the Armed Forces have made progress in improving safety, but more remains to be done. I commend the Department of Defense for its accelerated installation of needed additional safety systems on military aircraft that carry passengers. The conference report includes additional funding for aircraft safety modifications.

Our troops are at risk from high tech attacks as well. The growing frequency and sophistication of such attacks on the Pentagon's computer networks demonstrate the need for improved protection of critical networks. The conference report recognizes the importance of this effort and supports the Air Force cyber-security program.

In the past 8 years, the Navy-Marine Corps team has responded to over 90 contingencies—almost one per month. As the ranking Democrat on the Seapower Subcommittee of the Armed Services Committee, I am pleased that the conference report provides the support necessary for our naval forces as they modernize to meet the challenges of tomorrow.

The report includes the necessary advance procurement funding for fiscal year 1999 for the Navy's next aircraft carrier, CVN–77. The Navy's procurement schedule for this carrier, revised from its budget submission of last year, will be under the cost cap mandated in last year's Defense Authorization Act. Also, much of the new technology being developed for the next generation aircraft carrier, the CVX, will be included in CVN–77.

The budget request for the 30 Navy F/A–18E/F Super Hornet fighters is included in the report. The Super Hornet combines the outstanding characteristics of earlier F/A–18 models with cutting edge technology in an affordable aircraft with significantly improved performance and endurance.

In addition, the Marine Corps' MV–22 Osprey tilt-rotor aircraft procurement for next year was increased to eight. The Osprey is a vertical take-off and landing aircraft designed to replace the Marine Corps' aging fleet of CH–46 and CH–53 helicopters.

The constructive compromises we reached during the conference on critical issues have produced a comprehensive bill which provides effectively for our national security, and which contains no provisions that would draw a veto.

I also join in commending the distinguished leadership of the chairman of the Senate Armed Services Committee, Senator THURMOND. He has worked effectively with all of us to see that our national security and the needs of our service men and women are met in this legislation. It has been a privilege to work with Senator THURMOND as chairman, and I look forward to continuing our work together on this important issues. It is especially fitting that this bill is named in his honor.

I urge my colleagues to support the Strong Thurmond National Defense Authorization Act for Fiscal Year 1999.

Mr. GLENN. Mr. President, I rise today as we consider the fiscal year 1999 Defense authorization conference to draw the Senate's attention to what appears to be a brewing controversy over the state of our military's readiness. Yesterday, the Committee on Armed Services held a hearing with Joint Chiefs to discuss some readiness issues that recently have been brought to the committee's attention. I believe there are very legitimate concerns regarding recruiting and retention trends, increased Personnel Tempo, as well as pay and benefits comparability, spare parts availability, and growing depot and real property maintenance issues to be examined.

I agree that we must pay very close attention to these issues because we are asking our men and women in uniform to do more today than we ever have during peacetime. We are asking them to do more, not so much with ''less,'' but with fewer and fewer people and that is placing a strain on our military. I believe we must proceed very, very carefully before any further reductions are considered.

I am concerned that our problem may be more basic than these issues I have just mentioned. I have come to this Senate floor many times over the years and have spoken repeatedly in the Armed Services Committee to voice my concerns over the drawdown in our end strength. In my view, I don't believe we should have gone below 1.6 million in our active duty end strength.

I am concerned that with fewer than 1.6 million in end strength our military strategy becomes a bit of a myth, Mr. President. I don't think we can fight two contingencies today with an end strength of 1.4 million. I'm not confident we could repeat Desert Storm and embark on a second contingency if something broke out in Korea.

1.6 million is not a number I pulled from thin air. Rather, it is based on a time-proven formula that requires a force that basically is divided in three. One third of the force is forward deployed and fighting, one third of the force is training for deployment or in transit and one third of the force is maintaining the other two-thirds—

manning the Pentagon, plowing the runways, etc.

In the Persian Gulf, we had about 575,000 Americans deployed. That's one major regional contingency or one major theater war (MTW) as we are now calling them. To repeat Operation Desert Storm, we need an end strength of at least 1.6 million. Today, we appear to be falling below the manning levels necessary to conduct our peacetime operations let alone credibly maintain a combat force capable of carrying out two nearly simultaneous major operations.

Mr. President, let me add at this point that I believe those commitments are important. We have alliance deployments in Japan, Korea, and Europe. We are conducting peacekeeping operations on the Kuwait border and in the Western Sahara. Our so-called ''Operations Other Than War'' also require American service members to be deployed to the Sinai, to Bosnia, to the Persian Gulf in Kuwait and Saudi Arabia and on the border between Peru and Ecuador. We've had deployments to Rwanda, Angola, Somalia, Haiti and Cambodia to name a few other operations that have all contributed to the services' high OPTEMPO and PERSTEMPO. I support these operations.

We literally have saved millions of lives through our presence in troubled areas of the world and I believe that that is an appropriate use of our military forces. The cold war may be over but the killing has not stopped. The United States has no territorial ambitions but we do need to remain engaged. The constant demands on our personnel around the world, however, are not without consequence. We are asking the men and women in our military services to be deployed for longer periods and more often than we have in the past. They have served well through a difficult and turbulent period.

I understand, and I hope my colleagues understand, the rationale for continued reductions in our end strength. End strength cuts are being made in order to generate cash to pay for modernization programs. I agree that our service members deserve the best and most modern equipment available but I do not agree that reductions should be made simply to generate cash. Even if modernization programs can reduce manpower requirements in the long term, in the near term, we still need people to carry out our important worldwide commitments. The time has come to step back and consider how we are going to achieve our goals. We may need more funding for modernization. In my view, we also need funding for more people.

We also need to impose more discipline before simply raising the topline. We should have given the Department base closure authority so we could get unneeded bases off the books. And we should impose more discipline on ourselves. This year we added about $2 billion in items that the Services didn't request in the procurement and research and development accounts. We added over $600 million in military construction add-ons. It is only in the past few years that the Congress has agreed that when adding military construction projects, those projects should at least be projects that the Defense Department wants. Even meeting that criteria, I am not sure that annually adding hundreds of millions of dollars for military construction projects just to ''bring home the bacon'' is necessarily the best approach to establishing and funding national security priorities.

I am supporting this conference report because on balance I believe it is a good conference report but I do believe that the Congress needs to focus more carefully on true spending priorities particularly as we are learning that there may be some readiness funding problems.

HELPING OUR MILITARY AND SUPPORTING OUR DIPLOMACY

Mr. BIDEN. Mr. President, I support the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999. Naming this bill after my good friend STROM THURMOND is a fitting tribute to one of the Senate's greatest defenders of America's military interests. I urge everyone to take a minute to read Section 1, which highlights Senator THURMOND's distinguished record of service and leadership.

As always, finding the right compromises to protect our national security while still living within our budget caps has been hard. Recent events in Iraq and Kosovo, and the attack on our embassies in Tanzania and Kenya are stark reminders of why our diplomatic efforts must be supported by a robust military.

I compliment the Committee on Armed Services, under the leadership of Chairman THURMOND and Senator LEVIN, for its dedicated effort to address some of our nation's critical national security needs. While I do not agree with everything in the conference report, on balance I believe this bill does a great deal of good.

On the personnel front, I know that all of us are pleased with the 3.6 percent pay raise. We know that our patriotic men and women in uniform do not serve in order to make money, but that doesn't change the needs of their families and themselves for adequate recompense. This is a solid step in the right direction.

Along the same lines, I thank the conferees for joining me in supporting an increase in hazardous duty incentive pay for mid- and senior level enlisted aircrew personnel. This necessary increase reflects our commitment to the experienced aircrew personnel without whom our planes could not fly vital missions in Bosnia and Iraq.

I was also pleased to see that this bill recognized the increasingly vital role of our Guard and Reserve personnel in the new Total Force. As that old Oldsmobile commercial said, ''this is not your father's'' military. Guard and Reserve personnel are absolutely vital to meeting America's leadership commitments around the world, to protecting communities here at home, and to defending national security. Among other things, this bill authorizes the payment of selective reenlistment bonuses, increased funding for Guard and Reserve training, the restoration of up to 800 military technicians (dual-status), and funds for the Guard's Youth ChalleNGe program and STARBASE program.

The conference report continues Congress's effort to address the strains on our ability to provide high quality health care to our military retirees. Both houses of Congress are agreed that more work needs to be done in this area and the demonstration projects included in this year's bill are part of that process.

In looking at some of the provisions in this bill that address foreign relations issues, I am less sanguine. As I said when the Senate dealt with this bill, I do not support the Sense of Congress provision that endorses NATO missions with ground forces that would not include any American troops. This is a dangerous precedent that encourages the erosion of American leadership in NATO.

This bill also addressed satellite transfers. While we do not want to handicap America's satellite manufacturers and telecommunications firms, the most important consideration must always be to safeguard national security. The changes made in the licensing system appear to make sense, despite their being adopted on the basis of a very incomplete analysis of a complex issue. Transferring licensing authority back to the State Department—the same agency that licensed the controversial Loral satellite launch in February 1996—may help, so long as the State Department is given the resources to do the job right. This conference report permits the Department of State to keep all the fees it collects for registration by the Office of Defense Trade Controls—the office which administers licenses for military exports—a sensible approach that is also contained in the Department of State authorization bill. Now the Commerce, Justice, State appropriations conference must adopt a similar provision; otherwise we will be giving the State Department an unfunded mandate that it will be unable to fulfill. We run the risk of exacerbating the problem of perpetually under funding of our foreign policy tools.

One provision addressing foreign policy that I was very pleased to see retained is the amendment that I authored calling for a report on the peaceful employment of former Soviet experts on weapons of mass destruction. The slightly revised provision is now found at section 1309. Section 1309 requires detailed reporting on the

former Soviet experts who are at risk of recruitment by a rogue state or terrorist group. I am confident that this language will not require the Department of Defense to produce an impossibly detailed analysis. I am pleased to note that the revised provision will permit the Secretary of Defense to inform Congress of ways to increase the number of former Soviet arms experts whom we assist in their transitions into new occupations. That is a vital national security objective, and it will become even more vital in the coming years as Russia's nuclear establishment is substantially downsized and more of their nuclear weapons experts are left to find new ways to earn a living.

In conclusion, Mr. President, the Strom Thurmond National Defense Authorization Act is a comprehensive bill that addresses many of our military needs. As I have said, there are some provisions that concern me. But, overall, I believe this bill provides some of the bricks that make up the foundation of our national security policy. It takes important steps to improve the quality of life for our most critical national security asset—our military personnel. My overall concern continues to be that it should not take terrorist attacks to realize that spending more on our first line of defense—our foreign policy—is an equally vital part of our national security policy.

SEC. 1512

Mr. LEVIN. Mr. President, I wish to enter into a colloquy with the distinguished senior Senator from South Carolina, the Chairman of the Armed Services Committee, after whom this defense authorization bill is named.

Section 1512 of this bill requires the President to certify to Congress 15 days prior to any export to the People's Republic of China of missile equipment or technology, as defined in the Annex to the Missile Technology Control Regime, that such export is not detrimental to the U.S. space launch industry, and that such export will not measurably improve China's missile or space launch capabilities.

The intent of this section is not to prevent the export of commercial communications satellites to the PRC, consistent with U.S. law and national security and foreign policy interests, nor to harm our domestic satellite industry. The purpose of this section is to ensure that exports of such satellites and related technology to China will not harm U.S. security. As long as sufficient export controls are in force and are being enforced, such exports are consistent with our national security.

Furthermore, this certification requirement for exports to China is not intended to prevent the export of commercial technology for emergency repair of civilian equipment, such as navigation systems required for safe flight of passenger aircraft. If a U.S.-made aircraft requires emergency repair or replacement of its navigation system while in China, we would not want to delay such required repair unreasonably.

I wish to ask the Chairman if he shares this view of Section 1512.

Mr. THURMOND. Mr. President, I agree with the view expressed by my colleague, the Ranking Minority Member of the Armed Services Committee. He has stated correctly the views of the Senate and the House in agreeing to Section 1512 during the conference on the defense bill.

With regard to concerns that the requirement for a 15-day advance certification concerning the export of items listed in the MTCR Annex to the PRC would delay the ability to provide spare parts for in-service civilian commercial aircraft in an emergency while in the PRC, it is not the intent to delay the export of items for emergency repair of in-service civilian commercial aircraft while in the PRC.

This view, however, should not be mistaken as a green light to stockpile technology and spare parts which are on the MTCR Annex above what is necessary to provide emergency service for in-service commercial aircraft.

Mr. LEVIN. I thank the distinguished Chairman of the Armed Services Committee for helping to clarify the intent of this provision.

C–130 TRAGEDY

Mr. WYDEN. Mr. President, in November 1996, there was a tragic accident off the coast of California that claimed the lives of 10 out of 11 airmen, the crew of an Air Force Reserve C–130 aircraft out of Portland. All of these crewmen were from my home state of Oregon.

This was a devastating loss for all of us, but most of all for the families of those airmen who lost their lives. After any tragedy like this, the first question on everyone's minds is ''why?'' Why were my loved ones taken from me? This is what the families of these airmen wanted to know, but no one would give them a straight answer.

After many, many months of frustration, these families came to me and my colleague from Oregon, Senator SMITH, to get the Air Force to tell us exactly what happened.

As a result of working with these families, with the Air Force, and with the committee staff, and with Senator LEVIN in particular, we were able to craft some language that is now included in the Defense Authorization Conference Report that we are considering today. This language takes a two pronged approach to dealing with the pressing issues the families have raised: improving crash investigations, and eliminating the secrecy in which these investigations are shrouded.

Specifically, the language directs the Defense Department to review the way it conducts aviation accident investigations so that they are conducted in as thorough and objective a manner as possible, including making sure crash investigators receive the best training, and ensuring that the military department coordinate and share information on fleet safety. The bill also urges the Pentagon to seek the advice of the National Transportation Safety Board in improving investigation procedures, and I intend to make sure their valuable input is part of their review.

Secrecy has long been the hallmark of these investigations and has kept loved ones in the dark about what happened and why. We have worked to reduce the secrecy involved in the investigations of tragedies, and this legislation takes a solid step forward in providing families and the public with better information.

That's why this language also requires the Department of Defense to issue regulations to provide to family members periodic reports on the progress of investigations. I also spoke with Secretary Cohen about this recently, and he has pledged to make a solid effort to make sure families are kept informed of the progress of investigations.

It's important that we eliminate secrecy from these proceedings. The last thing we should do is add to these terrible tragedies by keeping the families in the dark about the status of these investigations. From day to day, from week to week, from month to month, these families had to cope with not only the incredible pain of losing a loved one, but with the incredible frustration of not knowing the status of the investigation into their deaths. This new language seeks to put an end to this type of treatment. We owe it to the men and women who give their lives for their country.

TRITIUM PROVISION

Mr. LOTT. Mr. President, yesterday the Chairman of the Armed Services Committee, Senator THURMOND, along with Senators WARNER, SMITH, and KYL entered into a colloquy on the tritium provision in the pending National Defense Authorization Act Conference Committee Report.

While I was not available to participate in that colloquy, I would like to make a few comments on this subject.

First and foremost, the restoration of tritium production is absolutely critical. Without tritium, our entire nuclear deterrent would be left inoperable. Our nuclear warheads cannot function without replacement tritium. And time is wasting.

For those who do not know, tritium is a radioactive gas that is an essential component of modern nuclear weapons. It decays at a rate of five-and-a-half percent per year, so it has to be continually replaced. We have not produced tritium in this country since 1988, when the reactors at the Savannah River Site in South Carolina were shut down. Since that time the Department of Energy has examined countless options and technologies, but has not yet selected a new source. We cannot afford to delay this program. The potential costs of delay are too great.

The Chairman of the Armed Services Committee, Senator THURMOND, had a difficult Defense Authorization conference with the House this year.

Chairman THURMOND and the other members of the Committee negotiated over 570 legislative provisions and more than 1,000 funding differences with the House. The final result was a strong bipartisan bill. In fact, for the first time in many years, all the members of the conference, both Democrats and Republicans, signed the final conference report.

Tritium was one of the most difficult issues that had to be addressed. The House and Senate bills had wildly differing provisions on this topic. In addition, there was a Presidential veto threat on one of the House tritium provisions. Chairman THURMOND, as always, put all other interests aside and delivered a compromise that put the national security interests of the U.S. ahead of all other interests. I am confident that his provision will keep the tritium program moving forward.

However, there remain some disagreements as to the best method to produce tritium. It's not my place to comment on that today. I will say that under this conference agreement, Energy Secretary Richardson will be required to select his preferred technology in December of this year. I expect him to meet that requirement.

I might also say to Secretary Richardson that the conference report requires him to submit along with the President's fiscal year 2000 budget request, a plan to implement whichever technology he selects in December. I expect him to identify the funding requirements, schedule, and legislation necessary to restore tritium production in time to meet Defense Department requirements. In order to be credible, his implementation plan must include adequate funding in fiscal year 2000 and beyond.

This matter is too important to the national security of the United States to be undermined by deficient budget requests or lack of attention on the part of DOE.

Furthermore, I put my colleagues on notice that I intend to be fully engaged in the debate when this matter comes before the Senate next year. Let me assure all interested parties that I intend to ensure that only one interest will dictate the outcome of that debate—the national security interests of the United States. The safety and security of the American people require all of us to ensure that there are no further unnecessary delays—for any reason.

Mr. BINGAMAN. Mr. President, I'd like to join my colleagues in saluting the chairman of the Armed Services Committee, the distinguished Senator STROM THURMOND, whose leadership, together with the ranking member, Senator LEVIN, has produced the fiscal year 1999 Defense authorization bill which is named in the chairman's honor. Thank you, Mr. Chairman, for your untiring efforts, both for putting together this bill and for your long and distinguished service to our nation. We are a grateful Senate and a grateful nation.

Achieving this year's defense bill has been no easy task. Every defense budget represents the outcome of an annual debate concerning competing national security priorities. Everyone is familiar with the litany of our defense needs: procurement and modernization, quality of life for defense personnel, operations and maintenance, research and development, training, medical care, and so forth. This year is no different.

Much has been said about the lack of funding for procurement and modernization of military equipment. Certainly, by historical standards we are far below cold war levels. But our defense needs have changed and will continue to do so. We need to look carefully at the capabilities and quantities of weapons that we will need in the future—particularly in areas where technology could provide lower cost alternatives of getting the job done.

Nevertheless, in this year's conference report the Congress is taking a step towards meeting those procurement needs. Funding for procurement is up from $49.1 billion requested by the President to $49.9 billion authorized by the conference.

The conference also took steps to increase funding for quality of life priorities. Funding for military construction and family housing was increased from $7.8 billion to about $8.5 billion.

But those increases come at a cost. In balancing priorities while remaining within the budget agreement cap, this budget pays the bill by reducing funding in other categories. Funding for research and development, operations and maintenance, and Department of Energy defense activities, for example, were funded at lower levels than requested by the Administration.

Are those tradeoffs the correct ones from the point of view of our national security? Or are they the outcome of partisan negotiations to meet parochial needs?

I remain concerned that the teamwork that's needed between the Department of Defense, the Administration, and the Congress to produce a defense budget that meets our real military priorities is flawed. While the Congress took steps to increase procurement funding, many of those purchases do not reflect the priorities stated by the military services themselves. The cost of those purchases were bought by cuts to readiness accounts that must now be repaired through an emergency supplemental agreed to by the President.

Similarly, we risk mortgaging our long term security future by cutting funding for research and development, particularly for basic research. I am pleased, however, that this bill includes a provision that sets successively higher goals for research and development funding during the next decade. I am hopeful that implementation of that provision can enable us to avoid having research and development remain the billpayer for future defense spending increases.

I applaud this bill for its many specific provisions that serve the simultaneous interests of my New Mexico constituents and the nation's security.

The bill contains $4.3 billion for weapons activities at the Department of Energy National Labs, approximately half of which will support work being done at Los Alamos and Sandia.

That work will support the stockpile stewardship program that will enable us to ensure the safety and reliability of our nuclear weapons stockpile without building new ones and without testing old ones.

I am hopeful that continued funding for the stockpile stewardship program will enable us to move forward in the Senate with ratification of the Comprehensive Test Ban Treaty next year.

The bill also includes essential funding for the Cooperative Threat Reduction and the Initiatives for Proliferation Prevention programs intended to prevent the proliferation of nuclear weapons and materials through cooperative efforts with Russian nuclear laboratories and scientists. Our laboratories in New Mexico are working closely with their Russian colleagues to benefit the security of both nations against the threat of weapons of mass destruction in the hands of terrorists or rogue governments.

The bill also provides essential funding to remedy the disrepair of the nation's finest weapons testing facility, White Sands Missile Range, in southern New Mexico. Without those funds, we won't be able to assure the technologies and military capabilities to have the effective fighting forces we will need for the nation's future defense.

The bill also includes key quality of life improvements for our military personnel at Cannon, Kirtland, and Holloman Air Force bases. Units from those bases have served honorably and effectively in Bosnia and the Persian Gulf. The personnel and their families assigned to those bases appreciate the support they are given in this year's defense bill.

Mr. President, I support this conference report and urge my collegues to vote in favor.

Mr. MURKOWSKI. Mr. President, let me commend the senior Senator from South Carolina, Senator THURMOND, and Senator LEVIN for having completed work on this important conference report on the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999. I particularly want to express my appreciation to Senator THURMOND and Senator WARNER and their staff for working with me and my staff to address the provision that the House of Representatives had attempted to include (section 1216) which would have negatively impacted the export capabilities of U.S. vendors of civilian nuclear power equipment. I am pleased to say that the Senate conferees were able to replace the House language regarding nuclear exports with an acceptable notification requirement in Section 1523.

Mr. President, as some of my colleagues are aware, the House of Representatives had added language that would have changed the reporting requirements for nuclear exports and added a congressional disapproval process. The change in the export law contemplated by the House of Representatives was unwise and unnecessary.

A change in the reporting requirements was unnecessary because the Nuclear Regulatory Commission closely regulates the export activities of U.S. nuclear vendors. The nuclear export licensing process by law requires not only public notice of export license applications as soon as they are received by the N.R.C., but also the opportunity for public intervention with the N.R.C. prior to issuance of a license. Moreover, the N.R.C. is not allowed to issue an export license for any nuclear equipment and technology unless the government of the recipient nation has negotiated, signed and implemented a bilateral agreement for nuclear cooperation with the United States. Such agreements provide the United States with a broad array of inspection rights and control over the fuel cycle. I am unaware of any allegations that, under this regime, the United States has exported any nuclear material or technology which has been diverted for military or proliferation purposes. Since our export control system appears to be working, it is difficult to see why it should be altered or supplemented.

A change in the reporting requirements was unwise because it would negatively impact U.S. exporters of civilian nuclear power equipment without advancing any national security goal. Although the author of the provision made clear that his proposal was designed to add restrictions to trade in civilian nuclear power equipment and technology with China, it would have impacted many other countries, including Brazil, Argentina, South Africa, Kazakhstan, Ukraine and Taiwan who purchase U.S. nuclear goods. I am convinced that, faced with new restrictions, all these countries would be extremely reluctant to deal with U.S. suppliers. Certainly, European and Canadian suppliers would use such new restrictions as part of their commercial armory to argue that, for these countries, dealing with U.S. suppliers is complex, time absorbing, and subject to political whims, while their procedures are simple and straightforward.

Some members may want to block trade with China in civilian nuclear goods and technology. But, my colleagues should recall that President Clinton sent to Congress the certifications necessary to implement the Reagan Administration's 1985 Agreement for U.S.-China Peaceful Nuclear Cooperation on January 27, 1998. The Congress considered those certifications for 30 legislative days, as provided by law. Existing law provided the opponents of the certifications with every opportunity to challenge the Administration's determination. However, no attempt was made to pass a resolution of disapproval of those certifications, and consequently, the 1985 Agreement went into effect on March 19, 1998. Any changes made after the fact would be seen as aimed at impeding or delaying such cooperation and, as such, could seriously undercut the non-proliferation assurances China provided as a condition of implementing the nuclear cooperation agreement. Moreover, as a matter of principle, moving the goalposts regarding certification after the fact is unfair.

Mr. President, again, I want to thank the managers for their assistance on this important matter.

Mr. FEINGOLD. Mr. President, I come to the floor today to register my opposition to the fiscal year 1999 Department of Defense Authorization conference report. Sadly, we continue to spend precious military resources on unneeded, unwanted, pork-barrel projects, all at the expense of our military's legitimate needs.

Mr. President, our military needs to be lean and mean, not weighed down with unnecessary, unwanted, expensive pork. We don't need to spend more money, we need to spend money more wisely. Our military leaders have begun to recognize this and some of my colleagues in Congress have recognized it. I hope we can work together toward a more wisely funded military.

I am not alone in my call for more efficient and accountable military spending. Lawrence J. Korb, President Reagan's Assistant Secretary of Defense, recently issued a rebuke of the state of the Pentagon's military spending. He said,

> The problem is not lack of money or aging equipment . . . the Pentagon is buying the wrong weapons. The military behaves as if it is still in an arms race with the Soviet Union, buying $2 billion bombers, $3 billion submarines and $5 billion aircraft carriers . . . Russia, China, Iran, Iraq, North Korea—throw in Libya or whoever else you want—all of them together don't spend as much on the military as we do.

Mr. President, I couldn't agree more. There is no Cold War. It's over. We need to move toward a 21st century military force. This conference report fails to adequately modernize our armed forces and move toward that goal.

As my friend from Arizona, Senator MCCAIN, has so eloquently stated year after year, it's unconscionable that we spend billions of dollars on pork-barrel projects that the Pentagon doesn't need and doesn't want.

Mr. President, we can't afford to pretend we're still dealing with the Cold War Soviet threat. Military leaders agree that we need lighter, faster and more agile forces. This strategy does not include wholesale purchase of cumbersome B–2 bombers, new attack submarines, or Cold War-era heavy tanks.

One particular program epitomizes the worst of pork-barrel politics. The C–130 air cargo planes have sapped billions of dollars from vital military programs even though our military leaders are incessant in their pleas to end the harmful practice of forcing the Pentagon to buy more planes than it needs.

Mr. President, since 1978, the Congress has added a whopping 263 C–130s for which our Department of Defense has not asked. That's right—the taxpayers have paid for 263 C–130s the Pentagon didn't need. If you lined them up wing to wing, that would be six and a half miles of unwanted airplanes, with the taxpayers on the hook for $22.4 billion. This assault on military planning hamstrings readiness, equipment, and compensation for our soldiers. As we all know, these are the precise areas which the Joint Chiefs of Staff testified this week were at greatest risk. Politicians who want to bring home the bacon at taxpayers' expense should not be second-guessing the judgment of our military leaders in this way.

This conference report follows in the dubious footsteps of its ancestors by authorizing 7 C–130s, while the Pentagon asked for only one. Not only does it take from other procurement money, but DoD must divert operations and maintenance money to look after all these unneeded planes. This is the height of irresponsibility and shortsightedness.

Finally, Mr. President, I would like to congratulate my distinguished colleague from Iowa, Senator GRASSLEY. He held a hearing on Tuesday to discuss accounting fraud at the Pentagon. His continued efforts to rein in obvious and debilitating fraud at the Pentagon need to be applauded. Perhaps the Senator's most important finding is summed by his quote, ''If we put adequate controls on the money we have, there should be no need for more defense spending.''

That, Mr. President, sums up my point, as well. We don't need to throw good money after bad with pork-barrel spending in our military budget. What we need to do is spend our money more wisely. That is how we will move toward a lean, efficient, and effective military. This conference report does not move toward the new 21st century military force.

I thank the chair and I yield the floor.

Mr. MCCONNELL. Mr. President I rise today to discuss the Defense Authorization bill. I support this bill and believe the Conferees have acted appropriately and supported the vital needs of our national security. However, I strenuously object to one provision that I believe is a grave mistake.

Section 1075 of H.R. 3616 inserts language which would have the effect of changing the tax structure of the Commonwealth of Kentucky. Mr. President, this is a terrible and misguided assault on the rights of Kentucky to levy income tax. I believe this decision sets a dangerous precedent and will harm citizens of my state.

Fort Campbell is a unique military post which straddles the Kentucky-Tennessee state lines. As a result, many residents of Tennessee go to work every day across the border in the Commonwealth of Kentucky. Currently, those who work on the Kentucky side of Fort Campbell are subject to Kentucky's state income tax. Section 1075 takes away Kentucky's ability to legally enforce its state tax on these employees. As a result, Kentucky will lose millions of dollars a year in revenue. I am unable to come up with any justification for the Armed Services committee to impose its will on the Commonwealth of Kentucky in this manner.

Mr. President, for the Armed Services committee to take this action astonishes me. This issue should be debated and resolved by the impacted states. By imposing this solution, the Armed Services committee has effectively foreclosed any opportunity for future negotiations.

My colleague from Kentucky, Senator FORD, has made lengthy remarks on this issue, and I agree with much of what he said. However, I do take offense at the partisan barbs, as they are unwarranted and unproductive. Perhaps the diatribe was cathartic, but cheap shots get us no closer to the solution.

That said Mr. President, like my colleague from Kentucky, I will vote for final passage of this bill. It contains a number of items that I encouraged the committee to adopt, and I thank them for their consideration.

Ms. LANDRIEU. Mr. President, on Monday, the Senate adopted the conference report on H.R. 4103, the Department of Defense Appropriations bill. I wanted to take this opportunity to discuss a relatively small part of this budget which has a huge impact on my state.

Outside of the City of New Orleans, we have one of the few remaining shipyards in the country that still builds ocean-going ships for the Navy. Avondale Shipyards is a key employer in the area. With over 5,000 working men and women, it is the largest private employer in the region. Louisiana has a proud maritime tradition, and has a particular expertise in ship building. As a shipyard of tremendous capacity and infrastructure, and the host of the Maritime Excellence Center, Avondale has played an important part in the development of this industry.

However, Avondale has also maintained a record of labor relations which Judge Evans of the National Labor Relations Board termed ''outrageous and pervasive.'' This is not the image of Louisiana's growing maritime industry that I want projected. I believe that Louisiana should be the world leader in shipbuilding, but I also believe that we cannot attain that status through substandard wages and unsafe working conditions. Many manufacturing sectors in our country have been faced with international competition that created difficult times. The way these industries rebounded was not to turn back the clock on progress made in working conditions and wages. Instead, our industrial sector did just the opposite: they grew more hi-tech and more specialized; they invested in their workers, and they invested in new technologies. This is the only route to true success and leadership. Louisiana's shipyards will never be able to compete with countries like China and the Phillippines on the basis of wages—the key is to concentrate on American strengths: technology, craftsmanship and quality.

That is my goal for Avondale. To help them become a world leader, and transition away from practices which threaten that objective. The seemingly endless dispute between management and labor at Avondale is a huge impediment to the process. I am ready to work with anyone who in good faith seeks to resolve the problem. In this spirit, I have talked to the Navy about Avondale and inquired about the significance of labor relations in Navy contracts. Let me be clear, I did not make these inquires to block contracts from being awarded to Avondale. It benefits no one to have workers loose their jobs and the state diminish its industrial base in order to make a point. This is especially true when we should have a Fifth Circuit Court of Appeals decision on the union election in the near future.

I voted for the Defense Appropriations bill, because I believe in a strong defense. I also voted for the Defense Appropriations bill because I believe in a strong Avondale. The government provides over eighty percent of Avondale's contracts. The shipyard cannot function without them. I have no intention of jeopardizing Avondale's future. My sole objective is to facilitate my state's future success in the maritime field. Avondale must be part of that success. This long-standing labor dispute should be resolved at the earliest possible time to achieve that end.

Mr. DOMENICI. Mr. President, I rise today to offer strong support for the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999. As several of my colleagues in the Senate have also recognized, we owe a great deal of gratitude to Senator THURMOND. As a soldier and as a Senator, he has fought to defend our country and safeguard our national interest.

I thank Senator THURMOND his unceasing commitment and untiring service to this country and its institutions.

Mr. President, this legislation contains many positive things for the state of New Mexico—both in the programs funded and the changes made to enhance research and development efforts.

The most significant contribution made by this legislation to R&D efforts in our state will be realized by eliminating several barriers to cooperation between national laboratories and the private sector. The partnerships among our federal laboratories, universities, and industry provide important benefits to our nation.

A substantial amount of benefits are attainable in New Mexico, given the unique assets in this state. These partnerships help to create innovative new products and services that drive our economy and improve our quality of life.

I am pleased that this year's conference ruled favorably on so many of the requests for increases that I put forward. Many of these increases will leverage unique assets and capabilities in New Mexico to ensure that our national interests are protected.

The bill authorizes $4.5 billion for Department of Energy defense activities, much of which is done at Sandia National Laboratories and Los Alamos National Laboratory (LANL), in addition to DOE's Lawrence Livermore facility in California. Approximately $2.5 billion of this authorization will be spent in New Mexico.

In addition, the Defense Environmental Restoration and Waste Management programs are authorized at $5.44 billion. Of that, approximately $415 million will be spent in New Mexico for waste management functions, environmental restoration activities, technology development efforts, nuclear materials and facilities stabilization functions, and a variety of cost-cutting and program support initiatives.

Several other important items for defense efforts in New Mexico that are authorized in the bill.

For example, this year's authorization for the High Energy Laser System Test Facility (HELSTF) at White Sands Missile Range is $23 million, including $8 million for solid state laser research. An additional $10 million is authorized for further research in the Theater High Energy Laser (THEL), an effort jointly funded and supported by Israel.

The Exploratory Development of Advanced Weapons technology at Kirtland's Air Force Research Laboratory is authorized at $129 million for the coming year.

A total of $40.2 million is also authorized to support the Advanced Radiation Technology Program at Kirtland's Air Force Research Laboratory (AFRL). The lab is using its expertise in laser technologies to develop a new deep space imaging system, in addition to a special interactions development program.

$24 million is authorized for Space and Missile Rocket Propulsion Program. The Air Force Laboratory at Kirkland is involved in this program.

The Ballistic Missile Technology Program is authorized at $16. This funding was not included in the President's request. Kirkland AFRL and White Sands Missile Range are involved in this program.

$75 million is authorized for the Advanced Spacecraft Technology Program, $32 million more than the budget

request. These funds will advance space plane development, the Clementine microsatellite program at Kirkland AFRL, and the Satellite Orbital Transfer Vehicle which is worked on at the New Mexico Engineering and Research Institute.

In a related endeavor, a total of $10 million is authorized for the Scorpius Low-Cost Launch program. This program utilizes assets at New Mexico Tech in Socorro and will be tested at White Sands in the coming months.

The Airborne Laser Program is authorized at $235 million. The Special Programs Office for this critical Air Force effort in theater missile defense is located at Kirkland, and this program relies heavily on basic research in directed energy and adaptive optics at the AFRL there.

The Air Force Operational Test & Evaluation Center (AFOTEC) at Kirkland is authorized at $29.5 million. This is $5 million more than the President's budget request and will support the Initial Operational Test and Evaluation Center's independent operational tests to evaluate weapon systems operational effectiveness and suitability.

The Defense Advanced Research Projects Agency's (DARPA) Flat Panel Display Program is authorized at $41. This includes an earmark of $7 million for High Definitions Systems in integrated command and control technology.

The Warfighter Information Network is authorized at $132.1 million for procurement of weapons communications equipment, including the Echelon Above Corps (EAC) communications program. This authorization level includes a $35 million increase to continue modernization of the Army's tactical voice and data communication system. Laguna Industries at the Pueblo of Laguna is involved in producing these shelters.

$21.9 million is authorized for Ground Penetrating Radar Program & Landmine Warfare & Barrier Technology, including a $2 million increase for a ground radar and vehicle mounted mine detector.

Also, this legislation authorizes military construction for several projects critical to the viability of New Mexico's military installations.

This bill authorizes $6.8 million for the Nuclear Weapons Integration Facility and $1.8 million for the Fire Training Facility, as well as $6.4 million to improve family housing at Kirkland.

Holloman is authorized $1.3 million for improvements to its War Readiness Materials Warehouse and $11.1 million to construct a state-of-the-art physical fitness center.

$3.6 million is authorized for improvements to family housing at White Sands Missile Range, and a $3.3 million authorization is included to allow New Mexico's National Guard to build the Taos Armory.

An additional $8 million is authorized to support the Big Crow Program Office—DoD's only asset for testing high power stand-off jamming capability in electronic warfare scenarios.

These are some of the major programs related to U.S. military capabilities and research and development efforts that reside in the state of New Mexico. I thank Chairman THURMOND and the Senate Armed Services Committee for recognizing and supporting the many contributions to our national security needs that are based in New Mexico.

Unfortunately, however, I cannot pretend that the measures contained in the legislation will ensure U.S. security. I cannot in good conscience purport that this legislation—or any legislation—can solve the current crisis faced by the armed forces.

The strength of the U.S. military cannot simply be measured in numbers of soldiers or the state-of-the-art weapons they possess. The fortitude of this country's military is not only based on advanced weaponry, but rather is also a reflection of the strength of its morale.

Mr. President, the morale of our military is under siege. When retired colonels are heard commenting that in their half a century of hanging around soldiers they have seldom seen the cutting edge of our fighting forces so dull, nor morale lower, there is good reason for concern. Rather than focusing on the hardware issues encapsulated in the term ''modernization,'' I would like today to emphasize the problems with readiness, morale and quality of life. Equipment is secondary to the well-being of the men and women in uniform. The best weapons cannot bring about victory without adequate training in their use and the firm loyalty of the soldier to buttress the military objectives fought for.

We are now in our fourteenth year of decline in defense spending. What can no longer be ignored is that the increase in non-traditional deployments coupled with down-sizing is steadily eroding readiness and morale.

Our reduced force structure is overextended. Overextension is eroding retention rates, quality of life, operational readiness, and, most importantly, morale. Whereas the U.S. military had 22 foreign missions during the 1980s, they have already been involved in 36 foreign missions since 1990.

At the same time, our forces have been down-sized by 35 to 40%. In addition, forward basing has decreased by two-thirds—from 39 major installations to 13. This translates into more forces based in the U.S. while deployments are overseas.

The result? More frequent and longer deployments, due to down-sized forces and up-sized involvement in foreign missions. The OPS TEMPO required under these constraints lead to grueling days even after returning home from prolonged overseas missions.

Some soldiers are currently required to spend up to 150 days away from their families annually. Then, upon returning home, they still have too many additional duties to really spend quality time at home.

Retention rates continue to plummet, especially in the Air Force. This is not happening because we are not offering generous pay bonuses to re-enlist. Last year, 800 pilots refused re-enlistment bonuses of $60,000. The Air Force is planning to increase these bonuses to $110,000, but the Air Force is also planning for this problem to get worse.

Why? Although military planners contend that competition with a booming U.S. economy and the private sector is the cause for defection, the reality is more complex and points to the same problems already discussed. Heavy deployment schedules and no down-time between deployments cause stresses on service personnel, especially those with families.

A related issue is that the men and women in our armed forces increasingly believe that their loyalty is a one-way street. In addition to demanding more for less from our soldiers, their quality of life is also eroding.

The United States, the wealthiest and most powerful country in the world, currently has military men and women who require food stamps to provide for their families. The Defense Department says it would be ''too expensive'' to solve this problem.

Housing for our military families is also inadequate. According to a study from the Defense Science Board, 62 percent of our barracks and 64 percent of our family housing are unsuitable. In the face of this, the President's request for military construction and family housing for 1999 was $1.1 billion less than Congress provided in 1998.

Some in Washington are saying this is a money problem. It is a money problem, but it is also more than that. It is also a leadership problem, and it is a question of how competently our defenses are being managed.

Our pilots and other specialists are leaving the services in droves not just to get better paying jobs; they are also leaving because they are being worn out; and they are not getting the support they need from their own leadership. They are being worn out by repeated deployments. And they are not always convinced that what they are being asked to do makes sense.

Back home their spouses resent the military for turning their families into single-parent households. And the quality of life offered to these military families can't begin to compensate.

Is it any wonder that with a booming economy and plenty of good jobs available in the private sector that our soldiers are voting with their feet? Is it any surprise that given inadequate housing for the families back home that they rarely see due to deployments abroad for missions they don't understand that our soldiers are frustrated, ill-prepared and low on morale?

Perhaps most disturbing, I am beginning to see too many reports that the

leadership is not addressing the real problems. There seems to be an emerging question of the confidence in our military's senior leadership. There is a growing concern that the top leadership is not willing to make the hard decisions to restrain our military missions to the available human and material resources or to expand those resources to meet the increasing demand.

That brings us back to the question of money. There is simply not enough money in the defense budget as it is currently projected to do everything that needs to be done. There is an effort underway to provide emergency supplemental funding for military readiness. I support that effort. However, this will not solve the bigger problems.

Our military leaders are beginning to agree. In a recent Armed Services Committee Hearing with the Joint Chiefs, U.S. military leaders finally conceded that they do, indeed, have a severe problem. The $1 billion in supplemental funding will help, but according to the most recent Joint Chiefs' testimony, between $10 to $13.5 billion would be necessary in the coming year to meet U.S. defense needs.

One thing is blatantly clear. We must strive to adequately feed, house, and train our most precious military resource—the men and women in our armed forces. To do this will mean more resources for our defense budget and it will mean better management of the resources—human and material—that we already have.

For next year, for the fiscal year 2000 budget, I believe, we need to start the new millennium by at least stopping the ebbing tide and end the 15 year decline.

Each year the Armed Services Committee is given the difficult task of balancing between current and long-term readiness under current budget constraints. In recent years, they have had the impossible task of ensuring that personnel, quality of life, readiness, and modernization programs are adequately supported, while funding levels remain insufficient to achieve that objective.

The Committee recognizes, as do most of us concerned about our national defense, that combat readiness of our armed forces is at risk. The risk is a function of older equipment resulting from inadequate modernization and a force structure too small to meet ongoing demands. Aging equipment and weary soldiers cannot possibly defend this country adequately. Nor can dominance result from this equation.

I am gravely concerned about preparedness, modernization and procurement. However, I am most concerned about the human element of our armed forces. The best equipment and the most rigorous training cannot compensate for too lengthy, too frequent deployments and time away from loved ones.

Mr. President, the solution is clear. We must stop the ebbing tide in our national defense budget. If we don't the hollowing out of our military forces will continue. Our national security will be at risk during a time of international uncertainty and growing threats. Our soldiers deserve better and U.S. citizens are counting on us.

Mr. THURMOND. How much time do I have remaining?

The PRESIDING OFFICER. Six minutes 10 seconds.

Mr. THURMOND. Mr. President, I want to thank the leadership of the Senate for their cooperation and support in bringing this conference report to the floor for approval of the Senate. The bipartisan support of both the majority and the minority leaders is critical to successful passage of the conference report of such magnitude.

The majority leader, Senator LOTT, a former member of our committee, recognizes the importance of this bill and has always given his full support and assistance in passing a bill of this nature. I thank him for his time and support and all he has done in this respect.

I extend my appreciation to the leadership staff and the floor staff for their assistance which is essential to passing this large, complex bill.

In that connection, Mr. President, I wish to especially commend Les Brownlee, staff director of the Armed Services Committee. He has rendered yeoman service to this committee, and I can't say enough in support of all he has done. George Lauffer, the deputy staff director, has also been most faithful and has done an outstanding job. We appreciate that and thank him for what he has done in this connection. I also wish to thank David Lyles on the other side, and those who worked with him, for their fine cooperation and support. They have been most cooperative and have rendered a great service.

Mr. President, we appreciate the work of two House Members. We thank FLOYD SPENCE, who happens to be from my State, for handling the House bill. He is an outstanding gentleman of character and ability, and I thank him for all he has done in cooperating with us on the defense legislation. IKE SKELTON, a Democrat, who works with Congressman SPENCE, has also been cooperative and helpful, and I express my appreciation to him, too.

I yield the floor.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Washington, suggests the absence of a quorum and, without objection, directs that the time be divided equally between the two sides.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. 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. THURMOND. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. THURMOND. Mr. President, I yield that to the able Senator from Texas.

Mrs. HUTCHISON. Parliamentary inquiry, Mr. President. Is it possible for me to ask unanimous consent to go into morning business rather than take from Senator THURMOND's time? I wanted to talk about the 40th anniversary of NASA.

The PRESIDING OFFICER. There is an order that a vote occur on the defense authorization bill at noon. The request is in order and will probably be charged against both sides.

Mrs. HUTCHISON. If that is acceptable, I ask unanimous consent to have 5 minutes to speak on the 40th anniversary of NASA.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE 40TH ANNIVERSARY OF NASA

Mrs. HUTCHISON. Mr. President, on October 1, 1958, the National Aeronautics and Space Administration (NASA) was created. No other Government agency better represents the hopes and experiences of our Nation during the course of its existence than NASA. To recall why that is so, let's look back to where we were 40 years ago.

In October 1957, the Soviet Union launched Sputnik 1, the world's first artificial satellite. Many have claimed this had a ''Pearl Harbor'' effect on the American people and galvanized public opinion in favor of an aggressive U.S. space program. Americans believed that the Soviet Union had gained a significant technological advantage over the United States—bomb shelters were built at an even more rapid rate as we turned our attention to the space race.

Then-Senator Lyndon Johnson, from my state of Texas, said that the launch of Sputnik was ''* * * a new era of history dawning over the world.'' He warned a Texas audience that, ''The mere fact that the Soviets can put a satellite in the sky * * * does not alter the world balance of power. But it does mean they are in a position to alter the balance of power.''

Shortly thereafter, Senator Johnson introduced legislation to create NASA and harnessed the energies, talents, and aspirations of a nation embarking on a bold, new enterprise. The act reflected a remarkable unanimity by the American people and a commitment to science and exploration.

NASA wasted no time in bringing America into the space race. Shortly after it was formed, NASA conducted several exciting programs that launched us ahead of the Soviet Union in our quest to conquer space.

One of the most important initiatives involved human space flight—Mercury's single astronaut program, Project Gemini's operations and Project Apollo to explore the Moon. These names conjure up strong images of fearless astronauts doing the impossible. In 1961, Alan B. Shepard became

the first American to fly in space. Of course, we remember him because he died just recently. In 1962, JOHN GLENN, who now serves with us in the U.S. Senate, became the first American to orbit the Earth. Project Gemini allowed two astronauts to travel in space. On Gemini IV, Edward White became the first American to conduct a space walk.

In 1969, just 11 years after the creation of NASA, and less than a decade after President Kennedy committed America to the project, Apollo 11 landed on the Moon and Neil Armstrong and Buzz Aldrin made the dramatic ''leap'' for mankind. NASA completed five more lunar missions and learned much about the origins of the Moon, as well as how to support humans in outer space. Twelve American astronauts walked on the Moon during the six Apollo missions. Nothing symbolizes the uniqueness of this great Nation better than the American flag flying on the lunar surface.

In 1975, NASA joined hands with its former competitor in the space race and cooperated with the Soviet Union to achieve the first international human space flight. This project successfully tested joint rendezvous and docking procedures for spacecraft from the United States and the Soviet Union.

In 1981, the advent of the space shuttle ushered in a new era of space travel and exploration. By creating a reusable launch vehicle, NASA was making access to space now more affordable. The disaster of the *Challenger* brought the shuttle program to a rapid standstill. It was a harsh reminder that the exploration of space is a dangerous and unpredictable undertaking. Seven astronauts gave their lives on that mission in an effort to further our knowledge of the universe. We owe them and their families our eternal gratitude and respect.

Two years after the CHALLENGER disaster, we returned to space. Through mid-1998, NASA has safely launched 65 shuttle missions. These missions have included a wide variety of scientific and engineering missions. There are currently four shuttles in NASA's fleet and NASA is working with the private sector to reduce the cost of space flight even more. Two experimental vehicles, the X–33 and X–34, are prototypes for cheaper, more efficient reusable launch vehicles that would provide commercial entities with access to space. I commend NASA for continuing to look to the future and the challenges that lie there.

One of our colleagues, JOHN GLENN, is scheduled to return to space on October 29th. It was in NASA's earliest days that JOHN GLENN made history by bring the first American to orbit the Earth. Now he is making history again by being the oldest person to fly in space.

Looking forward to the next 40 years, NASA's future is as bright as its past. NASA's core mission of any future space exploration will be man's departure from Earth orbit and journeys to the Moon or Mars. This will require extended, even permanent, stays in space and has led NASA to begin construction of the International Space Station.

In 1984, Congress authorized NASA to build the space station as a base for further exploration of space. A project of this magnitude was certain to face a multitude of unkonwns—and NASA has confronted many of them. As has always been the case, though, NASA will overcome these obstacles and we will reap the rewards of doing so.

For example, NASA has developed a unique technology, a bioreactor, that allows medical researchers to produce breakthrough results by creating ''artificial'' human tissues outside the human body. This bioreactor has provided new knowledge in cell science and tissue engineering that will bring exciting advances in medicine and the treatment of disease. This amazing technology is already being used by scientists who are growing ovarian tumor samples so they can conduct studies outside the body and without harm to the patient.

The absence of gravity on the space station also will allow new insights into human health and disease prevention and treatment, including heart, lung, and kidney function, cardiovascular disease, osteoporosis, and immune system functions.

In recent years, NASA has obtained scientific data from space experiments that is five times more accurate than that on Earth. None of these benefits will be available unless we have a space station on which we can perform adequate research.

The space station is the greatest peaceful scientific international endeavor undertaken. This is our future and space is one of the last unexplored regions of our universe. It holds untold knowledge and could catapult us into even greater understanding of our world and yet undiscovered worlds. Yes, the station will provide us with fantastic science—but that is only one of the known positives of this great endeavor. The unknowns are limitless and could provide us with unimaginable discoveries. We are on the very cusp of launching the first elements in November of this year, with the second element to follow in December.

Since its inception in 1958, NASA has accomplished many great scientific and technological feats. NASA's technology has been adapted for many nonaerospace uses by the private sector. We can thank NASA for so many things—from car phone technology, satellite imagery, the CAT scan, to Velcro and freeze dried ice cream. At its fortieth anniversary, NASA remains a leading force in scientific research and is one of the best examples of the American spirit and our can-do attitude.

We are proud of what NASA has achieved, and on this 40th anniversary we do have a number of accomplishments to celebrate.

I thank the Chair and yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

THE 40TH ANNIVERSARY OF NASA

Mr. SESSIONS. Mr. President, I thank the Senator from Texas. We both share a keen interest in space. I will also be speaking on the topic of the 40th anniversary of NASA, which is today.

Mr. President, next month, from launch pad 39B at Cape Canaveral, the Space Shuttle's main engines will fire up, the solid rocket motors will ignite, and the crew of seven will be sent off into orbit around our home planet. One of those seven will be the distinguished Senator from Ohio. More than 36 years after his first flight, JOHN GLENN will again orbit the earth in a United States spacecraft.

I have here a picture of Senator GLENN taken 36 years ago with Dr. Wernher von Braun in Huntsville, Alabama, my home State. They are shown here discussing a proposed lunar landing craft. What an imagination, what a vision, what an exploring capacity they had. Shortly after that first orbital flight, they were already planning a trip to the moon—a vision that many thought could never be achieved and was achieved so successfully.

Senator GLENN's remarkable story is a subplot to the remarkable story of the National Aeronautics and Space Administration. On October 1, 1958, just six months before the distinguished Senator from Ohio was named as one of the original Mercury astronauts, NASA was born. Today, NASA marks its 40th anniversary of service to this Nation.

It is hard to believe that more than 40 years have passed since the Soviet launch of Sputnik. Spurred by concern over the Soviet advantage in space, the Eisenhower administration proposed the creation of a civil space agency to lead our Nation in the exploration of space. Forty years later, the Soviet Union no longer exists. But NASA stands on the threshold of a new millennium, the undisputed world leader in space exploration.

The agency's achievements and discoveries during that 40-year period have changed our world in many ways. Those who are familiar with the space program talk frequently of the many ''spinoffs'' from the program. There are, in fact, many products and services that are obviously and directly attributable to the space program.

For instance, many Americans do not leave home in the morning before checking the weather forecast. Being from Mobile and just sitting through a hurricane, this was particularly true for me this past weekend. Of course, weather satellites orbiting the earth have revolutionized weather forecasting. Many of us check the forecast by

turning on the television networks that distribute their signals by satellite. Indeed, I saw a writer interviewed recently. He said he realized just how significant this global communications system was when he was on a dirt road in Africa and he picked up a cell phone and, through a satellite, called his home in Ohio.

There are a great number of beneficial byproducts of NASA's work that are less obvious. Indeed, many credit the micro-miniaturization of electronics, which was driven by the needs of the space program, with ushering in the whole technological revolution and the information age that we are now experiencing.

As important as the tangible benefits from the space program have been, I believe the intangible benefits have been even more significant. What value can we assign to our victory in the space race—to our come-from-behind win against a totalitarian rival? What would have been the military and foreign policy implications of Soviet domination in outer space?

But Cold War implications aside, NASA's success has been an important factor in elevating our national spirit. For America, exploration is imperative. We will never be content to sit back as observers while others take the risks and are rewarded with new discoveries. Exploration can take many forms, but, probably more than anyone else, NASA exemplifies our spirit of exploration.

There was a time, earlier in our Nation's history, when Alabama and everything west of the Appalachians comprised the frontier. Today, space is the frontier. Since its inception 40 years ago, NASA has been charting the path in this new and exciting territory.

On October 7, 1958, just one week after it came into existence, NASA formally approved Project Mercury to send a man into orbit around the earth, investigate his capabilities and reactions to space and return him safely to earth. Project Mercury produced genuine American heroes, like the late Alan Shepard and then-Lieutenant Colonel JOHN GLENN.

On May 25, 1961—shortly after Alan Shepard's suborbital flight, and months before Senator GLENN became the first American astronaut to orbit the earth in February of 1962—President Kennedy set a high mark for the young space program. Speaking to a joint session of Congress, he established a national goal of landing a man on the moon and bringing him safely back to earth, and this was to be accomplished before the decade was out.

As we all know, the nation and NASA were up to the challenge. On July 20, 1969, an Apollo lunar landing craft carrying Neil Armstrong and Buzz Aldrin touched down on the surface of the moon. That remarkable achievement stands as one of the proudest moments in American history, and one of the greatest achievements in the history of mankind.

Since Apollo, NASA's accomplishments have been legion, in aeronautics as well as space, in unmanned exploration as well as human space flight. While it is hard to match the thrill of the first moon landing, the expansion of scientific knowledge flowing from NASA's later programs has truly been historic.

As we look to the future, NASA cannot, and would not, rest on its laurels. Within the first few months after its 40th Anniversary, NASA will launch the STS–95 science mission, with Senator GLENN on board, will launch the first U.S. element of the International Space Station, and will launch its next great observatory, the Advanced X-Ray Astrophysics Facility.

Following close on the heels of those missions will be the first flights of the X–34 technology demonstrator and the X–33 reusable launch vehicle prototype, as well as the launch of the U.S. Laboratory Module for the Space Station.

All of this is scheduled to occur before this millennium closes. With proper support from the Administration, the Congress and the public, NASA will continue to lead the world in exploration well into the next millennium.

I am proud of the role that my home state has played and continues to play in the space program. Even before NASA was formed, Dr. Wernher von Braun and his team of rocket scientists with the Army Ballistic Missile Agency in Huntsville were developing new rocket systems. A modified Jupiter-C rocket, developed by von Braun's team, answered Sputnik by placing the Explorer I Satellite into orbit on January 31, 1958.

This is a remarkable picture taken at the ABMA Fabrication Lab in Huntsville in 1959. Shown here are the original seven Mecury astronauts, who are touring the facility with Dr. von Braun. From left to right we see: Gus Grissom, Wally Schirra, Alan Shepard, JOHN GLENN, Scott Carpenter, Gordon Cooper, Deke Slayton, and Dr. von Braun.

In 1960, 4000 employees of the ABMA in Huntsville were transferred to NASA's control, and Dr. von Braun became the first Director of the George C. Marshall Space Flight Center. Von Braun and the Marshall Center would be responsible for the Redstone rocket, which lifted Alan Shepard into outer space, and for the giant Saturn V rocket, which propelled Apollo 11 to the moon.

Marshall Space Flight Center is still NASA's center of excellence for space propulsion, as well as NASA's lead center for Space Transportation Systems Development and for Microgravity Research. Companies and universities in Alabama also continue to play important roles in the space program.

So I have reason to be proud of Alabama's contributions. But universities, corporations, and NASA installations throughout the country play important roles in the space program and in space-based research. Our whole nation can be proud of our accomplishments in space, and in NASA's important aeronautics research.

We have succeeded because we are willing to take risks. And we have been unwilling to quit when we encounter difficulties and setbacks.

The tragic Apollo fire cost the lives of three brave astronauts. But we persevered, and the Apollo program made giant leaps for mankind.

During launch in 1973, the Skylab space station sustained damage that threatened to render it useless before it ever was put into service. Creative engineering salvaged that very important program.

The *Challenger* explosion in 1986 was a terribly painful event. We all mourned with the families of those brave explorers. But, following that tragedy, NASA was able to regroup, and has since safely flown 65 Space Shuttle missions, with a tremendous harvest of scientific results.

Perhaps it is this knack for overcoming adversity that makes NASA so special. Space is a harsh environment, and setbacks are inevitable. The risks are real. But NASA has done an extraordinary job of coping with the difficult situations that they have confronted. Many times the people of NASA have turned potential failures into remarkable successes.

Now, as we stand on the threshold of a new century—indeed, a new millennium—our whole nation can be proud as we look back on NASA's accomplishments in its first 40 years. And we can be optimistic as we look ahead.

Optimistic that our spirit of exploration is alive and well. Optimistic that we will continue to see tangible and intangible fruit from our investment in space. Optimistic that our children's lives will be richer because we dare to reach for the stars.

Mr. President, I congratulate NASA on its 40th anniversary. I look forward to continuing to work hard to support this program in the future. Unfortunately, the administration's budget for the last 4 years has shown a net reduction in funding for NASA. I have spoken on that before. The budget we approved this year represents a small reduction again this year over last year's budget for NASA. I think it is time that we recognize our character as a nation, that we not cut NASA, that we recognize that it symbolizes who we are as a people. We should recognize that NASA symbolizes our best and highest instincts as a nation, and that we ought to be space explorers as Lewis and Clark explored the frontier, and as we have explored the seas and so many things.

Mr. President, I want to again say how much I have been honored to serve with astronaut GLENN, Colonel GLENN, and Senator GLENN. He has been a high representative of this Senate. We cheer him on again as he goes forward to his next flight 36 years after the first.

STROM THURMOND NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield myself such time as remains on our side in the stead of the Democratic leader, as manager on this issue.

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

Mr. CONRAD. I thank the Chair.

Mr. President, I rise in support of the defense authorization conference report that is before us today.

In particular, I would like to thank the conferees for their support of an amendment I offered in the Senate dealing with Russia's tactical nuclear weapons. I was pleased to have the cosponsorship of Senators KEMPTHORNE, KENNEDY, BINGAMAN, and LEVIN when this amendment was passed by the Senate in June. I would like to thank them again for their support.

Mr. President, my amendment focuses on an issue that I believe has received too little attention. That is the question of the tactical nuclear weapons in the Russian arsenal. Those weapons, that are thousands in number, are among the most vulnerable to acquisition by terrorists and dictators.

The conferees' approval of my amendment is timely. Recent stories in the Washington Post have indicated that the international terrorist, Bin Laden, may have made attempts to purchase Russian nuclear weapons and that Iraq's nuclear program is much further along than previously expected. Unfortunately, the chances are increasing that the Bin Ladens and Saddam Husseins of the world may acquire nuclear weapons. That danger increases as Russia's economic meltdown continues. As Russian soldiers go unpaid and funding for security systems comes under pressure, Russia's massive tactical nuclear arsenal becomes the world's best source of warheads for terrorists and others who wish this world ill.

Mr. President, the threat of tactical nuclear warheads being sold and the threat of them being stolen is growing.

This chart refers to a CIA comment on the ''loose nukes'' question. As they responded to an inquiry from my office:

> We cannot rule out the possibility that a small number of nuclear warheads are missing. The Russian nuclear accounting system is archaic and inefficient. Years of crisis have left once-elite troops impoverished. . . . We take claims of lost warheads seriously.

On the question of tactical nuclear warheads, I offer these observations—the first from the Congressional Research Service:

> Questions exist about the locks employed on [Russia's tactical nuclear weapons] and possible breaches in security at storage facilities. Many now believe that the risk of acquisition or use by rebels, criminals, or rogue military leaders may be greater for tactical nuclear weapons than it is for strategic nuclear weapons.

From the U.S. Arms Control and Disarmament Agency, I quote:

> Because of their larger numbers, smaller size, and in some cases simple design and relative ease of employment, non-strategic nuclear weapons pose more difficult command, control, and safety concerns than do strategic nuclear weapons.

Mr. President, the point is that there is a threat. There is a threat of these thousands of tactical nuclear weapons that the Russians still have in their arsenal being diverted to the uses of those who are a danger to all of us. Terrorist use of a tactical nuclear warhead could be devastating.

This is a comparison to what happened out in Oklahoma City. That fertilizer bomb was .0002 of a kiloton. The ''Fat Man'' atomic device dropped in 1945 was 14 kilotons. The smaller tactical weapons of today are 10 kilotons. The larger tactical nuclear weapons of today have a yield of as much as 300 kilotons.

I think we need to understand the destructive potential of these weapons in the Russian arsenal.

Russia's tactical nuclear arsenal is still massive. We can go back to 1991. The United States had roughly 15,000 tactical nuclear weapons at that time; the Soviet Union had 20,000. If we look today, the United States is down to 1,600 tactical nuclear weapons; the Russians still have from 7,000 to 12,000.

My colleagues know that there are treaties that deal with strategic systems and conventional systems. There is nothing on tactical nuclear systems. That is why I believe the amendment that is in this bill is important.

I believe it is time for Congress to:

No. 1, go on record as concerned about the significant ''loose nuke'' dangers associated with Russia's tactical nuclear stockpile and its growing strategic relevance;

No. 2, call for the Russians to make good on the 1991 and 1992 Gorbachev and Yeltsin promises to deeply reduce tactical nuclear weapons, just as the United States has followed through in good faith on President Bush's promises in September of 1991;

And, No. 3, get more information from the Pentagon and the intelligence community about this threat.

This chart perhaps sums it up best. The bottom line on Russian tactical nuclear arms is, to quote General Eugene Habiger, former Commander in Chief of the U.S. Strategic Command, on March 31, 1998:

> It is time for us to get very serious about tactical nuclear weapons.

Indeed, it is time for us to get very serious. This amendment is a beginning.

I thank the Armed Services Committee for their support for this amendment.

I would like to take a moment more to thank those members of the Armed Services Committee who will no longer be in the positions they currently occupy. We are going to miss Senator DIRK KEMPTHORNE of Idaho, a wonderful man, somebody who has become a good friend. I am going to miss him very much. And Senator DAN COATS will also be retiring, and is also a terrific person. DAN COATS has been in many ways the conscience of the Senate, somebody we can look to time and time again for moral leadership.

Of course, I also want to recognize the chairman. This is the last bill that we will have before us with Senator THURMOND as chairman of the committee.

Senator THURMOND, we want to recognize the enormous contribution that you have made to this body and the enormous assistance that you have provided to all of us.

I also want to recognize Senator GLENN who will be retiring. He will be going into space. Senator GLENN has been rock solid on these issues. We are certainly going to miss him in this Chamber.

Senator THURMOND is not leaving us, thank goodness. I have a feeling Senator THURMOND will probably be here long after I have left and perhaps long after most other Members have left. He has been able to stay in this Chamber for longer than anyone else in our history. Even though he is stepping down as chairman of the Armed Services Committee, I have no doubt that Senator THURMOND will continue to lead us in many other ways.

I want to recognize those who will be either changing their roles or leaving the Senate as we consider this bill for the final time this year.

I thank the Chair.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from North Dakota for his kind remarks and commend him for the great service that he has rendered to the Senate during his tenure.

Mr. President, I ask for the yeas and nays on this defense bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I yield any time I have remaining.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—96

Abraham	Enzi	Lieberman
Akaka	Faircloth	Lott
Allard	Feinstein	Lugar
Ashcroft	Ford	Mack
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Graham	Mikulski
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hatch	Robb
Burns	Helms	Roberts
Byrd	Hollings	Rockefeller
Campbell	Hutchinson	Roth
Chafee	Hutchison	Santorum
Cleland	Inhofe	Sarbanes
Coats	Inouye	Sessions
Cochran	Jeffords	Shelby
Collins	Johnson	Smith (NH)
Conrad	Kempthorne	Smith (OR)
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kerry	Stevens
Daschle	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wyden

NAYS—2

Feingold	Wellstone

NOT VOTING—2

Glenn	Moseley-Braun

The conference report was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 10

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 10, the financial services modernization bill.

Mr. GRAMM. Reserving the right to object.

Mr. SHELBY. Reserving the right to object.

Mr. GRAMM. Will the Senator yield? Reserving the right to object.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. LOTT. I withhold.

INTERNET TAX FREEDOM ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 442.

Mr. GRAMM. Will the Senator yield? Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Is the unanimous consent request of the majority leader to proceed to H.R. 10?

The PRESIDING OFFICER. That request is not pending at this moment. The question is the motion to proceed. Is there further debate on that?

Mr. GRAMM. Reserving the right to object, the motion before the Senate is a motion to proceed to the Internet tax bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAMM. I have no objection to proceeding to it, but I do object to proceeding to H.R. 10.

The PRESIDING OFFICER. Is there objection to agreeing to the motion to proceed to S. 442? Without objection, it is so ordered.

The motion was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 10

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 10, the financial services modernization bill.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

Mr. SHELBY. I object.

FINANCIAL SERVICES ACT OF 1998—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. In light of the objection, I now move to proceed to H.R. 10, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 588, H.R. 10, the financial services bill.

Trent Lott, Alfonse D'Amato, Wayne Allard, Y. Tim Hutchinson, Dan Coats, Rick Santorum, Robert F. Bennett, Jon Kyl, Gordon Smith, Craig Thomas, Pat Roberts, John Warner, John McCain, Frank H. Murkowski, Larry E. Craig, and William V. Roth, Jr.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote, then, will occur on Monday. All Members will be notified as to the exact time of the vote when it becomes available.

I want to say at this point, I certainly understand the concerns of the Senator from Texas and the Senator from Alabama. I have talked to them several times, and I know that they still have concerns about what is in this bill. I am assuming they will be working with the chairman of the committee and other Senators that have concerns to work something out. I believe we are at a historic point with regard to financial services. That can be completed if everybody will work together in this week that we have left.

I had delayed filing cloture earlier, including Monday, Tuesday and Wednesday, because there were objections on both sides of the aisle about various and sundry things, but also I wanted to give everybody time to work through their problems. I really felt like that until we pushed this forward and had the cloture on a motion to proceed, the remaining problems were not going to be worked out.

I, again, call upon Senators on both sides of the aisle and the chairman and the ranking member to work with the Senators that have concerns from both parties so that we can get this completed.

This is the first time we will have had major financial services reform and modernization since 1932. We need to get it done. So I hope that can be accomplished. And I urge the Senators to keep working and keep me posted on the progress that is being made.

Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

KING COVE HEALTH AND SAFETY ACT OF 1997

Mr. LOTT. Under the previous provisions of the consent agreement of June 25, 1998, I ask the Chair to lay before the Senate S. 1092, the Cold Bay and King Cove bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1092) to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. For the information of all Senators, this bill has a time agreement of no more than 6 hours. I have had indications that it could be maybe done in 3 hours or less. I understand there is only one amendment in order that may require a vote along with the passage. Therefore, additional votes are expected during today.

We will try to work around scheduling conflicts. But I would expect a vote or two on this, and then for us to go to the Internet tax bill, hopefully, with

votes on that. And we will also be voting, I presume, on the Internet tax bill tomorrow. And we cannot say right now, but I expect we will go beyond the normal hour of 9:30 or 10. We will work toward 12. And if we have to go beyond that, I would hope we would get cooperation because there is a meeting going on right now on the Internet tax matter with interested Senators from both sides of the aisle. We could complete that bill. And we should be prepared to stay as late as it takes to get that done.

I urge the Senators that are involved in this, Senator MURKOWSKI, Senator FEINSTEIN, and others, if you can do it in less than 3 hours, there would be a lot of appreciation. If you can do it in an hour, hour and a half, we would appreciate it because we have a lot of work to do.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. MURKOWSKI. I ask unanimous consent that privileges of the floor be granted to the following members of my staff: Mr. Brian Malnak, David Dye, Joe Meuse, Jim Beirne and Mark Rey during the pending debate on S. 1092.

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

Mr. MURKOWSKI. Mr. President, my understanding is that the Senator from California would like to take a few minutes to discuss a matter of great importance to her. And since we have not addressed the time, I have no objection with the assumption that I be recognized upon the conclusion of her remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair and thank the distinguished Senator from Alaska for his courtesy.

THE 40TH ANNIVERSARY OF NASA

Mrs. FEINSTEIN. Mr. President, the 40th anniversary of NASA is historic. It does have an impact on my State of California. I want to take a moment and wish NASA a happy birthday. I want to salute the fact that they have captured the world's imagination with missions such as the Mars Pathfinder and the Hubbell Space Telescope. Experiments and technological feats performed on Space Shuttle missions are paving the way for a permanent presence in space.

Mr. President, as I said, I join my colleagues in recognizing the many historic achievements that the National Aeronautics and Space Administration has made in its forty years of service.

This is a particularly exciting period for our space program, not simply because NASA is celebrating its 40th Anniversary but more importantly because of the major advances being made in the exploration of our solar system.

As I said, in recent years, NASA has captured the world's imagination with missions such as the Mars Pathfinder and the Hubble Space Telescope. Experiments and technological feats performed on Space Shuttle missions are paving the way for a permanent presence in space.

One of the most telling signs of our changing world is that, NASA, whose original mission was national defense in the cold war with the Soviet Union, is now working with Russia to develop the first International Space Station.

I am very proud to say that some of NASA's most valuable research has been accomplished in my home State of California. In 1958, the Jet Propulsion Lab in Pasadena built and controlled the first United States satellite sent into orbit. In the four decades that have followed, JPL has contributed to the exploration of most of the known planets in our solar system.

The full list of JPL's role in planetary exploration is far too long to address here. But I want to mention one recent accomplishment. In December of 1996, NASA launched the Mars Pathfinder, another JPL built and controlled spacecraft.

The Pathfinder successfully placed a rover on the surface of the red planet that beamed-back pictures that were viewed around the world with awe. I actually had the unique pleasure to visit JPL last year and was actually able to send commands up to the rover and then watch and see the rover move based on the command. It was rather amazing because the computer I was on actually went to a station in the desert which then beamed it directly to Mars, and so a few minutes after I pressed the command into the computer, I actually watched the rover move on the planet Mars. It was an amazing experience.

California is also home to one of NASA's premier research laboratories, the Ames Aeronautical Laboratory. NASA Ames provides research in the fields of supercomputing, software development, and automated reasoning. As the lead center for Aviation Operations Systems, Ames manages the research effort in air traffic control and has the major responsibility for wind tunnel testing and simulation.

As California has been a major partner in NASA's success in the past, we will continue to lead as we move into the 21st century. NASA has developed a strategic plan that will build on its accomplishments with a renewed focus on scientific research and the application of a new cutting-edge technology. I am confident that California will continue to provide the backbone for this program.

I want to take a few moments to talk about what I believe is one of the most remarkable feats in the history of a space program filled with remarkable feats. Later this month, the Space Shuttle *Discovery* will be embarking on Mission STS–95. As we know, our colleague, Senator JOHN GLENN will be making his second trip into space on this flight. While his presence will certainly be missed here in the Senate, I know my colleagues share my pride in his achievements and wish him the best on his historic return to space.

On February 20, 1962, JOHN GLENN piloted the ''*Friendship 7*'' spacecraft on the U.S.'s first manned obtial mission. During the almost 5 hour flight, Senator GLENN worked on some of the first technical and medical experiments ever performed while orbiting the Earth.

Now, more than 35 years after that first flight, Senator GLENN will soon be returning to space. It is interesting to note some of the advancements that have been made since that first ground breaking flight.

The shuttle's flight will last 9 days instead of 5 hours, it will orbit the planet at 345 miles an hour rather than 16, and it will circle the Earth 144 times rather than 3. The comparison between these two flights capsulizes the advancements that have been made in the space program and it is remarkable that one man will experience both.

Senator GLENN has done more to promote our space program than perhaps any other person. Millions of people held their collective breath as he led the country into orbit of the Earth in 1962 and the world will again watch as he leads NASA into the next century.

Mr. President, it is with great pride and respect that I pay tribute to the many achievements NASA has made in its first 40 years. I know that I stand with the rest of the nation in anticipation of what will be accomplished in the next 40.

KING COVE HEALTH AND SAFETY ACT OF 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 3676

(Purpose: Amendment in the nature of a substitute)

Mr. MURKOWSKI. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3676.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''King Cove Health and Safety Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds that—

(a) King Cove, Alaska is a community in the westernmost region of the Alaska Peninsula with a population of roughly 800 full-

time residents and an additional 400 to 600 workers who are transported in and out of the community a number of times a year to work in the local fish processing plant and on fishing vessels;

(b) the majority of the full-time residents are indigenous Native peoples of Aleut ancestry that have resided in the region for over 5,000 years;

(c) the only mode of access to or from King Cove is via small aircraft or fishing boat, and the weather patterns are so severe and unpredictable that King Cove is one of the worst places in all of the United States to access by either of these modes of transportation;

(d) the State of Alaska has initiated the King Cove to Cold Bay Transportation Improvement Assessment to confirm the need for transportation improvements for King Cove and to identify alternative methods of improving transportation access with comprehensive environmental and economic review of each alternative;

(e) the State of Alaska has identified a road between King Cove and Cold Bay as one of the alternatives to be evaluated in the transportation planning process but for a road to be a viable option for the State of Alaska, the Congress must grant a legislative easement within the Izembek National Wildlife Refuge (''Refuge'') across approximately seven miles of wilderness land owned by the Federal Government;

(f) there are fourteen miles of roads within the wilderness boundary of the Refuge which are currently traveled by vehicles;

(g) any road constructed in accordance with such easement would be an unpaved, one-lane road sufficient in width to satisfy State law; and

(h) the combined communities of King Cove and Cold Bay have approximately 250 vehicles.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a surface transportation easement across Federal lands within the Refuge and to transfer 664 acres of high value habitat lands adjacent to the Refuge in fee simple from the King Cove Corporation to the Federal Government as new wilderness lands within the Refuge in exchange for redesignating a narrow corridor of land within the Refuge as nonwilderness lands.

SEC. 4. LAND EXCHANGE.

If the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation in and to all land owned by the Corporation in Sections 2, 3, 4, 5, 6, and 7 of T 57 S, R 88 W, Seward Meridian, Alaska; and any improvements thereon, the Secretary of the Interior (''Secretary'') shall, not later than 30 days after such offer, grant the Aleutians East Borough a perpetual right-of-way of 60 feet in width through the lands described in sections 6 and 7 of this Act for the construction, operation and maintenance of certain utility-related fixtures and of a public road between the city of Cold Bay, Alaska, and the city of King Cove, Alaska and accept the transfer of the offered lands. Upon transfer to the United States, such lands shall be managed in accordance with Section 1302(i) of the Alaska National Interest Lands Conservation Act, shall be included within the Refuge, and shall be managed as wilderness.

SEC. 5. RIGHT-OF-WAY.

Unless otherwise agreed to be the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall—

(1) include sufficient lands for logistical staging areas and construction material sites used for the construction and maintenance of an unpaved, one-lane public road sufficient in width to meet the minimum requirements necessary to satisfy State law;

(2) meet all requirements for a public highway right-of-way under the laws of the State of Alaska; and

(3) include the right for the Aleutians East Borough, or its assignees to construct, operate, and maintain electrical, telephone, or other utility facilities and structures within the right-of-way.

SEC. 6. CONFORMING CHANGE.

Upon the offer of Corporation lands under section 4, the boundaries of the wilderness area within the Refuge are modified to exclude from wilderness designation a 100 foot wide corridor to acommodate the right-of-way within the following land sections—

(1) Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska.

(2) Sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska.

(3) Sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

SEC. 7. RIGHT-OF-WAY LOCATION.

Unless otherwise agreed to by the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall be located within—

(a) sections 2, 3, 10, and 11 of T 59 S, R 86 W, Seward Meridian, Alaska;

(b) sections 27, 28, 29, 30, 31, 32, 33, 34, and 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

(c) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24, 25, 26, and 36 of T 58 S, R 87 W, Seward Meridian, Alaska;

(d) sections 5, 6,7, 8, 9, 16, 17, 20, 21, 27, 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward Meridian, Alaska;

(e) sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska;

(f) sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska;

(g) section 6 of T 37 S, R 88 W, Seward Meridian, Alaska; and

(h) sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

SEC. 8. TECHNICAL AMENDMENTS.

The following provisions of law shall not be applicable to any right-of-way granted under section 4 of this Act or to any road constructed on such right-of-way—

(1) section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g)).

(2) title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), except as specified in this section; and

(3) section 303(c) of title 49, United States Code.

SEC. 9. The Secretary and the Aleutians East Borough shall jointly prepare a plan setting forth—

(1) the times of the year a road may reasonably be constructed when there are not high concentrations of migratory birds in Kinzarof Lagoon; and

(2) limitations on non-emergency road traffic during periods of the year when there are high concentrations of migratory birds in Kinzarof Lagoon.

SEC. 10. If within 24 months of the date the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation lands set forth in Section 4 of this Act, the Secretary and the Aleutians East Borough fail to mutually agree on the following—

(1) a final land exchange and a grant of a right-of-way pursuant to Section 4; and

(2) the right-of-way specifications, and terms and conditions of use set forth in sections 5, 6, 7 and 8 of this Act.

then the Aleutians East Borough shall have the right to select a 60 foot right-of-way for the construction, operation, and maintenance of certain utility-related fixtures and of a public road from lands described in Section 7 of this section, and to identify logistical staging areas and construction material sites within the right-of-way. If an agreements is not reached within 6 months after the Aleutians East Borough notifies the Secretary of its selection, then the right-of-way is hereby granted to the Borough.

Mr. MURKOWSKI. Mr. President, I will proceed under the theory that one picture is worth 1,000 words, although I am not suggesting that you are not going to get 1,000 words, as well. In any event, in order to set the stage for the debate on King Cove, I think it necessary to educate and familiarize the Members of this body as to what this issue is, where it is, and why it is so important to the residents of the small community of King Cove, on the Aleutian Islands, population 700, who have no availability of surface transportation for medical care. As a consequence of the lack of surface transportation for this community, 11 of the residents of that small community have perished in medevac flights out of the area over the last decade.

I think I should also identify Senate bill 1092 that is before this body, specifically, the substitute that I have offered, which exchanges surface estate.

The substitute that I offer exchanges the surface estate of some of the higher value wetlands privately owned by one of the Native village corporations in King Cove within the refuge in exchange for a simple grant of right-of-way across Federal lands that would allow the residents of King Cove reliable access to the Cold Bay Airport; hence, medical care when emergencies exist.

Further, we are not asking for an appropriation. I think it is fair to note that there are no funds requested. This is simply an authorization for land exchange, something that is ordinarily done within the Committee of Energy and Natural Resources, which I chair, on a daily basis.

The real concern here is the people of King Cove. Now, many of the Members of this body have had an opportunity to meet with the Aleut residents of King Cove as they visited Washington, DC, as they visited Members' offices and made a unique appeal, an appeal based on the rigors of living in a wilderness area with a harsh environment, and the experiences they have had in not being able to avail themselves of the transportation system that ensures that they can safely get to hospitals for medical assistance when there is an emergency.

As I said, 11 residents of my State have already died flying into or out of the area. Many of them were seeking to get badly needed medical attention in an emergency. Still others died while waiting on the ground for weather to clear enough to attempt to make these potential life-saving flights.

Let me show Members what part of Alaska we are talking about. Alaska is a pretty big chunk of real estate. We have 33,000 miles of coastline. Of course, Juneau, our capital, sits here. Anchorage, our largest city, is at the

head of Cook Inlet, roughly in this area. Fairbanks, where my home is, is in the interior. Point Barrow is adjacent to the Arctic Ocean. Prudhoe Bay is on the Beaufort Sea. But we have another area on the Aleutian Islands and this area extends almost to Japan. This area includes the community of King Cove which is on the Pacific Ocean side. Across a small base is the area where we have a large airport that was left over from World War II. To identify the specific area on a scale map, we can see Cold Bay here, and then King Cove here.

We have unique weather patterns spawned as a consequence of the Japanese current moving along the Aleutian Islands and clashing with the cold, interior Bering Sea, creating some of the worst weather in the world. No question it has been documented as such.

We have the village of King Cove, 700 people year-round, and a small industry associated with fish packing, freezing and processing. Then we have a large complex built during World War II, consisting of crosswind runways. I will show pictures of runways in Cold Bay and King Cove.

Let me show the first picture which shows a gravel strip, about 3,700 feet, which is the access for the residents of King Cove. There is a road that goes along the side of the mountain. That is the road that comes in from the village. The interesting thing about this and the location is this is the best they could do for an airfield because of the topography and the realization that the winds are extraordinary in this area. There are numerous cases of pilots landing in small single or twin-engines with the wind sock at one end blowing one way and the wind sock at the other end blowing the other way. That is the harsh reality because the wind from the Bering Sea comes one way, the winds from the Pacific Ocean come the other. They simply clash over this area and create this extraordinary complexity of winds. It is not necessarily fog, it is not necessarily heavy snowfall, it is tremendous turbulence in wind.

Here is another airfield located at Cold Bay. This was part of the effort during the Second World War in preparation for the invasion of Japan, to build this large facility, over 11,000 feet, the main runway. The population here is about 130 people. Most are Government employees with the FAA, operating this runway. This is also a backup for an emergency, should any of the space shuttles have to land in this particular area based on their orbits.

The point is, there is daily jet service into Anchorage from here. I think there was only 1 day last year where the winds were such that they couldn't bring in aircraft.

This is how you go from King Cove to Cold Bay to start your visit to Anchorage to visit with friends or to get out, if you will, of King Cove to go virtually anywhere. You have to go over here. The only way to get there is to fly. If you are in an emergency situation, you have another set of facts. The point is this runway represents reliability in transport. You see these little roads here around Cold Bay that have been in existence since the Second World War.

It is interesting to note that there are some 32 to 47 miles of roads that are in the wilderness. Make no mistake. I have driven the roads. They are there. They are not maintained because there is little maintenance necessary for them. But they are drivable. They are drivable by the U.S. Fish and Wildlife Service and others.

Let me proceed with some more pictures because I promised to give you an opportunity for a feeling for this area relative to pictures that have been taken over an extended period of time.

Now, I want to show the land area and the proposed road so we can get an idea of what we are talking about here in relationship to the issue. The colors in solid brown are the Izembek National Wildlife Refuge. That is this area here. Then we have the wilderness areas in the checkered brown with the white in it. You can see it is extensive, but it is not conclusive in that it connects. There is the major portion here, and then over toward Cold Bay there is another area, and there has been an area that has been left aside down here. So the wilderness areas don't connect together.

The existing roads are worth evaluating a little bit, Mr. President, because they cover roads not only in the wilderness up here, which are drivable, but they go into the wildlife range where you can go and photograph and you can hunt geese. They go into the wilderness area here.

The proposal now is to have a road from King Cove to Cold Bay. That is the issue. In order to bring that road around, you have to go into that area of wilderness because you can't cross the bay because of the water depth and the costs associated with the bridge, and we are really dealing with 700 people now.

So what are the alternatives? I am prepared to discuss those later. It is important to know what the quid pro quo is here, because we think it is a win for the environment, with the recognition that the Native association is prepared to give their land, which is colored here in the basic green areas and the yellow areas, in exchange for access through this area. The quid pro quo is they are proposing that about 580 acres to be added to the wilderness in return for this 7 miles of road, which would be through this wilderness area. The only difference is that we are not putting it into wilderness. I have a difficult time trying to communicate this to some of the other Members and the public because we are proposing a land exchange.

By this 580 acres entering into the wilderness in the exchange, as a consequence of that, we would have a situation where there would be the road in a refuge but not a wilderness. By adding to the wilderness, we have done just that, taken land that the Native corporations have—and that is private land—and added that to the wilderness, and then exchanged with these specific areas designated in white—a land exchange—putting this in a refuge. So the road will not go through a wilderness; it would go through a refuge.

We have numerous occasions where there have been similar land exchanges and roads are going in refuges. This is not unique or a precedent. If you look at this area and you are concerned about waterfowl, note these two peninsulas that are privately owned by the Native corporation. They are proposing to give those and add to the wilderness. These are integral points inasmuch as they represent peninsulas and, as a consequence, the waterfowl primarily dominate through those particular areas. So this is the route of the proposed road.

We are not asking for funding. No appropriation here. This is a land exchange only to benefit the people of King Cove. And, hopefully, the question is, how many more lives do we have to lose before we get some relief?

I want to go through some of the other charts, in general, to give you an idea of why some of the alternatives suggested by others simply don't work.

This is a photo of Izembek when there is a storm. I don't know if you have ever been terrified, but I have. I have been out in boats in some of these storms. This is how you get from King Cove to Cold Bay across Izembek when there is a storm. And these are real storms. We have cases where a pregnant woman is put aboard a fishing boat in a storm like this. She gives birth to the child in the galley, and they have to open the oven and make an incubator out of tin foil and the child survives. I will show other pictures of just what kind of bodies of water we are talking about.

Mind you, the uniqueness here is that you have Bristol Bay and the Bering Sea on one side and the Pacific Ocean, and this is the area where all the storms basically are initiated on the west coast and down to California. This photo shows Izembek Bay in a storm. How would you like to subject yourself to that? You and I are accustomed to taking a road to the hospital and having access to some reasonable way, without having to subject yourself to conditions likes this.

Somebody said, ''Well, what happens on a clear day?'' That depends on what season you are in. This photo happens to depict the wintertime when the bay is frozen over. That is factual. There is your ambulance in the wintertime. How would you like to try that? That is the harsh reality that happens at certain times in the winter. You are not going to move a Hovercraft over that, and you are certainly not going to move a boat. What happens sometimes is that they do have a vessel in,

and they try to move people from a small boat up to the dock, and they move them in a cargo net. How would you like to get off your boat and into a cargo net under those conditions?

That is living in rural Alaska today. It is the harsh reality. We have some other pictures that I want to show you relative to the harsh reality of living in Alaska.

These are people who have died because there was no access out of King Cove. This is Tom Phillips, who lost a leg in a boating accident. He died in a plane crash in a medevac airplane trying to fly into Cold Bay. Christine Dushkin suffered a heart attack and died of exertion while climbing onto a Cold Bay dock from a small boat. Mary Dobson suffered from frequent seizures but could not get timely medical care during bad weather. Darien Gorsinger, a community leader, died in a plane crash while evacuating an injured Seattle fisherman. Walter Samuelson waited 3 days after a heart attack to get out of King Cove. Sarina Bear, who was born prematurely on a fishing boat, lost half of her body weight on a 3-hour fishing boat trip to Cold Bay. Earnest Mack died in Anchorage after 4 days of delay while trying to get out of King Cove. Kathy Hoff, a King Cove nurse, died in a plane crash on a Medicare mission out of King Cove. John Datolli, a bush pilot, died in a plane on a medical mission to King Cove.

This is the harsh reality and the situation as it exists. Some suggest, let's do another study, let's look for another alternative. In the meantime, my constituents are dying. I know how you would feel if they were your constituents.

Here are some headlines from some of our Anchorage newspapers, the Anchorage Daily News and the Anchorage Times: ''Six Killed in a Plane Crash,'' ''Plane on Mercy Mission Crashes; 4 Believed Dead,'' ''Four Die in Cold Bay Crash,'' ''Plane Hits Hillside at King Cove; 6 Die,'' ''Pilot Dies In Crash.''

This happens because it is really tough out there. It is so tough, as a matter of fact, that the people are saying, let us have the opportunity that other Americans enjoy, which is access by road. This is the road in this photo, Mr. President. That is what they look like. These were roads that were built during the Second World War. There is so little traffic that there is very little maintenance. This sign over here is a U.S. Fish and Wildlife sign. That goes over to Outer Point. I go out there virtually every Columbus Day, unlike my good friend, whom I have the utmost respect for, who has never been there. He has never experienced it. I have. This is what we are talking about. These are the roads that are out there.

Here is another picture. This is the topography of the area, what the country looks like. It is flat. It is barren. There are no trees. There is grass. There are lots of ponds. There are lots of birds that come through in the fall. They move on.

You can go on these roads. You can take an old 4X4 and wander around and see the country. Mind you, these roads are in the wilderness, 47 miles of them.

When you say we are driving through the heart of the Izembeck Wilderness with this road connection, you are not facing reality. These roads are already there. They are not all of the wilderness.

I will show you where these roads are, because we have a detailed map which shows the road in and out of the wilderness. It gives you an idea.

These aren't highways we are building. They are not superhighways. They are just an adequate road that you can take a 4X4 over, recognizing that when you put a little gravel around and maybe have four or five cars a week, it is not very much traffic. But depending on the circumstances, at least somebody can get out.

This is an aerial picture of the topography of the general area and what we are looking at. I think it is important that you reflect on what the area looks like today. This is a little difficult to see, but I am going to do the best I can, because it is in black and white. It is an aerial photograph. It is an official photograph. It is not something that has been doctored up or lines have been drawn in.

But this general area down here is the edge of the Cove Bay runway, and these are the roads in black that go through the general area. These are the roads that wander in through the wilderness designation. This is the line right here, the boundary. The wilderness is on this side. All of these roads are in the wilderness. They are already there.

What we are proposing is simply an extension of this road of 7 miles to go in with a land exchange—taking the area out of the wilderness, putting it in the refuge, and putting a road extension in. We are not asking for any money, we are simply asking for an exchange and an authorization; that is it.

Here are the existing roads that wander over here. Here is another wilderness boundary over here, a little chunk over here. There are roads to the west of that. When I go out there goose hunting, we usually wander out here, or wander up through here in the wilderness, and go out over here—any number of places that are there. To suggest that we are creating something that is not there is totally unrealistic and unfounded.

Again, I want to go through the remainder of the charts, because I think you are beginning to get a feel for what the country looks like and what we are up against. Hopefully the staff, who has not practiced this, will make sure that we show all the other charts before we get into some of the things that the Senator from Montana and the Senator from Arkansas take for granted that are unavailable in Alaska.

While they are going through some more of the visuals, let me make a couple more points.

What has happened to our Native people when wilderness boundaries and refuges have been designated is that the concerns of the people have basically been overlooked. The Aleut people have lived in King Cove for over 5,000 years. The substitute that I offer today would provide relief for access. That is really all we are talking about. We are talking about appealing to real people who have a need that others in the United States enjoy.

We are somewhat isolated in Alaska. We have four time zones down here. We have three. I think we are about 5,000 miles from Washington, DC, to Alaska. The area of King Cove is about 1,700 miles from Seattle, 632 miles west of Anchorage. In fact, it is interesting to note that it is twice as far from here to King Cove as it is from Tokyo to King Cove. That gives you some idea of the isolation.

I have indicated that the weather conditions out there are such that we have the uniqueness of wind sheer turbulence and what we call venturi wind conditions, which makes flying a real experience. When you add this to the fact that it is a mountainous area with sharp valleys, you find conditions for what we have had in a series of disasters. As I have indicated, on that 3,300-foot runway you have wind blowing at either side.

You might say, ''Well, the Senator from Alaska is exaggerating. That can't occur all the time.'' It occurs almost every day, Mr. President. It can occur for days on end. It can occur for weeks on end. Sometimes a week or 10 days will go by before they can get a flight in and out of King Cove, if one can wait. This is simply an inconvenience which Alaskans accept, however, since the main livelihood of the Aleutian people is derived from fishing in the treacherous seas of Bristol Bay.

Medical evacuations are a common occurrence. Surprisingly enough, they happen twice as much in this community as any other place in Alaska. With only the help of midlevel practitioners, help in an emergency must be sought in other locations. This is not a concept that many in this body are familiar with. We take for granted health care. It is only a few steps away. Certainly this is the case where we are right now in most of our hometowns. But out in the Aleutian Chain, it is not that simple.

Let me interrupt for a moment to comment on a few things.

This is a sign that the U.S. Fish and Wildlife puts out as an advisory. This is our Government speaking, not me. It says:

> Visitors [to the area] should bring extra food and rain gear should weather close in.

This is in the refuge advisory:

> The refuge is famous for inclement weather, usually in the form of wind, rain, and fog. Fog, drizzle, and overcast skies are often succeeded by violent storms and bitter cold snaps that slow down all activity. It is not unusual for an entire year to go by with only a few days of clear skies.

I don't know what that means to anybody. But it puts you on notice.

Let's see how residents of Arkansas and Montana access health care. I readily admit I do not know all the specifics of health care in these states, but I do know how to make up a chart. I do know how to make a point.

Here are the major hospitals in Montana and their accessibility by State and Federal highways. The green lines are the U.S. interstate highways, the red lines are the U.S. highways, and the black are the Montana State routes. Every place you see an ''H,'' you see a major hospital. Hopefully, I haven't missed any. But I am sure my friend from Montana would be happy to correct me if I have.

But the point is, the people of Montana have access to health care in an emergency.

Let's wander over to a Southern State. My friend from Arkansas and I have had conversations about this. I know how he feels about equity.

Here are the major hospitals in Arkansas accessible by Federal highway. I would be happy to show this a little closer if there is any difficulty in seeing it. These are the hospitals in the State of Arkansas on the road systems. There are 10 hospitals, I am told, in Little Rock. The point is the residents in the State of Arkansas have access by road to health care. Now, these are hospitals that have facilities to take care of emergencies.

Let's look at Alaska when we talk about cases of dire emergencies. We have Anchorage. Here is health care in Alaska. These are hospitals with critical care units. We have one in Anchorage, AK, an area one-fifth the size of the United States, and an area that has 33,000 miles of coastline—a big hunk of real estate. The Senator from Texas is not here so I won't comment that it is two-and-a-half times the size of Texas. I might lose his support.

This is our road system—a little bit on the Seward Peninsula around Nome, Teller, a road from Prudhoe Bay down through Fairbanks, down to Valdez, Anchorage, Homer, Kenai, a little bit of road in southeastern Alaska. Anchorage is our area of primary critical care. So when you have a situation in a village out here at King Cove in the Aleutian Islands, you need access to it. You need access to an airport where you can get an airplane, a jet airplane into Anchorage which is 600 miles away.

So things are not that simple in Alaska. They are tough. We have a first-rate Alaska Native hospital available to the Aleut residents of King Cove in Anchorage, but it might as well be on the dark side of the Moon if you can't get there.

As I have indicated, we have had 11 air crash fatalities flying residents out of King Cove, trying to get some of them to lifesaving medical attention.

We talk a lot about telemedicine, and I am an avid supporter of telemedicine. But the realities of telemedicine are that it depends on whether you have adequate personnel where you need it to communicate the symptoms and take action, and then if it is too bad you need more than telemedicine. If it is bad, you need access.

How are you going to cross a bay that is uncrossable by boat in the wintertime because it is frozen or the storms are so great you can't cross it because of the high winds?

Well, let's talk about helicopters. I have nothing but the highest admiration for our Coast Guard, National Guard and those courageous people who are out there providing rescues, but there is some uniqueness associated with the Cold Bay area, and that is something that the helicopters have a problem with, and that is extreme turbulence. The helicopters do very well in heavy winds, but it is the turbulence that creates problems. And it is important to note that threatening conditions in King Cove arise at unknown times. Pregnant women in King Cove often leave the village 6 weeks before they are due in order to make sure they are able to be near medical facilities in case complications arise.

A woman by the name of Carol Kenezuroff went into premature labor. She was unable to fly out of King Cove due to weather conditions. She decided to make the treacherous trip by boat. It took 2½ hours in an 80-foot crab boat. One hour into the trip Carol gave birth to a 2-pound-3-ounce girl on the galley table of that crab boat in a 10-foot sea. The baby's name was Sirena. She lived only because someone on the crab boat had presence of mind to make a makeshift incubator out of aluminum foil and put it near the oil stove.

The story isn't over yet, Mr. President, because the mother had to be offloaded twice from the boat in a sling because her IV tubes had got caught in the dock pilings of the unprotected harbor of Cold Bay. Do you know of anybody who had that kind of situation?

Well, it happened in the State of Alaska. By the time the baby made it to Anchorage, it had already lost half its body weight and barely survived the ordeal.

This is the harsh reality of life in King Cove, but it does not have to be that harsh. There is a solution to assure safe travel and a solution that is opposed by some of the special interest groups. I really question their justification because you cannot say that this is a road through the heart of the wilderness. This isn't a road through the wilderness. We are doing a land exchange. It is a road through a refuge, isn't it? It is a plus for the wilderness, isn't it, because we are adding 580 acres. This is a win-win-win, but the special interest groups on the other side can't see it that way because they have gone off, in my opinion, the deep end and simply said, no, we are not going to allow this exchange—not because it is not good for the environment by adding 580 acres to the wilderness. I can only assume for one selfish reason, they have a cause that generates money and membership. But I am not going to spend a lot of time on that.

The point is 30 miles as the crow flies from King Cove is the all-weather runway at Cold Bay, and all these people want is access to that 10,400-foot runway where a Reeve Aleutian Island Jet 727–100 comes in every day, except once last year when it could not get in because of weather conditions. And I might add, in deference, the only day they don't fly is Sunday. But medevac aircraft from Anchorage can get in there.

This road would total only about 29 miles. Now, remember, where would the road be? Whose land would it be on? Well, here it is, the green area. It is on land owned by the King Cove Native Village Corporation. Just roughly 7 to 8 miles of the road would be in the massive 300,000 acre—there it is, 300,000 acres. Only if this bill passes, it is not 300,000. It is 300,580 because we are adding to the wilderness. That is what makes this thing a win-win-win for the wilderness—only 7 miles—this portion here—would not be in wilderness, but the refuge.

Again, I want to make it clear because those who don't want to understand it refuse to acknowledge we are not putting a road in a wilderness. We are doing what we have done hundreds of times before, a land exchange—allowing a road in the refuge where we have numerous roads in this country.

Now, because the 7 or 8 miles of the proposed right-of-way are currently located in the wilderness, I think it is pretty clear that is why some of the groups have opposed it. But what they fail to tell you again—and I would emphasize, and I hate to be repetitive—this area already has 42 miles of existing road.

Of that 42 miles of existing road—and I want to bring that chart back up again, because I want to make this point—of the 42 miles of existing roads, we already have 12 or 14 that are already in the wilderness. You can drive on them. Take a 4x4—that is a 4-wheel-drive vehicle, all-terrain—and wander out in them anytime you want. Mr. President, 13.7 miles, to be exact, of road, are already in the wilderness. You can go out and drive on it, and I am going to be driving on it over Columbus Day.

What they fail to tell you is that this is a 60-foot, if that—a gravel road, not a highway. Let us show the picture again of what we are talking about. The Senator from Montana showed a highway the other day when he brought this matter up. ''This is what we are going to build. We are going to build a highway.'' Come on, let's quit kidding each other and the American public. And I might add, we are not asking a red cent from the taxpayer.

This is the kind of road it is. That is what it is. That is all it is. There is no

McDonald's on it, no supermarkets. A plain old road. We still have those in Alaska—plain old roads, nothing fancy. A grader might go over it once a year. To suggest that somehow the snow is going to stop a 4-wheel drive from going on a bad day? Let me tell you, when it is turbulent, the airplanes don't fly but the cars creep along the little old road very nicely.

You say there are going to be avalanches. Does it look like avalanche country to you? There are a few areas on the other side where there are some hills, but there is not going to be an avalanche. ''You will have snowdrifts.'' You do not have a lot of snow out there. You have blowing snow and winds, but the roads that are there now, the 47 miles of road, are open virtually all winter. You do not have a situation where you have, like Valdez, AK, where you have 25 or 30 feet of snow. That does not occur. This is a maritime climate but it is tough on wind. So to suggest a road will not work is unrealistic, because the roads that are there do work. Mr. President, 130 people in Cold Bay traverse on them, as they keep the airport open year around in Cold Bay.

I was using 580 acres, and I was wrong. This exchange adds 664 acres to the wilderness. The Native people are giving up their private land in return for access through a refuge. It is a win-win-win for the wilderness and the environmentalists, if they can just figure it out. Again, this substitute that I offer would adjust the boundary to include 664 acres of the private King Cove Native lands, and it would remove 85 acres from the wilderness in the exchange for the 7 miles of road.

One other thing here, lest we forget—the ''great white father.'' The ''great white father'' of public lands, in our State, is the Secretary of the Interior. He controls utilization. And we propose that for this section, this section specifically, if it is authorized and someday built, that the Secretary would have the ability to regulate the use of the road during migratory periods. How much more authority? If the concern is migration, OK, there is a concern. If you have concern about migration, don't allow hunting in the area. The U.S. Fish and Wildlife Service allows hunting. We obey the rules and they allow it out there.

One of the most significant areas in Alaska is Cordova. You have the flats of Cordova; you have a road that runs out to the Cordova River, right through the flats. It is a huge nesting area with many endangered species and an airport in the middle of it, and there is no problem at all. Do you ever see any geese on the golf courses around here? They even allow hunting on the golf course, they have so many geese. To suggest this is going to be detrimental to the migratory bird pattern is absolutely ridiculous. There is no justification for that at all, because the roads are already there. There is so little traffic on them. There is not likely to be a mass movement from Washington, DC, to King Cove or Cold Bay. Believe me.

This is a Native area, and the Native population have had the ability to generate a little activity with their little cannery and their little cold storage plant. But what they have not been able to do is to generate any interest in the Congress of the United States supporting a little land exchange so they can enjoy access to a road. They are prepared to take care of themselves, if they can simply have access to their airport.

Let's talk about precedent one more time, because I am sure the opponents will say, ''Oh, you are setting a precedent. You are setting a precedent.''

First of all, I thank those Members who were willing to see the people of King Cove during their visits here in Washington, DC, the Aleut people themselves, because they can express their desires and positions much better than I can.

I would like to recognize here an old friend who just snuck into the Chamber, who shall remain nameless; is that fair enough? Thanks, Bob.

Speaking of precedents, rather than Presidents—which we almost had here, but I am getting off the subject so I better get back to the business at hand—I think many of my colleagues have been wrongfully led to believe this provision which we propose would set a precedent in setting or allowing roads to be built through wilderness areas.

As chairman of the Energy and Natural Resources Committee, I can assure you, this is absolutely false. There is no precedent to be set by this provision. First, plainly and simply, this provision does not authorize construction of a road or authorize construction of a road in a wilderness. One more time: It simply adjusts the wilderness boundary, and that adds 664 acres of private land, private Native land, in exchange for withdrawing 85 acres that will be used for a road corridor and a refuge. None of the corridor will be in a refuge portion. It will be in the wilderness portion of the refuge.

I want to get to the point. Wilderness boundary adjustments are commonplace. They are done for numerous reasons. Last year I was instrumental in passing the Presidio legislation, which included, among other things, wilderness boundary adjustments. In one wilderness area we withdrew 73,000 acres of wilderness and added back 56,000 acres, for a net loss to the wilderness of 17,000 acres. That was in the Anaktuvuk Pass.

Prior to that, Congress—and I think my colleague from Montana will note—deleted 28 acres from the U.L. Bend Wilderness Area in the State of Montana to allow for access, to allow for access through a wildlife refuge wilderness area. What for? To a fishing area near Fort Peck Reservoir. In other words, to a fishing hole.

I am not complaining. I figure the folks in Montana know what is best for them and the Senators from Montana know what is best for their citizens. That is why I am kind of amused that this body has denigrated itself, if you will, to a situation where—you know, it used to be the Senators from the State knew what was good for their State and they were going to be judged by their constituents and held accountable. But we have moved away from that now because of the special interest groups, and we have Members who have never been to my State dictating the terms and conditions under which my people have to live. They resent that, and so do I, because they do not know what the people who are living there are really experiencing because they have not experienced it. The constituents in Arkansas and Montana have not experienced it, but I have. I can tell you, it is real.

We have had examples where Congress has created roads in wilderness areas. In fact, when the Izembek Refuge Wilderness Area was created in 1980, it was created with existing roads in the wilderness.

I don't raise these examples to advocate that wilderness boundaries should be subjected to change at whim. I am not doing that. What we are proposing is a net increase of nearly 600 acres of wilderness. If we have changed wilderness boundaries for such things as access to a recreation area or, in the case of Montana, to a fishing hole, then I can't understand why in the world it is not appropriate to change a wilderness boundary into a refuge to save lives. It is pretty basic, Mr. President. There is no truth to the claim that this is precedent setting.

Some people question why this right-of-way needs to be granted now when the State is currently undergoing a process to determine a preferred alternative between improved air safety, ground transportation, whatever. Why is the right-of-way needed if it is not yet known that this will be the State's preferred alternative? These are valid questions. They deserve a valid response.

First, one has to understand this issue is not new. A road connecting King Cove and Cold Bay was recommended in the preferred alternative of the 1985 Bristol Bay management plan done cooperatively with the State and Federal Government.

Second, in 1995, ground transportation between these two communities was listed as the State's third highest priority project for rural Alaska by the current Governor.

If you look at the map that shows the health care areas in the State—I want you to look at that a little bit more because it shows the road system in the State. We don't have roads in the State. We are the new kid on the block. We have been a State since 1959—39 years ago. That is what we have. Look at Arkansas and look at Montana. We are not asking for an awful lot here. In fact, it is a bit embarrassing for me to have to come and plead for the lives of the people in this village.

That is our road system, Mr. President, an area one-fifth the size of the United States, an area that, if superimposed on a map of the United States, superimposed in a comparative dimension, goes from Mexico, to Canada, to Florida, to California, with the extension of these Aleutian Islands. It is a big piece of real estate. I find it difficult to have to beg, if you will, for consideration here, but I guess that is what I am doing. For a people who have occupied this area for 5,000 years and have looked at every option, it makes sense to have a ground link. These people have lived, have survived a lot longer than you and I. They fish the waters and hunt the land. Sometimes they fly the skies, and sometimes they die.

It is interesting to note, too—I will point out on one of the maps of the Cold Bay area—that they have traversed this area through this so-called wilderness on foot trapping in the wintertime and hunting. This is nothing new, and they are still doing it. But these are the people who have the most at stake in protecting the region's resources. Think about that. These are the residents—they are subsistence people, to a degree. They know how to protect the fish, the game, the geese, the endangered species.

The problem with the bureaucracy is this thing can crawl on —do more studies. But the people want some assurance at the end of this process. Without the legislation before us, there is no end in sight, because what this legislation does is it simply authorizes a land exchange. That is all it does.

In testimony before Congress, the Fish and Wildlife Service was asked the question: If through this comprehensive study that is underway the preferred alternative is, indeed, a road link, would they support it? They simply said no. They didn't give a reason; they just said no. They didn't acknowledge there were roads already in the wilderness.

By granting the right-of-way now, a road link will remain a viable alternative. It will give the State the option. Why shouldn't the State have the option for Heaven's sake? It is our State. By granting this right-of-way now, a road to safety, what we are doing is appropriate and timely, and I guess tardy in some respects, and providing an opportunity for the people of King Cove to have access.

I promised to comment, since we are not limited to time currently, on a couple of other options because I know these are going to come up in the debate. I know that others will insist there be other ways to resolve the problems of King Cove without granting ground access. We have already talked about telemedicine. I know that the people of King Cove welcome the technology and the advancements telemedicine is going to add, but it is not the solution. Telemedicine is a diagnostic tool. We may be in a better position to diagnose a heart attack or a partial amputation, but we will be no better off to treat it without the ability to safely transport people to modern medical facilities.

Our largest hospital, Providence Hospital, in Anchorage stated it best recently when referring to telemedicine:

It will be especially helpful in providing better consultations to enhance a provider's knowledge and help her or him make a better decision about transport. However, it will never, ever eliminate the need for emergency transport to an acute care facility, and that is what the road between King Cove and Cold Bay is all about.

I ask unanimous consent that the letter from Providence Hospital be printed in the RECORD.

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

PROVIDENCE HOSPITAL,
ANCHORAGE, AK,
August 3, 1998.

The value of telemedicine in the Aleutians and its limitations.

ROBERT JUETTNER,
Aleutians East Borough, Anchorage, AK.

The Aleutian Chain is without a doubt one of the most difficult places on earth to provide quality healthcare for several reasons.

Weather is a primary factor. Transportation in emergencies can be terrifying and deadly. Many lives have been lost in the attempt, both patient and providers working on evacuation teams. Patients lose critical time awaiting transport to acute care facilities while waiting for the weather to change. And providers can't get out for respite or continuing education, both of which are critical for maintaining quality of care and quality of life. Within the next five years, trauma consults will improve in Alaska and in this region in particular, but it will never completely replace transport to acute care facilities when needed.

Distance between communities dwarfs many states in the lower 48 and telecommunications are often sketchy. A wise person once said, ''If a successful fax transmission is a blessing, then successful telemedicine transmissions could be a miracle!'' We are working on this through expanded bandwidth and improved technology.

The Aleutians represent a unique opportunity to develop telemedicine and telehealth applications that would truly enhance service in these under-served communities. It will be especially helpful in providing better consultations to enhance a provider's knowledge and help her make a better decision about transport. However, it will never eliminate the need for emergency transport to an acute care facility and that is what the road between King Cove and Cold Bay is all about.

Providence Health System in Alaska currently provides teleradiology services to Dutch Harbor. Plans include education, telehealth services such as conferencing through email, alliance support and peer-to-peer communications within the region. The system will carry data, voice and images. This is called store-and-forward communications. Communications may include real-time chats. Services will provide some intercession; some better judgement calls and decisions; improve isolation issues and enhance education.

The system will not carry a human body that needs advanced medical care. It may help cut the numbers of evacuations through better diagnosis and consultation. It will enhance medical care to this region. It will not remove the need for treacherous evacuations that so often take place from King Cove.

The Providence Telemedicine Network is designed to be an integral part of a regional healtcare plan. It will help improve the emergency medical network over time with relatively little investment by those involved. Use of consistent emergency protocols means only patients requiring tertiary care will be transported. Outcomes will be improved care and reductions in transports. It will not eliminate transport.

For these reasons, we support the road between King Cove and Cold Bay and we support the use of telemedicine throughout the region.

KATHE BOUCHA-ROBERTS,
Director of Alliances and Telemedicine.
DESTYNE E. TAFT,
Telehealth Network Coordinator.

Mr. MURKOWSKI. Mr. President, some others argue that the building of a health clinic is the answer. Incidentally, I understand my good friend, Dr. FRIST, will advise us later on the aspects of telemedicine, what you can and can't do. I am most appreciative of that. Still, others argue building a health care center is the answer. The answer, again, is it helps; we have a little bit of it there, but without a proper cardiac unit or prenatal unit, the people will still need transportation to other locations outside of King Cove in times of emergency.

We are going to hear a lot of talk about helicopters. You are going to hear a lot of talk about helicopters from people who have never been in a helicopter when the wind is blowing 60 miles an hour, or have never been in a helicopter in severe turbulence. But I have, but not as much as the people I am going to talk about.

The Secretary of the Interior says, ''Well, just use a helicopter.'' Let me show the map of Alaska, again, because the nearest helicopter is in Kodiak. There is nothing wrong with the aspects of that, other than Kodiak is 300 miles away. Here is Kodiak Island right here. We are 300 miles away in King Cove. This would be like telling the residents of Washington, DC, that their trip to safety will be provided by a helicopter that comes from Waterbury, CT. How is that? Or any other area that you care to pick.

Even if a Coast Guard helicopter was stationed nearer to King Cove, where are you going to put it? There is not much out there in the Aleutian Islands. It is kind of tough to place the lives of Coast Guard personnel in danger when there are other alternatives.

Let's flip this around. They say that there are alternatives and the helicopter is another alternative. The helicopter folks say, a helicopter is fine, but there are other alternatives and one is a road.

Helicopters do not always work, for several reasons. First and foremost, they are not designed to handle severe turbulence. That is part of the daily life in King Cove. And any good helicopter pilot will tell you that the wind is not the issue, the turbulence is. The wind did not cause 11 deaths. It was the turbulence that caused the deaths.

That is what brought the aircraft down.

Second, we have done a little investigation working with the Coast Guard, who have been very responsive. The Coast Guard pilots are trained for maritime missions flying over water, not flying over mountainous terrain—not that they cannot do it, that is just not part of their training.

Third, do we really want to change the mission of the Coast Guard to handle land-side medevacs when other alternatives such as one simple gravel road exists? I can assure you, Mr. President, the Coast Guard does not support such a change. Recently the admiral told me so. And I will quote his letter.

I ask unanimous consent that it be printed in the RECORD.

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

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, DC, September 4, 1998.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of July 21, 1998, in which you requested answers to the following questions regarding the capabilities of the H–60 helicopters stationed at Kodiak.

''What are the operational minimums of the H–60 helicopters stationed in Kodiak in terms of weather, visibility, and such?'' Although Coast Guard aircraft routinely fly missions in extremely challenging weather conditions, they are subject to certain operational limitations. The pertinent operational limitations of the H–60 helicopter include the following: minimum take-off visibility of one-quarter statute miles for search and rescue missions and 60 knots of wind for aircraft startup.

''Is the H–60 an efficient helicopter in mountainous terrain with extreme turbulence?'' The Coast Guard's H–60 helicopters are optimized for low level flight in the maritime environment. As such, they are required to avoid areas of moderate turbulence or greater.

''Do Coast Guard pilots receive flight training for land-based missions in mountainous terrain?'' Coast Guard pilots do not receive any formal mountainous terrain flight instruction, although some units operating in higher elevations have developed in-house briefings to remind their pilots of the inherent dangers of flying in mountainous areas.

''Are shore-side civilian medical evacuations part of the statutory authority and/or primary mission of the Coast Guard?'' Shore-side civilian medical evacuations are the statutory responsibility of the National Highway Traffic and Safety Administration. Although not a primary mission of the Coast Guard, we sometimes become involved in these types of missions when assets are available and our assistance is requested by an appropriate organization.

''If a Coast Guard helicopter was on a maritime mission and a medical evacuation at King Cove was required, would it abort the maritime mission?'' The decision to divert from a maritime mission to a shore-side medical evacuations must be made on a case-by-case basis, considering both the severity of the shore-side medical condition and the nature of the maritime mission.

''To what types of medivacs would the Coast Guard respond? Would a compound fracture of a arm warrant a Coast Guard response?'' When the Coast Guard receives a request for a medical evacuation (MEDEVAC), flight surgeon is consulted to determine if a MEDIEVAC is necessary based on the patient's condition.

Typically, conditions threatening loss of life or limb would warrant a MEDEVAC. Although a compound fracture to the arm would not normally justify a MEDEVAC, there may be situations where a MEDEVAC is authorized based on the severity of the injury, or the potential for additional injury.

You also asked whether the Coast Guard would support a legislative change to require us to do shore-side medical evacuations. The Coast Guard could not support such a legislative change. The Coast Guard is a sea going service. Our personnel are trained and equipped to operate in the maritime environment, which poses very different challenges from those faced by shore-side responders. For the Coast Guard to take on the additional responsibility of responding to shore-side medical evacuation would require a fundamental change in the way we do business, a substantial increase in funding, and complete reevaluation of our asset siting.

In summation, although the Coast Guard is more than happy to respond to shore-side medical emergencies as time and resources permit, we cannot and should not be seen as the primary responder to these types of incidents.

We hope the above information is helpful. We appreciate your continued interest and support of the Coast Guard.

Sincerely,

JAMES M. LOY,
Admiral, U.S. Coast Guard, Commandant.

Mr. MURKOWSKI. This is a quote:

The Coast Guard is a sea going service. Our personnel are trained and equipped to operate in the maritime environment, which poses very different challenges from those faced by shore-side responders. For the Coast Guard to take on the additional responsibility of responding to shore-side medical evacuation would require a fundamental change in the way we do business, a substantial increase in funding, and a complete reevaluation of our asset siting.

Mr. President, on a more somber moment of reflection, the men and women of the Coast Guard are brave souls. I served in the U.S. Coast Guard. I am very proud of that body and proud of the time that I served our country.

Men like Kevin M. McKracken from Springfield, OR, 25 years old; William Gregory Kemp, 27, of Docena, AL; David Rockmore, 52, of Cambridge, PA; Ralph King, 24, of Arden, NC; Michael C. Dollahite, 38, of El Paso, TX; and Robert L. Carson, Jr., 38, of Bostic, NC, all of whom perished, they all died, Mr. President, in a Coast Guard helicopter crash during an attempted medevac rescue on Ugak Island in Alaska. They crashed, Mr. President.

That is the harsh reality of the danger of those who are prepared to give so much for the benefit of others. You are not just talking about sending a helicopter willy-nilly 300 miles, you are talking about a tough set of facts here, Mr. President.

I have had discussions with the Secretary of the Interior. He may be willing to generalize on the issue of danger and the fact that the helicopter is an answer. But, you know, where do you get the appropriations for a helicopter—you have to have two crews, you have to have hangars; you have a population of 700 people here—when you have an alternative, a simple gravel road? That is all we are asking for. And you can debate whether we are wrong or right; we will take our chances.

Let's talk about a sea link. That is interesting. You still have a population of 700 people. It would require a tremendous infrastructure. For example, you would need a 150-foot-long vessel to operate in the rough seas, probably have to have some kind of an ice-breaking capability, have to have dock facilities constructed at both King Cove and Cold Bay, breakwaters requiring more than—well, it is estimated it would take more than 67,000 feet of fill that would have to be constructed in King Cove and Cold Bay. Roads would have to be constructed to access boat docks.

And even if all this were done, sick and injured people would have a minimum of a 2-and-a-half-hour, maybe 3-hour, trip in the treacherous seas. Let me show you a few pictures of what these seas look like. And it would still not be as reliable or as fast as a simple alternative of a one-lane gravel road. How many cars do you think you are going to have out of a population of 700 people in an isolated area going over that road a day? Three? Four? I do not know. Hardly enough. That is what you are looking at.

How would you like to take a ride on that? I can tell you, 90 percent of the people in this body would be hanging over the side, deathly seasick. They would hope the boat would roll over and sink. But that is the access that we have. And this is what is proposed to be some kind of a sea link at a cost—who knows what it costs.

We have had long debates in this body over the years about access to health care, haven't we? Nowhere does this take on a more dramatic meaning than King Cove. And when I say ''access,'' this means the actual physical ability to get to a hospital in a hurry, whether it be Anchorage or Seattle, WA, to get specialized health care needed in the event of a serious emergency or sickness. Right now, the residents of King Cove simply do not have that access.

We have had other debates about access across public lands. And I always go back to a conversation I had with the Secretary of the Interior, Secretary Babbitt. He said, ''If you folks have a need, show me an area where you need access across Federal lands, and I'll work with you.'' I cannot think of a greater need or an area that is more easily identifiable where we need access across Federal lands. And I would encourage him to reconsider.

I believe that we have shown in this case we have a need. For some reason or other, those in the administration do not seem to support our plea that this is a matter of life and death to our constituents as well as American citizens. I find it terribly disturbing that

where human life and safety issues are at stake, we see such an orchestrated effort to distort the facts by well-meaning people fronting for special interest groups, most of which do not give a darn about the people in King Cove or their plight, that through some idealistic interpretation they have taken this on as a cause. They fail to recognize what a gravel road is, fail to recognize we are not setting a precedent, fail to recognize we are not putting a road through a wilderness.

It is amazing, when you think about it. Here is the health and safety of my constituents. And I am not going to stand by, and let some of these special interest groups control the agenda, and ignore the viability of what we are proposing—no Federal funding, simply a land exchange. I do not believe any Member of this body would stand by and let their constituents face such conditions.

When we think about it, what does wilderness connote? Safety. Wilderness connotes refuge. So in making every effort to protect the environment and the surrounding ecosystem in King Cove, Congress unintentionally endangered the lives of those living in King Cove when it created the wilderness area.

So, what we are doing in Senate bill 1092, with my amendment, is righting a wrong by authorizing the one thing that we all take for granted when we are injured or when we want access, and that is a road. We do not want a paved highway, we want a little gravel road—that is it—a road to safety, Mr. President, a road to life.

Fourteen people have died. You know why they have died? Because there has not been a road. Fourteen people in the community of 700, 710 people. These are Aleuts. They have been there for 5,000 years. How many more lives are we going to be sacrificing for the bureaucracy to study alternatives until they can be provided with the access they so rightly deserve?

They have paid for this access, Mr. President, in blood. And this is an access that you and I take for granted daily. The designation of ''wilderness'' was never meant to prevent people from safe access to medical care, and I think we would all agree it would be absurd to argue otherwise.

My constituents, your friends, some of the people that you have all met with, the Aleut people who visited in Washington, DC, I think deserve an opportunity to save their lives in times of emergencies. They should not be held hostage to fear for life and limb by an administration or a Congress that somehow is carrying the water for some of the righteous self-interest groups. This is the situation we have.

In the end, those who vote with the people of King Cove may or may not be on the winning side of this issue but they will certainly be on the right side of the issue.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used about an hour.

Mr. MURKOWSKI. It is my understanding that there are 6 hours equally divided.

The PRESIDING OFFICER. The Senator has 2 hours remaining, yes.

Mr. MURKOWSKI. I want to make one more point, and then I will yield to my colleagues who are in opposition.

I noted an article in The Hill, one of Capitol Hill's weekly papers, on September 30. It amazes me because this is part of the problem we have, the failure of those who are in opposition—in this case, a letter from a senior vice president of public policy of the National Audubon Society.

It is entitled ''Murkowski's Bond Proposal is a $30 Million Boondoggle.'' It is to the editor. He says that the proposed solution of ''a road to life,'' as this Senator suggests:

> There is not a shred of evidence [in the writer's opinion] that a road will provide reliable, safe, medical evacuation in areas prone to avalanches, blizzards, white outs, dense fog, and extreme air turbulence.

I answer, very simply, that the roads are there now. The roads are passable. You might have to slow down. This is not tremendous areas of concentrated snowfall. The problem is extreme turbulence associated with moving an aircraft through the skies during those terrible storms. So the roads are there now.

He goes on to say:

> In fact, this single lane, 30-mile, $30 million gravel road is a taxpayer and environmental boondoggle.

That is an outright lie. That is an outright lie. We are not asking for $30 million. We are not asking for a red cent. This is how this issue is portrayed to the American public—''30-mile, $30 million gravel road is a taxpayer and environmental boondoggle.'' A cool $1 million per mile.

That road isn't costing $1 million per mile, and we are not asking for Federal funds. They mischaracterize it. Why, Mr. President, can't we have a debate on the merits without misleading the people?

Talk about the bird habitat—I appreciate and am sensitive to it. This road is not going to interfere with that anymore than we have seen roads in Cordovo or roads in Juneau interfere. The fact is that we are only talking about a population of 700, and the roads already exist in the wilderness.

He suggests an all-weather boat ambulance could effectively back up this facility. I think you have seen the picture. You have seen, also, the people who have perished. He talks about a ''life-saving boat'' plan as a solution. He doesn't mention the bay freezes.

Again, it is a case of somebody who has never been there, never experienced the isolation, what it means to be without access. Clearly, there is an alternative. We suggested it in this legislation.

Again, I encourage my colleagues to reflect on the appeal of the people from King Cove who have come to their offices, to recognize, indeed, how they would respond if it were their constituents, and recognize that there is a viable alternative here, and that is a simple road which is a win-win-win—the environmental communities and the wilderness—because we are adding 580 acres to the wilderness and we are not putting a road through the wilderness. We are doing a land exchange and putting that road through a refuge.

It will be my intent to talk a bit more a little later, because I am sure some of my friends may have some questions or I may have a rebuttal. With that, I thank the Chair for the attention. In deference to my colleague, I recognize we had conversations relative to the merits of this and I know, obviously, there is pressure by the administration on this particular issue. I take that in the spirit under which it is going to be communicated.

I yield the floor.

Mr. BUMPERS. I yield the Senator from Montana such time as he may consume.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I begin by first thanking my good friend from Alaska for bringing this up as a freestanding bill. One of the objections I had earlier with some of the riders in the Interior appropriations bill first on the merits of those provisions of the bill which I think in many cases were ill-advised.

A second objection I had to the riders were just that, they were riders on an appropriations bill; that is, measures which have very significant public policy implications and very significantly affect our country, many of which had no hearings. It is true one or two may have had hearings, but, by and large, the riders did not have hearings. Here we are, taking them up and passing them without an adequate opportunity for debate.

The American people, rightfully, get a little upset when Congress does not in the full light of day debate the pros and cons of issues, and fully air these issues. They don't like it when riders are slipped into an appropriations bill. I might add, there will be a lot more slipped in before this Congress adjourns in the next 10 days.

I very much thank my good friend from Alaska for bringing this up as a freestanding bill. That is what we are supposed to be doing here, debating issues, what the pros might be, what the cons might be, and have a debate and see what makes sense and then vote. That is the legislative process, the way it is supposed to work, and certainly the way the American people would like it to work in our democratic form of government.

Senator, I thank you very much. I want you to know that I very much appreciate your bringing this bill up as a freestanding bill. That is good. I wish, frankly, that the other riders in the appropriations bill would be brought up in the same manner.

I might say at this point those who are opposed to the riders have not had an opportunity to move to delete them. That is because the appropriations bill has been withdrawn. It is no longer under consideration before the Senate. So at least we have an opportunity to debate one of those provisions, and that is the Izembek Wilderness issue of the King Cove—Cold Bay matter. I thank the Senator for doing that.

Turning to the merits, on the surface, the argument of the good Senator from Alaska makes some sense. It has some merit. After all, we are talking about two very remote rural communities, Cold Bay and King Cove. They are not very far apart in miles, but they are quite far apart in terms of weather. There is a big bay between the two. They are different also because of the weather. When people are injured in King Cove, sometimes they may need to get to a hospital up in Cold Bay. It is very understandable. I appreciate that.

In my State of Montana, we face the same problem. Very often in rural parts of my State people want access to medical care. They don't have good access. I might remind my good friend from Alaska he and I cosponsored a bill to grant telemedicine capability to rural States. In fact, we have both stated that Montana and Alaska desperately need better rural health care access. We have the same problem Alaska does.

We also have crashes of medevac helicopters in Montana, just like the Senator from Alaska referred to in his State. We have mountains. Health care access is very important. I deeply sympathize with people in King Cove, as well as those in Cold Bay—particularly those in King Cove, who need access to health care. As I understand it, 11 people have died in plane crashes in the general area. In one case, four people were killed in one emergency medical evacuation. The other people lost their lives due to reasons other than medical evacuation.

We have the same problems in my State. Many times, in Montana—and I am sure this would be true with respect to the proposed road, and it is true in Alaska where there are roads—the snow drifts. In the State of Montana, we don't get a lot of snow, believe it or not, Mr. President. There is a general myth in the country that, in Montana, it is cold and we get all kinds of snow. Our average precipitation, including rainfall and snow, is about 14, 15, 16 inches a year. We don't get a lot of snow.

We are not like Buffalo, or like the snowbelt up in northern New York. We don't get a lot of snow. But when it does snow, it very often blows and drifts, as I am sure is the case in the State of Alaska. It is those drifts that stop the traffic, that cause people in smaller communities great difficulty in getting to a hospital. For that reason, we have a lot of medical assistance facilities around the State. They are small facilities to help people get better health care when they cannot immediately get to a hospital because they are so far away, because of bad weather, or whatever the cause.

Sometimes we try helicopters and the medevac, but often in bad weather that is dangerous; it is not always a sure thing. We are also adding a lot of telemedicine, as many States are, for rural areas. Telemedicine has a very significant role in helping to provide better health care to our rural communities. Is it the sole answer? No, by no stretch of the imagination. But more and better telemedicine will provide better health care to a lot of areas.

So I want to say to the Senator that I do sympathize with the need for health care in rural areas. It is a problem. But we have to ask ourselves, as almost always is the case, what is the best way to get health care to rural areas?

In the first place, it is not clear that the road is the only option for providing better health care to the residents in King Cove, or even the best option for providing medical emergency services.

A few years ago, the State of Alaska began a comprehensive study of transportation between King Cove and Cold Bay. It was a major study. That study is now examining three major alternatives to tie the two areas together. One is improved air transport. Another is better marine facilities. The third is a road. I have a copy of it here. It is the King Cove/Cold Bay Transportation Improvement Assessment, prepared by an Alaskan company in Anchorage in cooperation with Northern Economics, Anchorage, AK, dated November 1997. This is a draft assessment of transportation needs conducted by the State of Alaska, to determine better access to rural areas in Alaska.

When it comes to emergency medical transportation, I must say that even this preliminary study shows that there is no single silver bullet. There is no panacea that is going to solve the problem the Senator addresses. After all, bad weather is bad weather—whether it is high winds blowing to make air transportation difficult, or whether it is wind blowing snowdrifts over a road. And I must say, many days of the year on this proposed stretch that we are talking about here, it may be impassable; there are snowdrifts. Sure, we have to get more highway equipment out there to open up the roads in the winter. Sometimes that can be done quickly, but sometimes not. An emergency is an emergency.

Many times, in my State, roads have been impassable for long stretches of time—close to a day—because of snowdrifts. I would guess that the same could probably happen along the road we are talking about here. Indeed, if you talk to residents who live in the area and who have written letters opposing this proposed road, that is just what they say. It is very hard during certain times of the year to get a road open because of drifting snow. I have a letter here.

(Mr. ROBERTS assumed the Chair.)

Mr. MURKOWSKI. I wonder if my friend will yield for a question on the snow.

Mr. BAUCUS. When I finish this letter. This is a letter from a resident of Cold Bay. She says: ''As a lifelong resident of this area, I have some great concerns with the proposed legislation . . .'' She talks about the 25 mile proposed road. ''When we are having inclement weather, are we to believe a vehicle could drive 27 miles in whiteout conditions, drifting snow, and winds?'' She says that she lived 3½ miles out of the town of Cold Bay for 4 years with so-called ''road access'' to Cold Bay. During the winter, she says she spent many months stranded at home, or in town, depending upon where she was when the storm came. She says that the drifting snow would be so bad that it would take days—that is probably a slight exaggeration—to get the 3.2 miles plowed enough to be passable.

That is not the only letter we have received. Here are some more letters from citizens from Cold Bay, AK. They say that in poor weather conditions, such as blowing snow and freezing rain, road travel becomes equally treacherous. On the Alaska peninsula they could only make the road passable seasonably. That is their view, and they live there. They talk about an alternative, which is mentioned in the Alaska report—a small ferry system—and improving the dock facility at Cold Bay. They go on to say that this has been studied for a while, and with state-of-the-art navigational aids, marine transport is probably more reliable. I might say, that is probably true in one respect. That is because, actually, the weather in the bay is not as locked up with ice or as cold as we might be led to believe. I will get to that in just a second.

I have now a letter from a doctor. He comments on the road alternative. He is commenting from the point of view of medical services in King Cove. Basically, he says that while flying is obviously potentially hazardous, the proposed road in an Aleutian storm or blizzard could be equally hazardous when one considers nearly zero visibility, the absence of other traffic, the long distance through very isolated country and, of course, the ever-present winter danger of avalanches.

He went on to say that he is strongly recommending several measures which would result in a marked decrease in the number of medevacs. What he thinks would be more reliable in the event of emergencies necessitating medevac would be, foremost, the implementation of state-of-the-art telemedicine. He goes on to say that another option that would circumvent the hazard of avalanches and of isolated highway transportation would be a state-of-the-art ferry system.

That is just one view of one doctor who lives in Alaska. I am not saying it

is conclusive or determinative, but it is a view of a doctor in Alaska.

I think we all agree telemedicine helps. I think we all agree that telemedicine is not the total solution. In fact, just in June of last year, I was very proud to have had the Senator from Alaska join me when we introduced the Rural Telemedicine Demonstration Act. We want HCFA to spend up to $2 million, if we can find the funds, for computer-assisted medical information for Alaska and Montana, two rural States that contain most of the remote and frontier health care locations. Senator MURKOWSKI says that telemedicine has already proven to be cost effective and a practical answer to the Alaska dilemma of how to provide modern health care in a vast geographical area, an area completely unconnected by roads and with access only by airplane, snowmobile, or dogsled.

Telemedicine is helpful. It is not the total solution, by any stretch of the imagination, but it is very helpful. There is no single bullet. There are problems with all forms of health care assistance in very remote rural areas.

The State of Alaska, I might say, is studying different options right now. They have not reached a conclusion as to what the best option would be between King Cove and Cold Bay. One option is Coast Guard air evacuation helicopter. Helicopters work sometimes; they don't work sometimes; it depends upon the weather.

Another option is improved port facilities and special marine ambulances. This doesn't always work, but it works very well sometimes. And another is telemedicine. We all know that advanced telemedicine is going to be quite helpful in more rural areas.

I want to underline that this study by the State of Alaska on what the best transportation option would be between King Cove and Cold Bay is not complete. It is underway right now. The State of Alaska is trying to determine, itself, what the best way would be to provide the best access between those two communities. They are looking, obviously, at effectiveness. They are looking at cost. They are looking at the environmental impact.

You don't need to pass this bill before us to complete the evaluation process. You only need to pass the bill if you have already decided to build the road. But we should wait to see what the study says before we go ahead and build this road.

In addition, there is another study going on to address this same problem. In the transportation appropriations bill passed by this body, the senior Senator from Alaska included a provision for another study of transportation access. This is a study that would be done by the Army Corps of Engineers. The Senator from Alaska provided about $700,000 for a study by the Army Corps of Engineers to determine transportation access needs and solutions in Alaska.

That means we have two studies going on. One is the State of Alaska study, and the other is the Army Corps of Engineers study. At the very least, I think it is premature at this point to authorize a road. Rather, we should wait and see what the studies come up with. Otherwise, I just think we are wasting taxpayers' money, particularly the Army Corps of Engineers money, if we are going to decide what the solution is in advance.

It reminds me of ''It's Your Money'' on TV. We spend $700,000, and the State of Alaska spends State money, to study a solution. But, before the studies are done, the money is down the drain because Congress steps in and decides what the solution is going to be.

Mr. MURKOWSKI. Will the Senator yield for a question?

Mr. BAUCUS. Sure.

Mr. MURKOWSKI. I would like to point out again, relative to the snow, that the question was brought up by the Senator from Montana, suggesting that because of his opinion on the amount of snowfall that occurs in Montana, we must have that same condition. But isn't it rather unusual, the U.S. Fish and Wildlife Service, in their notice of extreme weather, notes ''wind, rain, and fog, drizzle, overcast skies.'' Isn't it unusual that it would omit ''snow''? And in fact the reality is, there is very little snowfall in that area. I can't tell you how many times—I am sure you have gone to the airport by car and found out that the airport is closed and you had to drive someplace else.

Mr. BAUCUS. That has happened to me many times.

Mr. MURKOWSKI. You can't do that if you live in King Cove and Cold Bay.

Mr. BAUCUS. If I might answer the Senator's question, I am not saying that, just because the roads in Montana are often impassable because of snow, the same must be true around King Cove. I am saying that is the opinion of a good number of residents. That is what they say, that very often snow conditions make the roads impassable.

Mr. MURKOWSKI. The U.S. Weather Bureau notes that Cold Bay is the third most windy city in the United States; the third most rainy, with 226 inches; and it is the cloudiest; and for 305 days a year it is cloudy in King Cove-Cold Bay.

Mr. BAUCUS. Mr. President, I would like to point out what the State of Alaska study is really all about.

I have here on this chart the basic purpose of the State of Alaska study—determining what the best solution would be in terms of access between King Cove and Cold Bay. Let me just show you what they are.

The first purpose of this study is to reduce the infrastructure maintenance and operation burden. It doesn't say anything about medical needs or medical safety.

The point here is that these are two separate communities, and some folks in both those communities think that maybe they should combine schools and have one school instead of two. After all, there are about 700 or 800 people in one community; that is, King Cove. There are about 100 folks, as I understand it, up around Cold Bay. Why not? It makes sense to maybe have one school, and maybe the same health care facility, and maybe share power generation or the public works facility. The Alaska report says that this will reduce the cost of living in these communities.

The first purpose of the study is to reduce the cost of living in King Cove and Cold Bay. The second purpose is to improve safety and convenience of travel between King Cove and Cold Bay. That is No. 2.

We talked a little bit about safety. You might note that point No. 2 says convenience—not just medical safety, but also convenience.

The third purpose, I might add, Mr. President, is really the most interesting. The third purpose is to strengthen regional economic development.

King Cove—that is on the lower part of the map—is a major hub of the fishing industry. It has extensive fish processing facilities. But it doesn't have an airport capable of handling large cargo planes. Cold Bay does. That is the big difference between the two. Cold Bay has no deep-water ports. King Cove is just the opposite: deep water, no airport. Therefore, the construction of a road between King Cove and Cold Bay would provide a significant economic benefit to the fishing industry and to the local economy.

Let me read from the State of Alaska initial study:

> A stronger, more reliable transportation link between the two communities would facilitate the movement of fresh fish between King Cove docks and the marketplace, allowing fresh fish from the processing plants in King Cove to be on a plane bound for anywhere in the world within hours.
>
> The cost of shipping would decrease as would delays, inconvenience and uncertainty caused by transportation modes that are expensive, inconvenient and dangerous. This would open up new markets and increase the competitiveness of the Alaska fishing industry.

And later the study notes that commercial fishermen support building the road because the road ''will provide the most economic, reliable, flexible and convenient means of moving their product to an airport''—that is up in Cold Bay—''capable of supporting 747 operations.'' That is, airplanes, 747s.

I can understand why the people down in King Cove would think a road is a good idea, to promote economic development. Again, the study says that improved transportation has three purposes—one is improving the infrastructure, the second is convenience and safety, but the third is economic development. Safety is only a very, very small part of the study here. We were led to believe it is about the only reason, but the fact is, the real driving force here is not safety. The real driving force here is to get fish that are

processed down in King Cove up to the airport so they can improve market access around the world.

Now, there is a huge processing plant down in King Cove. It is one of the largest in Alaska. That processing plant processes, I think it is about 38 to 40 million pounds of fish a year.

The company is Peter Pan, which has the big processing plant down at King Cove. I am reading now from the study, the Alaska study:

With improved access, major freight movements from King Cove to Cold Bay would likely consist of fresh fish and seafood from the Peter Pan plant. Discussion with Peter Pan's staff suggests that up to 5 percent of their product may move into the fresh market if good access is available to the Cold Bay airport. Although Peter Pan's total production volume is proprietary information, it is estimated their total product volume is in the 30- to 40-million pound range. Employing the 5-percent estimate provided by Peter Pan suggests that ultimately approximately 1.5 to 2 million pounds of fresh fish could move to Cold Bay annually. Packaging and jell ice would add an additional 15 percent, for a total gross weight of about 2 million pounds.

I don't know how much you can put in a truck. Some say about 10,000 pounds. That means that if this road is built, there are going to be hundreds of trucks full of fish on this road to get out to the Cold Bay airport.

This report also goes on to say that:

Forthcoming individual fishing quotas for halibut and black cod, additional market efforts by Peter Pan could increase the amount by 25 to 50 percent within 3 to 4 years.

So that is what is happening here—and I understand it; if I were in King Cove, I would want the same—a large fish processing plant wants to road-haul their product, about 2 million pounds of fish a year, to the airport. My calculation comes out to at least 200 trucks, maybe more, a year, and add to that all the other folks who are going to be traveling on this road.

This is no small matter. This is not just emergency medical access to a hospital. That is not the issue at all. In fact, I have other data that show, again from the Alaska study, there have been no fatalities in air evacuation in the period of time studied; 95 percent got to the hospital from King Cove within 24 or 48 hours, 75 percent of the medevac transports from King Cove to Cold Bay had no delay.

And I only use these dates, these periods, because that is the data in the Alaska study. I don't have any more current data or different data. Again, the data shows that with respect to medical evacuation to King Cove, January, mid-January, 1996 to near the end of June 1997, total medevacs were 20: No delay, 15; 3- to 4-hour delay, 4; 24-hour delay, 1.

Not perfect but not too bad. And most of the air accidents that occur near King Cove have really little to do with medevac. There are other accidents that have occurred.

And I might say, too, that Pen Air—an airline, probably a commuter airline, in Alaska—has about 1,800 flights a year between King Cove and Cold Bay—1,800 a year. So planes do fly in and out from the area; that is, King Cove to Cold Bay.

The study also points out that there is no greater need for air emergency transportation here than in other places in Alaska—no greater need. That is in the Alaska study. Essentially, as I said, Pen Air now makes more than 1,800 one-way flights between these two communities each year, and they have had three accidents over 20 years. The State has concluded that the accident rate is still low and that—this is the State's conclusion—''that the residents of King Cove are in no greater danger than other Alaskans who rely on air transport.''

So again to review, No. 1, the State is doing the study. There are many alternatives under review, and air evacuation is relatively safe. But there are other driving forces here that are pushing for the road, which brings me to my final point—the environmental impact of building a road through the Izembek Refuge and Wilderness.

As has been noted, Congress has often adjusted wilderness boundaries. We have done it to correct mistakes. That is usually when we do it. We have adjusted wilderness boundaries because we have passed a wilderness bill and we made a mistake. We go back and adjust a boundary to correct the mistake. We have done it to accommodate preexisting uses that have been overlooked. That has happened a couple of times. We have also adjusted wilderness boundaries to provide access to inholders as required by law. But as far as I know, Congress has never authorized the construction of a road through a wilderness area to connect two points outside the wilderness area—never.

So the passage of this bill would set a very important precedent. You would say it is OK to construct a road through a wilderness area connecting two points. The argument we are hearing is that this bill will not lead to the construction of a road through a wilderness area, because we'd be taking an area out of the wilderness, transferring it over to the refuge, then building the road through where the wilderness was and saying, gee, we are not building a road through a wilderness.

Well, that is absurd on its face, Mr. President. Of course we are building a road through wilderness. On the map, as presented by my good friends on the other side, there is wilderness. There is a road through the wilderness. So we are building a road through wilderness. It is pretty simple. It is not rocket science. This is about a road through a wilderness.

It is also through a very, very important wildlife refuge. Again, here is King Cove down here, and Cold Bay is up here. The road would go through this area. The wilderness section is right here. The proposal is to make this no longer wilderness and then build a road through it. Of course it is a road through wilderness. They say, just take these lands out of the wilderness. That is what the bill says. In exchange you get some other area.

The use of the land in exchange, the net 580 acres, is land that is already restricted under the Alaska Native Claims Settlement Act. So there is no gain here. The net effect of all this is still a road through a wilderness refuge system. That is the net effect here, that is what we are doing.

Let me just address, briefly, why this is so important. We are now talking about a wilderness and refuge system that is extremely important. In fact, it is critical. It is critical resting and critical feeding ground for migratory waterfowl. It is absolutely critical.

This is Alaska, Canada, United States and Russia. These are the Arctic breeding grounds.

Let me back up. This little red dot here is the area we are talking about, the Izembek Wilderness area, the refuge wilderness area now in question. It is the major stopping ground for many, many birds. Why? It is very simple.

Birds come up from the south. Let me mention what some of them are. One is the Black Brant, 150,000 land here in the spring and fall; the Emperor Goose, 100,000 in the spring and fall. Let me say, all of the world's Emperor Geese land here; all of them. All the world's Emperor Geese stop here at the Izembek Refuge and Wilderness. All the Pacific Black Brant stop there; all of them. Then there are Canadian Geese; 85,000 stop in the fall; Stellers Eider stop in the fall and winter. Shorebirds, 31 species, 300,000.

''Why do they stop there?'' you ask. What is so special about this location, this place? I will tell you what is so special. It is a wetlands. It provides food. These birds, amazingly, have flown, some of them, all the way to Australasia, a long way. And some of these birds go to Mexico. That is the Black Brant. The Canadian Geese go to the Pacific Northwest. Shorebirds fly as far away as Patagonia. Can you believe it? Birds that nest and stop off to feed and fatten up so they can fly, fly as far away as Patagonia and come back to Izembek Refuge. It is amazing.

Basically, the birds come up, say, in the spring. They stop here to fatten up, to restore their energy after the long flight from the south. Then they go up further north. This is the breeding grounds up in the Arctic area where there is not as much food. It is good breeding grounds area, but there is not as much food. After the birds have bred, they fly south. They have to stop again here in the fall of the year when the summer is over to stock up again, get some food for that long flight to Patagonia, Australasia; these long, long flights. So this refuge is very, very important.

Essentially, I would like to remind all of us really what is at stake here and what is happening; namely, No. 1,

this bill is not needed. Why? Because there is a study going on, a study to try to find the best alternatives, what is right.

No. 2, the driving force here is really commercial. That is the driving force. There is a very large fish processing plant down at King Cove. They want to get their fish to Cold Bay. I understand that, but it is not emergency medical evacuation. That is not the reason.

And, No. 3, this road is going to very seriously disrupt these birds' nesting grounds. Why? If there is a processing plant down here and, as I mentioned—you do the calculations. According to the study from Alaska, there may be a couple of hundred trucks, at least added on, traffic back and forth, and then you could have more 747s. The Alaska study says the purpose of this is to fill 747s. That is what the Alaska study says, the 747s in Cold Bay. I might be wrong, I say to the quizzical look of my friend from Alaska, but that is what the study says: 747s. They may be wrong, but that is what the Alaska study says.

So it is really to connect these two towns commercially, for convenience and so forth. That might be a good thing to do. It might not. Let's wait until we get the study and see what the study says.

Remember, this is very serious business here. It is potentially setting the precedent, building the road connecting two areas outside of a wilderness area; that has never been done before. In addition to that, disrupting a very sensitive population of birds with 747s and other airplanes of that size flying in and out much more frequently, because of all the trucks going back and forth and often in very impassable conditions, because of snow conditions, it is going to cause a very significant effect on the wildlife there.

I will just sum up and say I thank my friend from Alaska for bringing this up as a freestanding bill. These riders are a bit of a problem because they are riders, but as a freestanding bill we can talk about it and debate it. I appreciate the Senators taking good care of their State. This is something that some people in Alaska want. I understand that. But this is a national refuge. We are talking about a wilderness area. We are talking about a refuge area which belongs to all of us in the United States.

I know the sensitivity that Alaskan Senators have. ''Here comes Uncle Sam all the time, here comes Secretary Babbitt, here comes the Fish and Wildlife Service. We in Alaska are told what to do by these outsiders.'' I understand a good bit of that because in my State of Montana, 30 percent of our lands are public lands and most of it is Federal. I understand that. So we have to find the right balance here, the right balance between the wishes of the residents of the State of Alaska as well as the national interest.

My conclusion is the best balance between the two is let's wait for the studies. They will probably come up with some better ideas than we have already come up with so far today. We do not have to wait that long. The medevacs are working. There are all kinds of ways to address this. Let's let discretion be the better part of valor here and not adopt an amendment at this time. Wait a while and then get the best result there. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I want to encourage Members to read this article, a story about the hardships endured by the people of King Cove, and I ask that it be printed in the RECORD.

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

ROAD WARRIORS: COMMUNITY ENVIRONMENTALISTS BATTLE OVER ROAD THROUGH REFUGE

(By Maureen Clark)

KING COVE, ALASKA (AP).—On this blustery spit of sand, surrounded by treeless mountains that rise out of the Pacific Ocean and disappear into the clouds, a medical emergency can take on formidable complications.

Mariene Newman still gets a knot in her stomach when she talks about the three-day wait to get to a hospital after her daughter, Arlene, then 5, broke her arm while doing cartwheels six years ago.

Fierce winds were funneling through the mountain pass where the community's small air strip sits. Planes were grounded.

Newman watched and waited for a break in the weather, treating her daughter with painkillers and ice packs. Arlene couldn't keep food down and grew weaker by the day.

Finally, Mariene and her husband, A.J., a fisherman who grew up in this isolated community at the tip of the Alaska Peninsula, decided to risk the rough seas for the three-hour boat trip to Cold Bay and its all-weather airport.

By the time they reached Cold Bay, the little girl lay limp in her father's arms as she was carried from the lurching vessel, up a 30-foot ladder to the dock and taken to a plane bound for Anchorage, 625 miles away.

''My heart was just twisting,'' Mariene Newman said.

Arlene recovered and remembers little of her ordeal.

Mariene can't forget. ''No one should have to go through what she and I did.''

In this place where 80-mph winds are common in winter and fog can cut off the community for days at a time in summer, many of King Cove's 770 residents have similar stories.

They tell of stroke, heart attack and burn victims who had to wait days to get to a hospital; of premature babies born on fishing vessels and cradled in makeshift incubators.

The community learned the hard way not to take chances with the violent winds. Four people were killed when a medevac flight carrying an injured fisherman crashed during a winter storm in 1980.

A one-lane, 27-mile gravel road to the airport at Cold Bay would end their isolation and provide safe transportation in times of emergency, King Cove residents say.

The Cold Bay airport, built during World War II, is the third largest in the state with its 10,000-foot runway. It has even been designated as an alternate landing site for the space shuttle.

A rider in an Interior Department spending bill that Congress takes up this month would allow a land exchange to make way for construction of the road.

But the road would pass through part of the Izembek National Wildlife Refuge, a critical staging area for hundreds of thousands of waterfowl and birds and home to caribou and bears.

Conservation groups oppose the proposal, saying it would irreparably harm wildlife habitat and set a precedent for building roads through other wild places.

''This is the most important wetlands area in Alaska,'' said Deborah Williams, the Interior Secretary's special assistant for Alaska.

The issue is shaping up as the biggest environmental fight in Congress this year.

The White House has already issued a stern veto threat and the proposal could stall the Interior Department's entire $7 billion budget.

Sen. Ted Stevens, R-Alaska, who chairs the powerful Senate Appropriations Committee, said he is ready for a fight.

''If anyone in this Senate votes against me, this is one I will not forget,'' Stevens warned at a subcommittee hearing in late June.

Thousands of miles from the looming showdown in Washington, caribou graze in the hilly tundra, dotted with lakes. In the foothills of the mountains, bears feast on berries and salmon, fattening up for the approaching winter.

A quarter of a million Pacific brant, Steller's eiders and emperor geese are arriving in the refuge in waves on their fall journey south.

More than 186 species of birds use the lagoons that lie just offshore. Many depend on the abundant eelgrass and berries for critical nourishment during their long migrations.

''Nothing compares to this right here,'' refuge manager Greg Siekaniec said as he waved his arm toward the eelgrass beds of Izembek Lagoon and the Bering Sea beyond.

About 3,000 people from around the world visit the refuge each year to hunt caribou and waterfowl, watch birds, fish its salmon streams and hike its rolling hills.

The measure before Congress would exchange 85 acres of refuge lands for 664 acres adjoining the refuge owned by local Natives, resulting in a net gain of 579 acres to the refuge. The proposal would not provide funding for the road, which could cost anywhere from $10 million to $29 million.

Critics say the exchange would remove land from the heart of the refuge, which has been designated as a wilderness area.

''It's a tough sell from our standpoint, to trade a corridor for lands elsewhere that are less important biologically,'' said Allen Smith, Alaska regional director for the Wilderness Society.

Opponents of the road say a modern telemedicine system, linking the village clinic with physicians in Anchorage, coupled with a marine ambulance and improvements to the dock at Cold Bay, would provide a safe, cost-effective alternative to a road.

But telemedicine won't help stroke patients, heart attack victims or those suffering from head injuries who need to get to a hospital, said Leslie Kerr, one of two nurse practitioners who staff the village clinic. And King Cove residents say the stormy conditions that make air travel impossible would make travel in a marine ambulance treacherous.

''In any other place in America, you'd just call 911,'' Kerr said. ''We're just trying to get closer to what other people expect to receive.''

Even by Alaska standards, King Cove is isolated. Many residents have their groceries shipped in by barge twice a year. There is one restaurant and no movie theater. People like their way of life and don't expect the amenities that might be found elsewhere, said city manager Gary Hennigh.

''We'll never be in the same realm as mainstream America but it can still be as good as circumstances allow,'' Hennigh said. ''There's this big runway just 27 miles way. If there's an opportunity to make something better, we ought to find a way to make it happen.''

The rhetoric in the debate has grown hot, with a haze of charges and counter charges on both sides.

Supporters of the road accuse their opponents of valuing wildlife over human life. The refuge is already criss-crossed with trails left by 40,000 troops stationed at Cold Bay during World War II, they say.

Environmentalists counter that the real reason King Cove residents want the road is for the economic development it could bring.

King Cove is a company town. Local fishermen sell their catch to the Peter Pan Seafoods plant, the only cannery in town. With a road to the Cold Bay airport, they could fly their fish to other markets.

But Mayor Henry Mack, a fisherman, shakes his head when asked about economic development. With Alaska's wild salmon losing market share to farmed salmon from Chile, Norway and elsewhere, local fishermen would have a difficult time competing on the world market for fresh salmon, he said.

''Our first priority is a safe means of travel. If that's all this turns out to be, we'd be happy,'' Mack said.

Mr. STEVENS. Mr. President, I am saddened to come to the floor and find the Senator from Montana quoting from the State of Alaska study. I am equally sad to hear what he gleaned from it. I wonder if the Senator from Montana knows that the State study shows the average flight delay from King Cove to Cold Bay is 8.8 hours. Does he know the State study also said the best option to solve this problem is, in fact, the road that I want to discuss? But I am really sad that my State has not backed the people from King Cove the way it should have. As a matter of fact, the Associated Press did have an article that appeared throughout the country. I want to encourage Members to read this article, the story about the hardships endured by the people of King Cove, that I asked be printed in the RECORD at the beginning of my remarks.

I know the graphics cannot appear in the RECORD, but I hope the Senate will understand we are talking about King Cove, which is out at the end of the Alaska peninsula. The land on that peninsula is almost entirely withdrawn. There are some native lands on it, but it would not be possible to have a road go out of King Cove to Anchorage by land. We are talking about an area that is isolated by land, an area that is located just a few miles from Cold Bay, which is an alternate landing site for the space shuttle.

If you want to talk about 747s landing there, the space shuttle itself can land there, just 30 miles from King Cove. If anybody is worried about the turbulence and planes landing at King Cove, as far as the migratory birds coming in the Izembek, I think they ought to check again.

I argued against this land in its entirety becoming a part of the Izembek Refuge. Part of it is nesting and resting grounds for migratory birds. Part of it is a former airbase from World War II that I will describe. After it was made part of the wilderness area—it is strange, you make an airbase that has old Quonset huts and roads on it, and you say, by the stroke of a pen, ''This is a wilderness area now, this is a wilderness area; be careful, you cannot do anything more in this area.'' There are 42 miles of road advertised by the Fish and Wildlife Service as a good place to come hunt, but you cannot move the boundary 60 feet—60 feet—so we can build a road outside of that wilderness area and allow these people to come to Cold Bay to be transported another 600 miles from there to get to a hospital.

Mr. President, I welcome to Washington several of the civic leaders from King Cove. I am sure they are saddened to hear Members of the U.S. Senate telling them that their lives and their children's lives are less important than 60 feet along 7 miles of the southern boundary of this area that has been set aside and called a wilderness area.

When we first started wilderness, it was intended to include only roadless areas. It had to be roadless. When they made this into a wilderness area, I argued, ''How can you do this? How can you make that area that is part of the airbase into wilderness?'' They said, ''We need to round it out.'' They have rounded it out all right. They have rounded it out in a way that denies King Cove access to Cold Bay.

My people up in the gallery are a long way from home, Mr. President, and I do welcome them. I am sure that they are here to make certain that we do our job. I do this one very willingly—very willingly—because I represent a State that has two-thirds of its total land withdrawn. I have imposed the State of Alaska on a map of what we call the contiguous 48 States. It is going from Florida in the East to southwest of Arizona, almost to the Baja coastline, and from Duluth down to the Texas Panhandle. It is an area that is one-fifth the total landmass of the United States.

Two-thirds of all of our State is withdrawn Federal land. It is there for us to look at, but we can't use it without permission from some bureaucrat who is compelled by a law passed by the extreme environmentalists who come to this floor and say we need to withdraw more, we need to protect this more, we need to come up with some way to prevent Alaskans from living.

More than a third of all Federal land is in Alaska—more than a third of all the land owned by the Federal Government is in Alaska! The land owned by the Federal Government in my State is larger than Texas. The Federally-owned land in Alaska would be the largest State in the Union outside of Alaska. It is twice the size of California; 358 Rhode Islands would fit in the Federally-owned land in Alaska. Beyond that, half of the wilderness in all 50 States is in our State. A full 16 percent of this vast State of ours is called wilderness. The whole State is de facto wilderness, but because of an act of Congress, this area is deemed to be a kind of super-duper wilderness, impregnable by people who are seeking medical care.

We have 57 million acres of wilderness in Alaska, and we are talking about 60 feet along 6 miles of the smallest wilderness area in Alaska.

We see a lot of people come into our State from States that don't have any wilderness at all. They come and say, ''Oh, isn't it wonderful, all this wilderness.'' And they go back and have another group of D–8 cats clear and develop more of their land, and then they put the money they make from that into some organization to be sure they protect Alaska from any development. They are so extreme that they say this 303,000-acre Izembek Refuge, the smallest one of the 16 refuges in Alaska, is so sacrosanct that it cannot move its border 60 feet.

Mr. President, as I said, this whole area of the Aleutian Islands and Alaska Peninsula, almost all of it, is refuge land. This wilderness area is just a very small part of the 16 refuges in Alaska. We are dealing with just superlatives. The Izembek Wilderness alone is larger than the entire wilderness areas in most States. That is how small wilderness is in the South 48, but when it comes up our way, we get millions of acres at a time.

Let me tell you a little bit about King Cove. Everyone knows the Alaska Natives there have survived the climatic conditions of Alaska for thousands and thousands of years on the Alaska peninsula. They were a nomadic people originally. They followed the caribou and fish and lived entirely off the land. Early in this century, they settled into permanent communities, including King Cove—a fishing community. Some communities built local canneries.

The Japanese invaded the United States in World War II in only one area, as we all know, in the Aleutian Chain. When they invaded the Aleutian Islands, the U.S. Army built a giant base, Thornbrough Air Base, which was across the water from King Cove. Battle accounts will verify the inclement weather and how it played havoc on military operations in that area.

After the war, the airbase was converted to a regional airport. It is now Cold Bay, a small town of mostly Federal employees.

This is a picture of Cold Bay. As I said, the airbase is now an alternate landing site for the space shuttle. It has an enormous number of roads, apparent on the photograph I am showing the Senate, for a small community of Federal employees. This is the third largest runway in my State. It remains open throughout the year, rarely closing despite having the worst flying weather in the United States. Cold Bay itself is documented with the worst flying weather in the United States.

As the cannery and the fishing fleet grew, the Native people became more

acclimated to normal American life, and they sought better medical services. We created, soon after I came to the Senate, community health aides for Native villages. This village has a small clinic staffed by a couple of community health aides. Any serious injury or illness requires medical evacuation to Anchorage or, in some instances, as far as Seattle.

Like most Alaskan communities, the connection between the village and the regional airport is by air. Obviously, there are no roads through the peninsula. Nor is there now a road from King Cove to Cold Bay. The circumstances there, even though King Cove lies only 30 miles from Cold Bay, is that the airport at Cold Bay is far, far, far away. Thirty miles is a long way when you have to go from by water. That is one of the worst stretches of water known to man—the North Pacific Ocean—between Cold Bay and the King Cove.

Right there—King Cove is here and Cold Bay is across this body of water also known as Cold Bay. The purpose of this road is to allow the people who live in King Cove access to Cold Bay when the weather is so bad that it is not possible to travel by air or by sea. When it is calm, it is like any place else. They can take a boat across or fly the short distance. But the weather is rarely calm in King Cove.

The Native people decided that they needed a road for emergencies, when the weather precludes air and sea transportation. That is what this is, an emergency road. I cannot believe that anyone would talk about trucks and truckloads of stuff going to Cold Bay on this road. Only a small unpaved dirt road is planned. And the community asked the Federal Government for permission to build that 6 miles. They own the balance of the land here except for the 6 miles. The Government said no.

Then they offered a land exchange, acre for acre, for the 60 foot right-of-way; and the Federal Government said no. They then said, ''Well, we'll give you 664 acres in exchange for 85 acres if you move the boundary.'' They said, ''If we can get through here, we will give you all of this here and here'' to add to the Izembek Refuge. It is almost an 8-to-1 acre trade.

They specified they would use this road only for emergency use; and they further offered to help the Fish and Wildlife Service limit overall impacts of access on the whole refuge. And the Federal Government still said no.

Let me tell you why my friends are in the gallery, Mr. President. Eleven people have died flying into or out of the community since 1980. Many more sick or injured have died waiting for the weather to clear because they did not even try to make the trip.

Let me tell you about the people who died because they could not even start the trip: Ernest Mack and Walter Samuelson suffered heart attacks in King Cove, and waited days for weather to clear so they could fly to Anchorage. Both Ernest and Walter died because they could not get emergency medical care in a timely fashion.

Christine Dushkin suffered a heart attack, and then died after crossing the bay in very bad weather in a fishing boat. She collapsed as she climbed the long ladder up to the top of the dock at Cold Bay. She suffered a heart attack in King Cove and died before she got to the Cold Bay airport.

Cathy Hoff, Darien Gorsinger and John Dattoli lost their lives when their plane was blown into the side of a mountain by a gust of wind. They were people from King Cove who were trying to save the life of Tom Phillips, a Seattle fisherman, who had lost his leg in a boating accident in King Cove.

I have heard colleagues talk on the floor about the morality of an HMO denying a child desperately needed health care. At the time I thought about King Cove. Is it moral for environmentalists to come to the floor and do the same thing? Is it moral for environmentalists to oppose giving this isolated village a chance to get the kind of medical attention that is available to the rest of the United States?

A simple broken arm became a life-threatening situation after a 5-year-old girl went into shock while waiting for weather to clear. The shock was from the broken arm. She just had to wait and wait and wait for the airplane to be able to get in, and she finally went over on a fishing boat once the sea calmed down sufficiently.

One King Cove girl was born 2 months premature on a crab boat that was taking her mother across Cold Bay in very inclement weather. It was a very long trip, even though it is only 30 miles, because of the wind and sea conditions. This little girl was kept alive in a foil-lined shoebox stuffed in a toaster oven while the winter storm tossed that boat around before they finally got to the dock. She lived. She was fortunate.

The road to Cold Bay would have allowed these children to reach an Anchorage hospital in hours instead of days, Mr. President—hours instead of days. As I said, my State study shows, in one of the few things they did report to us favorably for our people in King Cove, is the average flight delay is 8.8 hours. That is average.

Once the people from King Cove get to Cold Bay, they have to fly 600 miles. You know what that is. That is a flight from Helena to Colorado Springs; from Little Rock to Milwaukee; from Providence to Columbus. That is just to get to the hospital. Just to land and then be taken by ambulance to the hospital. After flying more than 600 miles from Cold Bay.

I cannot believe that a heart attack victim in Helena would not be knocking on the door of the Senator from Montana if that person had to fly to Colorado to get treatment and was made to take a three hour boat ride in a raging sea just to make his flight. I cannot believe that a person suffering a spinal injury in Rhode Island would not complain about having to fly to Ohio for surgery. They would complain in the first instance just in terms of the distance between Cold Bay and Anchorage. The people in King Cove can accept the 600 mile flight, but they don't understand why the rest of their trip can't be made easier.

We are talking about the distance between King Cove and Cold Bay. The administration and their advisers in the environmental community insist that a 600-mile medical evacuation necessity is not enough, that we should throw in a 3-hour boat ride in a Pacific storm—maybe more than that, because some of them do take longer when the wind and sea run against the boat, tossing it like a cork in the ocean.

The Senator from Montana suggests we could use a helicopter. I wonder if he knows what the limits on flying a helicopter are in gale-force winds. We are talking about the normal conditions most of the year going across to Cold Bay—when the weather turns bad, as it often does, they get hurricane-force winds.

I really think that people who suggest that ought to come out and find a volunteer to fly them in a helicopter across Cold Bay. I would not get in a helicopter with an 85-mile-an-hour wind blowing. I was in Cold Bay once when we had to tie the nose of our four-engine airplane to a D–8 Caterpillar in order to keep that plane from being blown away in an 80-mile-an-hour wind.

This is a very serious thing to us. And as I have told the committee when we started this issue, this is the kind of issue that a Senator never forgets. I have heard other people say that here on the floor, and I have said it only once before in my life, but we cannot forget this one. This one means so much to so few people that unless we weren't a State and neither Senator MURKOWSKI nor myself was here, they would have no hope at all. This is why we fought for statehood, to have the opportunity to come and explain to the Senate and the rest of the United States what it means to live in Alaska.

In 1983, we moved wilderness in Montana—in Montana—so the people there could drive to a fishing hole. We moved that wilderness farther than we want to move this one.

Last Congress, we moved wilderness in Alaska so Natives living in a national park could use snow machines in winter. We were grateful for that.

Earlier this summer, 88 Senators voted to allow motorized transportation in the Boundary Waters Wilderness in Minnesota. We waived the Wilderness Act in Minnesota this year.

Since when have we placed recreation above the lives of children and people who need medical care?

When is the Senate going to start listening to those who come from an area that is closer to Tokyo than it is to Washington, DC? You don't know our land. You won't listen to us about our land and you raise our tempers because you won't listen.

The only roads in this wilderness were there when the wilderness was created, and it shouldn't have become wilderness. I told them at the time, as I said previously, wilderness by definition is a roadless area. Now, the 42 miles of road in Izembek today are used by my friends who have the money to go out there and hunt every year. Yet, we are told we should tell these people to use boats when no rational person, except in a life-and-death emergency, would leave the dock in such high seas. We are told to risk more air crashes, knowing that pilots who volunteered, knowing the risk, have lost their lives.

My friend will talk about telemedicine. No one believes in telemedicine more than I do. But telemedicine cannot deliver premature babies. Telemedicine cannot perform open-heart surgery yet. I hope the day will come when it can. We can't use marine ambulances. There is no vessel that I know of that can cross Cold Bay in a storm safely, let alone carrying an injured person. Helicopters will not take off and land in an 85-mile-an-hour wind.

It is time we stop talking about alternatives. By the way, I heard the Senator from Montana talk about the alternative that I suggested. I suggested building the road south of the Kinzarof lagoon. This land is all owned by the Native people. They could cross all the way on their own land, but it would close off entrance to the lagoon. When we asked the Corps of Engineers and the Fish and Wildlife people to look into it, I got the report that such a decision would, in fact, create a problem for the few migratory birds who use this lagoon—not the land, but the lagoon. We have abandoned that option because it would likely have a greater environmental impact than the road we are suggesting.

We don't believe our road will have any environmental impact with the conditions we have agreed to as far as its use.

Now, I think anyone that wants to put a helicopter there and tell the Coast Guard they should fly in such inclement weather, should talk to the Coast Guard. I have, and they declined the honor.

We are here as representatives of a State that have seen their lands withdrawn, withdrawn, withdrawn. The land I used to take my sons to every year to go hunting was withdrawn and is now a wilderness area. Access to most of my State is cut off on any north-south or east-west axis on the ground by withdrawals and wilderness areas.

There is now the spectacle of a former Member of the Senate, now Vice President, accusing me of burying this special interest rider deep in a spending bill so that it couldn't be found. I wish he were here so I might debate him on that. It is absolutely untrue. We opened this up in the committee. We had a vote in the committee. There was nothing hidden at all. It was public knowledge from the very beginning. Now we have people saying we are beginning to kill the Wilderness Act by moving the boundary of this area enough so we can build a 6-mile road, 60 feet wide, when the area itself already has 42 miles of road in it—the part of the refuge that will be affected by this road.

I do get excited at times here on the floor when I find there are so many half-truths and untruths told about what is going on in my State. I think we need to know and someone should come here and be bold enough to tell us why this gravel road, 60 feet wide, deserves to be classified as wilderness, and remain so, despite the loss of life of people in this area. Why is this little strip of road more important than the lives of Alaskans who have not yet died, coming out of that community, seeking medical attention?

We have a growing tension in our State—I speak of it often—concerning the way we are treated as residents of a State, compared to how we were treated when we were residents of a territory. We did not have extreme environmental organizations controlling the administration when we were a territory. We do now. The strongest extreme group in the United States is the extreme environmental organization. It is a direct result of positions taken by that group that the administration has opposed this road and opposed helping these people.

We believe we know how to protect our State and its resources better than anyone from Washington who flies in, spends 2 hours on the ground then flies home to tell us what to do—particularly our Native people. They have lived with this land for hundreds of thousands of years. They honor it.

Did you know, Mr. President, that we have developed less than ½ of 1 percent of 365 million acres? Roughly 18 to 19 million acres are occupied by Alaskans, Native, nonnative, military, nonmilitary, cities, towns—½ of 1 percent. Much of our lands are wetlands, as a matter of fact.

Here we are in a situation where during World War II there was more activity in this area than ever there will be in the history of the world—an enormous base, planes flying in and out, troops quartered 30 miles from the center of that base. They had more people there then than we will ever have on this road. In spite of the war, those birds survived. Isn't that strange that during the war, we flew planes, we maneuvered troops, we had real and mock assaults on the beaches, and the birds survived. I ask the Senate, can't we believe that the birds will not be harmed by people who live with them, but are merely seeking to cross the land in emergencies only?

I urge all of my friends to vote for this proposition. By the way, the largest group of volunteers to our military services in the country per capita are the Alaskan Native people. They believe in this country. They believe in this government. They fight for the government. And they wonder, then, why does the government abandon them because of pressure groups like this? There is no excuse, no excuse, for anyone opposing this proposition, in my opinion.

I urge the Senator to approve Senator MURKOWSKI's bill.

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

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

Mr. BAUCUS. Mr. President, I very much appreciate the comments of the senior Senator from Alaska on the bill. His State and the people in King Cove and Cold Bay mean a lot to him, and they mean a lot to us. The junior Senator from Alaska mentioned, and perhaps even some of the residents of King Cove wonder, if we are concerned. I say to these King Cove residents, who are either in the gallery watching or listening elsewhere, all of us are as concerned about your safety—your medical safety and medical health—as the two Alaska Senators are. Obviously, we are; we are all Americans.

It is my feeling that maybe the best way to achieve better medical evacuation and better safety for the residents of King Cove is to complete the study—the two studies, actually. One is by your State, the State of Alaska, which is vigorously trying to figure out the best way to address better access between King Cove and Cold Bay. They are looking at various options—air options, marine options, road options. They are looking at telemedicine. They are looking at all the various logical ways to try to solve the problem.

We all know there is no silver bullet, no one alternative that is going to be the total solution to make sure that if anybody is ill or in an emergency situation in King Cove that he or she can immediately get the best possible care at a hospital in Anchorage, or even as far away as Seattle. There is none. So we have to find the right thing.

The other study that will be conducted is a $700,000 study of Alaska access issues by the Army Corps of Engineers. The study is at least now in the transportation appropriations bill.

So we have a lot of alternatives here. I think really it behooves all of us, including the residents of King Cove, to find the best option. We don't know yet what the best one is because it is a very difficult problem. It is difficult because of the residents' inaccessibility to Cold Bay and other parts of Alaska. The Senator from Alaska mentioned that I suggested helicopters. I did suggest that as one option, but not all the time. Many times, helicopters make no sense; for instance, when

winds are blowing 85 miles an hour. I would not get in one then either. That is not a silver bullet. It is probably a combination of a lot of different things.

No. 1, let's get the best solution and not rush to judgment and waste taxpayers' money by throwing two studies down the drain.

Another point I want to make is that the effect of this bill would say we are going to build this road. Some say it is a dirt road, some say a gravel road. Well, it is a dirt road, a gravel road. But they are trying to convey the impression that it is pretty small, no big deal. Actually, it is a pretty big deal. According to the Alaska Assessment Study of Needs the road is intended to be used year-round, with an average of fewer than 400 vehicles per day, including tractor-trailers carrying freight.

The Senator from Alaska questioned my assertion that freight could be hauled on this road. Well, I don't know. All I am saying is there is the contention, according to the State of Alaska study, that tractor-trailers would be hauled. The reason that is mentioned, frankly, is because of the fish processing plant—a very large one—in King Cove. It is one of the largest in the State of Alaska, where 30 million to 40 million pounds of fish are processed. Obviously, they would like to have this road to send the tractor-trailers on. This road would be designed for two-way traffic; it is not just a cow path. Again, at least the fish processing company would like to have this road.

Some have suggested this is not the only time we have adjusted a wilderness boundary. Several references have been made to the State of Montana, where there was a road—well, there wasn't much of a road, I say to my good friend who is now on the floor. It was for 4X4s to go down to the lake to go fishing. And then Congress enacted a wilderness bill, and it included the road in the wilderness area. It was a mistake.

Why did that mistake occur? I say to my good friend, probably because it wasn't much of a road. But it was a mistake. There was a preexisting kind of a road. Wilderness was created in the area, so the net result was that the road was in the wilderness area, that is true. But after we in the Congress recognized our mistake, we changed the designation so that the road could still be there. That is far different from this case we are talking about on the floor today.

We are talking about the creation and building of a new road through wilderness—building a road through wilderness. That is a totally different situation. Now, I call it sleight of hand to say, oh, no, this is not a new road to the wilderness because we are taking this area out of wilderness and building this road through it. Obviously, if you look at the maps, there it is. The map says ''wilderness.'' You can see where the road would be, and it would be through a wilderness.

I don't want to get too bogged down in all this, Mr. President. The fact of the matter is that our minds are pretty well made up. I think it is important to make it clear for the record what is happening here, what some of the other reasons are for what we are doing here.

Here is a photo. For example, this is a road—if you can see it. It is the kind of road that would be constructed in this area. It is a typical, good-condition road in Cold Bay, AK. As you can see, two vehicles can get by each other. As you can see, trucks could travel this road; tractor-trailer trucks could certainly travel this road.

On the other hand, this is the kind of road, if you will, that now exists in the wilderness. It has been mentioned that there are already roads in the wilderness. There really isn't much of a road. It is the kind in this photo here that exists in the wilderness. As you can tell, it is not much of a road. You could not travel on that year-round. Very few cars could travel on it.

We are talking about the construction of a pretty good road, up to certain specifications, which is not a highway, it is not paved, but as you can tell by the map here, it is a pretty good, decent road. In my home State of Montana, that is a highway. It is not an interstate, but that is a pretty good road.

Mr. MURKOWSKI. If I may ask this: Does the Senator know where that road actually is that he showed there? I have never seen anything like it. I don't know where it is.

Mr. BAUCUS. That is a photograph of the so-called road here on the map. Cold Bay is down here, and there is a road that goes up here. It is sort of a road trail that would connect with the proposed construction road. This is a map of this road provided by the Fish and Wildlife Service. That is all I can tell the Senator.

Mr. MURKOWSKI. The maps we have are the same thing and show the U.S. Fish and Wildlife Service sign.

There is a notable difference in the road.

Mr. BAUCUS. There may be a difference in the road. I don't know. One more point, in case folks haven't been listening to the entire debate: My view is there is a medical need. That is clear.

According to the State of Alaska, it is no greater, or no worse, than the needs of other similar communities in Alaska. There are several studies. Two are going on to try to address the best solution. The studies are looking at not only determining the best of three routes—air, water, road—but also trying to figure out how to increase the commercial viability of these communities. The real purpose here is to economic development. That is the driving force behind this road.

To sum up, let's wait until the studies are completed. When they are completed, my guess is that we will find a better way to help the people in King Cove, and in a way that does not disrupt a very sensitive national wildlife refuge wilderness area where hundreds of thousands of birds stop over in the spring and in the fall to feed and store up food for the breeding grounds in the northern part of Alaska, or to fly south.

The present occupant of the Chair wasn't here when I mentioned this earlier. These birds fly great distances. Some fly as far as Patagonia, if you can believe it, to the Izembek Refuge; to Patagonia and back again and up north to the Arctic regions in the summer to feed.

I urge Senators, the better option is to wait for the study. This is a very serious matter—building a new road in a wilderness area. It might not be the best option for the area. But we should wait for the studies.

I yield the floor at this time.

Mr. MURKOWSKI. Mr. President, I see my good friend is on the floor, the Senator from Tennessee. I note that he is the only physician in the Senate and is certainly eminently qualified with his wealth of knowledge on health issues. We have discussed issues today relative to health care. He has expressed opinions on everything from tobacco to children's health care. But I think it is important to recognize that he is an experienced and qualified trauma surgeon.

I wonder if the Senator from Tennessee would care to discuss the certain medical issues that are relevant to this debate and relevant to the timing of the debate and those who experience severe accidents to get to a trained trauma center with adequate personnel.

Mr. FRIST. Indeed, I would be happy to discuss some of these issues.

Mr. MURKOWSKI. Mr. President, one of the reasons the people from King Cove are, of course, pushing for access is that when a serious injury occurs, they understand that treatment has to be obtained in a relatively short period of time, in some cases immediately. Many of the health care providers in the area refer to the first hour after an injury as the crucial ''golden hour,'' so to speak, meaning that this is the most critical time after an injury.

I wonder if the Senator could shed some light on what that time is. What does that ''golden hour'' really mean?

Mr. FRIST. Mr. President, the ''golden hour'' is a basic fundamental principle of emergency care, of emergency responsiveness in trauma care. The Senator from Alaska is entirely correct. When a serious trauma occurs, it is that first hour, that ''golden hour'' that is absolutely critical.

The principle is very simple; that is, the quicker one can respond and get to appropriate treatment, the better the outcome. The ''golden hour''—put that in quotation marks. But it is a fundamental principle that every emergency room and every trauma surgeon understands. It refers to the principle that the severely injured patients are

more likely to survive with rapid, responsive, appropriate resuscitation, and treatment.

Patients with otherwise potentially survivable injuries can die unless there is intervention—frequently, surgical intervention—with appropriate resources accessed by that surgeon, or by that trauma personnel that is available. Delaying or failing to perform that needed emergency action or emergency surgery is the most common cause of those otherwise preventable deaths.

Mr. MURKOWSKI. I understand there is a distinction, Mr. President, between medevac trauma death and early trauma death. I wonder if the Senator could elaborate.

Mr. FRIST. There is. I think it is important. Again, the terms ''medevac'' and ''early'' are very appropriate. It is appropriate for people of the lay public to understand what those differences are.

In the case where you have a medevac trauma death, whereby the patient dies instantly, or within a very few minutes of whatever injury was incurred, there is little that can be done unless medevac treatment for that trauma takes place. So-called ''early'' death occurs within 2 to 3 hours of injury. In either case, the ability to get care immediately is the most single important factor in determining survivability and outcome.

Mr. MURKOWSKI. According to the draft study by our State of Alaska, Mr. President, the average flight delay from King Cove—I think it was cited by the senior Senator, Senator STEVENS—is approximately 8 hours. If a patient has a heart attack, stroke, or perhaps some other trauma, what are the chances for survival after such a delay?

Mr. FRIST. Mr. President, this is very well accepted in the emergency care peer review. The literature carefully documents it, and it is just as we discussed. With each passing hour the chances of survival diminish. If you draw a curve, the chance of survival in that first hour is very high, the second hour a little bit less, but still high, and every hour it diminishes over time. And that is the underlying principle of the so-called ''golden hour.''

Mr. MURKOWSKI. Mr. President, I appreciate the thoughts of the Senator from Tennessee on this.

Another subject that we discussed at some length in this debate is concerning safe access to the residents of King Cove. The argument is that telemedicine is the solution to the dilemma of the people of King Cove and the access. I ask the Senator from Tennessee if he would agree with the following quote from one of the largest health providers in our State, and that is:

The Aleutian Chain is without a doubt one of the most difficult places on Earth to provide quality health care for several reasons. Weather is a primary factor. Transportation in an emergency can be terrifying. It can also be deadly, and it can also be delayed. Many lives have been lost in the attempt of both patient and provider in working on evacuation teams. The Aleutians represent a unique opportunity to develop telemedicine. However, it will never eliminate the need for emergency transport to an acute care facility. That is, of course, what the access road is all about between King Cove and Cold Bay. The system will not carry a human body that needs advanced medical care. It will not remove the need for treacherous evacuations that so often take place from King Cove.

Talking specifically now about the technology of the advancement in this area of telemedicine, I wonder if the Senator could comment on the telemedicine technology benefits limitations. What kind of people do you have to have at the rural end to communicate this advanced technology that we are seeing in medical care today?

Mr. FRIST. Mr. President, telemedicine is, indeed, one of the most exciting new technologies to come along in medicine and in the application of carrying out what we know in terms of new knowledge, current knowledge, and the application. But it is very important for people to understand that its real limitation is that it is used principally for diagnostic purposes today. Over time that will change a bit. And it is advancing every day. But the quotation you just read is exactly correct. Telemedicine will never eliminate the need for emergency transportation, emergency transport, to an acute care facility.

Mr. MURKOWSKI. I think, Mr. President, the Senator from Tennessee would also be interested in knowing that there is no such thing currently as ground link communications in King Cove and that communications are by satellite.

As one person recently put it, ''If a successful fax transmission is a blessing, then successful telemedicine transmissions could be, well, perhaps a miracle.''

Mr. FRIST. Mr. President, I was not aware actually of that and the particular situation there in King Cove with regard to the satellite technology, but it really aims at a very important point, and that is, the premise of any telemedicine must start with reliable communications and it must end with reliable access to further care, for that care to be carried out—a very important point.

Mr. MURKOWSKI. May I thank my colleague from Tennessee for coming over and sharing his knowledge and experience in the area of not only telemedicine but as a trauma surgeon, and we have seen the Senator's performance when called upon here in this body in an emergency. We all commend the Senator for his extraordinary expertise and express our appreciation to the Senator for his many good works.

I thank the Senator.

Mr. President, I know the hour is late and the Senator may wish to continue to speak. I am personally just about to wind up here. I would like to make a couple of points relative again to the allegation that somehow a road—and again I would point to one of the charts—faces significant closures because of snow. As we have indicated on numerous occasions, even the U.S. Fish and Wildlife Service in their warning do not address snow as a difficulty in transit on these roads. This is the type of road you see.

Again, I would remind my colleagues that we are not looking for any funding here, we are looking for an authorization for a land exchange. We are not putting a road through a wilderness, we are putting it through a refuge. It is a net-net gain for the environmental community because it adds approximately 580 acres to the wilderness.

I also would like to point out that while my friend from Montana suggests we study it some more, we have been studying this thing since 1984. That is 14 years, Mr. President. We have had the Aleutians East Transportation Improvement Plan, we have had the Alaska Intermodel Transportation Plan, we have had the King Cove Bay Road Feasibility Study in 1995; the King Cove Briefing Report; the King Cove Bay Transportation Improvement Assessment draft report, 1997; the King Cove-Cold Bay Transportation Study of 1998.

My point is that this issue has been pretty well studied, and for the people who have lived there for 5,000 years in King Cove, there is only one possible option that makes any sense. And they are pretty savvy people, because they have to be, they live in a harsh environment.

We don't need another study. It is not going to save one more life. It will just delay the ultimate confirmation of what we already know—that the road is the most practical, it is the least expensive, it is the most reliable alternative. That is why everybody else has them. And why shouldn't the people of King Cove? That is the real issue.

Now, my friend brought up a point that I feel a little uncomfortable with because it questions our motivation. He suggested that the real reason behind this road was the commercial use.

Well, first of all, I want to tell him and I want to tell the rest of my colleagues that I have never, never been approached by the fish processing firms that are over there that this, indeed, would be a significant benefit, nor have they lobbied me.

If you understand the commerce of the North Pacific and the fisheries markets, you will know that most of the products that are produced in the small facility at King Cove are frozen fish products. Now, frozen fish products primarily are halibut and bottom fish, and they just don't demand, if you will, the market price to afford to fly them out to the markets. So as a consequence, what is produced here is carried by small freezer vessels and is marketed primarily in Japan and, to an extent, Korea.

If you look at the map of Alaska, you can see the unique location of King Cove and the great circle route, and that is the route of transportation. Most of these ships sail out of Vancouver, BC, or Seattle, WA. These are

freighters; they are American President Lines and various others. They go from the Seattle area and they stop by some of these areas on the Pacific Ocean side and pick up the frozen product in freezer vans and take them on to the Orient, whether it be the area of King Cove or whether it is Unalaska.

To suggest that we have enough value in our fish products to warrant moving them out by truck or van is totally unrealistic because the price simply won't support that. You can't get that much for the product. You can talk about all the studies you want. There may be a half dozen individuals who will suggest that this is a potential market, but if the reality of the price isn't there—and it isn't there—you are not going to ship this out.

I would ask my friend from Montana one other thing. Since we are giving the Secretary of the Interior the authority to control all the traffic on the road, would he vote for this—if, indeed, the Secretary said there will be no commercial activity? We assure him of that. Would that satisfy the Senator from Montana? I would certainly think it should, because this is the point. He questions our motive.

Mr. BAUCUS. May I answer the question?

Mr. MURKOWSKI. I can tell you right now, there is no way that the value of this product would allow it to be shipped out by aircraft. The only thing that we have that would closely approximate that value is the king crab fresh, but it is very, very difficult. It is a very short season, and this isn't the predominant area necessarily for that.

Mr. BAUCUS. Can I answer the Senator's question?

Mr. MURKOWSKI. I am not ready to yield yet.

Mr. BAUCUS. The Senator asked me a question. I wonder if I could respond to it.

Mr. MURKOWSKI. I am not going to——

Mr. BAUCUS. That was a rhetorical question.

Mr. MURKOWSKI. Yield at this time, but I will certainly take a question at the end.

Mr. BAUCUS. No, no; the Senator asked——

The PRESIDING OFFICER (Mr. GORTON). The Senator from Alaska has the floor.

Mr. MURKOWSKI. The point is, Mr. President, to question the motivation of the Senators from Alaska on the question of commercialization is without any foundation and without any feasibility regardless of what some study or report suggests as a potential alternative. It is simply not real.

Now, the other issue relative to the points that have been made by my friend from Montana, who clearly doesn't speak from experience or having visited the area, is the issue of the road and connecting, if you will, the roads that are in the area with this proposed extension.

I would call attention to the fact that we have in this area almost 15 miles of road in the wilderness now. And if my friend, when he has an opportunity, would care to visit the area, I would be happy to take him and drive over these roads that exist in the wilderness today.

What we are proposing is, not to address those roads, we are proposing simply to put another road extension, if you will, outside the wilderness in a refuge, and I think we have made that point again and again and again. To suggest there would be 400 people a day who would travel this road is ludicrous. There are 700 people in King Cove. There are 110 or 120 in Cold Bay. Now, I don't know where you get 400 people, or hundreds of trucks. This is make-believe simply to address an issue that—well, there is little local knowledge certainly in this body relative to the factual account.

Believe me, if we could ship our products out by 747 and get the price that we would have to get for them, why, it would be a different matter. You talk about the issue of the sanctity of the wildlife sanctuaries, and that is a very real issue. But be assured that we have, as Senator STEVENS indicated, in the Cold Bay airport a world-class airport. Prior to the advent of the long-range 747, many of the aircraft that traversed the North Pacific route had to land there for fuel. It was a big fueling base. Flying Tigers went in there for years and years and years. And to suggest that had a detrimental effect on the wildlife patterns is clearly without any merit.

Furthermore, I would refer one more time to the fact that we have attempted to meet more than halfway every objection brought by the environmental community, even to the point of giving the Secretary of the Interior the authority to direct the type of traffic on this road. Mr. President, I think we have pretty well covered all the concerns, except some of the irrelevant and impractical considerations that have no bearing on reality.

So, I ask my colleagues, and the floor manager on the other side, how much time? Can we get an agreement on a vote? I could go on all day, but I defer to the floor manager on the other side to see if we can get some idea and certainty about how much more time they would like on their side.

The PRESIDING OFFICER. The Senator from Alaska has 55 minutes remaining. The Senator from Arkansas has just under 126 minutes remaining.

Mr. BUMPERS. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, this is a very difficult, a very difficult undertaking for me for a number of reasons. No. 1, my profound and unrestrained respect for the two Senators from Alaska who obviously feel very strongly about the issue. It gives me no pleasure to be on the other side.

I sit as ranking member on the Energy and Natural Resources Committee where Senator MURKOWSKI is chairman. I have been on Appropriations for 22 years where Senator STEVENS is chairman. They are no different from any other Senators of the U.S. Senate who, when they have a problem, have no hesitancy about doing everything they can to solve it for their people. That is what we are all here for, to serve our people. So it is with considerable regret that I find myself feeling compelled, however, to oppose the amendment and the bill.

Let me say, also, that lack of health care is not just peculiar to Alaska. I grew up in a community of 851 souls where we sometimes had one doctor but most of the time we had none. My mother and father moved from a mountaintop farm into this little community of 851 people because my brother, who died before I was born—and who obviously, being firstborn, was the apple of my mother's eye—but we moved because he died for lack of any medical care. That was a long time ago. But my mother told me many times that she told my father, ''We are moving off this mountaintop. I am not going to live here and watch my babies die, one at a time, for lack of medical care.''

I grew up with that story, so I grew up always trying to improve medical care in my little hometown. Finally, after I went back there to practice law, we were able to obtain one doctor. We built him a clinic. We fed him, we did everything in the world he asked us to do, and then he was killed in a car wreck, and there we were, left without a doctor again. It was only 30 minutes from a hospital, but if you are having a heart attack, that is too long. If you are having a massive heart attack, 30 minutes is too long.

So, as I say, I grew up knowing what it was like not to have any medical care. We seldom had a doctor in our hometown. I can remember—and I have said this on the floor before—that growing up during the Depression was a tough enough time. You know, that is one of the reasons I have always been an unabashed social liberal, and the reason I must say I resent so many people who use the term ''liberal'' as a denigrating term.

I often want to say, what is it about liberalism that you hate? Which one of these programs that are considered liberal—for example, Medicare—would you repeal today? Or REA? Student loans? Or Pell grants? Or the ability to know that you are drinking pure and clean water? Or the ability to know that you are eating food that has been prepared under the most sanitary conditions? The list goes on and on and on and on of those things that were all considered liberal at the time.

But you couldn't get anybody to go back to the poll tax system in the South. And I remember people in my State thought that was the end of the world as we knew it, when people were

allowed to vote free, didn't have to pay a dollar for a poll tax.

Five black women came into my office 2 years ago, each one having been a victim of cancer of the breast. And I sat literally weeping with those five women, some of whom were going to make it and some of whom were not—but who said that they did not go to the doctor when they first felt the lump because they knew the doctor would either turn them down or tell them that they had no medical insurance. What if they did have cancer, they knew they were not going to be cared for. That was in 1996. This is not when I was a child during the Depression. This was 2 years ago. They were there to lobby me on behalf of a program they didn't need to lobby me on. I was already for it.

But here these people were, 50 to 100 miles from Memphis and the finest hospitals in America—and I will not give you the name of the town they came from or where they had been denied health care. All I am saying is a lot of people are denied health care because of race. Others are denied health care because they don't have any insurance—45 million of them. They are not necessarily denied health care simply because they don't have insurance, but oftentimes that is the case.

Just as an aside, not particularly applicable to this debate, I remember every summer when people died of typhoid fever in my hometown because the outhouse was just about 20 steps away from the water well and we did not make the connection. But, you know, another one of those old liberal programs was free vaccinations. When I was in school we got smallpox, typhoid and I forget the other shot. We always got those at the school—free. The county health nurse administered the shots. That is what some people called the good old days. They weren't good old days to me.

Will Rogers once said, ''The good old days ain't what they used to be, and they never was.''

Well, one of the most difficult things I faced as Governor of my State was a highly charged issue of whether or not Lee County, AR, the third poorest county in America, would get an OEO grant. Some of you are old enough to remember the Office of Economic Opportunity, another one of those liberal programs that I remember President Nixon put a man in charge, specifically, to dismantle it. But there was a $1 million grant for a clinic in Lee County, AR, as I said, one of the poorest counties in America. It was designed to provide health care for African Americans who had no place to go, and it became a black/white issue. They got the money if I, as Governor, signed off on it, and they didn't get the money if I didn't sign off on it.

The first thing you know, a little violence broke out and I had to send about 15 to 20 State Troopers into that town for about 4 or 5 days to restore and maintain the peace.

Those were very trying times. That sounds anachronistic today, but that has been a short 27 years ago.

I did something that I knew was right that was very troublesome. I signed the grant and, if you pardon the expression, all hell broke loose in that town. It was the county seat.

To shorten the story, today it is the primary health care center for everybody in that county.

An organization in New York about 2 weeks ago gave that clinic a $50,000 mobile van in order to keep people from coming in all the time. The clinic will take the van around a three-county area. They will let people know when it is coming. They will immunize children and so on. Betty, who is not only ''secretary of peace,'' but also has been very active, she and Mrs. Carter, in immunizing all the children in this country, went down for the presentation of this van to that same clinic that got the $1 million grant 27 years ago. Now, as I say, it is the primary health care center for the entire county, black and white.

I say those things to preface my remarks about this issue. There isn't any question, nor does anybody I know of who opposes the amendment and the bill—there isn't any question about the problem. Certainly the two Senators from Alaska understand these things in Alaska, so far as they are concerned, much better than I do. I understand, being a southerner from a relatively poor State, that a lot of people are deprived of health care for totally different reasons, and that is the reason I prefaced my remarks.

Here we are talking about a 30-mile road which, incidentally, as I understand it, will cost in the vicinity of $25 million to $30 million, and 8 of the 11 miles that go through the national wildlife refuge is through a wilderness area. As the senior Senator from Alaska said, the State of Alaska has some 40 million acres of wilderness areas, so what on Earth are you talking about? Eight miles through a wilderness area? It just sounds like such an infinitesimal problem, who can possibly object? Who especially could object after hearing the two Senators from Alaska describe some of the people who died for lack of medical care.

The problem I have with it is the bill assumes that the road is the only solution. If I believed it was the only solution, I would be a cosponsor of the amendment. But there is another imperative involved in it, and the Senator from Montana, who has performed yeoman service on this amendment today, has already pointed it out. And that is, building a road through wilderness in Alaska, no matter how short or how long, will be the first time in this Nation that we have deliberately authorized building a road through a wilderness area. Once you start down that road, nobody knows where it is going to end.

I can tell you that probably 9 out of 10 people in my State, if you just present it to them as health care for people, they say, ''I don't understand the Government and the wilderness; that wilderness stuff never made much sense to me anyway.''

It makes a lot of sense to me for a simple reason, and I had to come to the U.S. Senate before I really honed my conscience and my awareness of the fact that God just gave us one planet. He didn't say go ahead and throw all the greenhouse gases you can into the atmosphere or chlorofluorocarbons to destroy the ozone layer and I will give you another one after you destroy the ozone layer and after you bring on global warming, with all the disastrous consequences. When you get through mining all the land and leaving all those wonderful environmental disasters, God didn't say, ''I'll give you another one and give you a second chance to see if you can do better next time.''

No, we only get one, and when you do irreversible damage to this planet, you are destroying your children's and your grandchildren's heritage and their future, and you do it mindlessly while standing on the floor of the U.S. Senate talking about education and health care and everything else to indicate how much you love your children. When it gets to something as arcane as building a road through a wilderness, who cares? But when you combine thousands of those little ''who cares?'' projects, the first thing you know, you have done a tremendous amount of damage.

My staff gave me a thick briefing book, and I went through a good portion of it, but I guess I finally have to say the precedent worries me a lot. Once you start this, where do you stop? We have never done it before, and we ought not to start now.

No. 2, there are a lot of alternatives that even the State of Alaska is now studying. The Transportation Department of Alaska is studying what some of the options are to solving this problem, which ones would be the best, most affordable, et cetera. The State of Alaska has taken no position on this, at least that is my understanding.

Why are we not talking about establishing some medical facilities in King Cove? Why are we not talking about the use of Hovercraft? Senator STEVENS got a provision put in the transportation bill for $142 million for new ferries in Alaska, and he got a provision put in the transportation bill to build a causeway to solve the very problem we are talking about here today. I don't know what happened with that. I understand there was some dissension in the ranks over there about the advisability of a causeway. I don't know. That even might be one of the solutions to this.

There is an Indian Health Service in King Cove. We appropriate money every year in the Interior appropriations bill, in 1996 to the tune of $380,000 to that facility. Before we spend $30 million to build a road, why not just put $1 million into the health service

facility? Why not take the $30 million and put it in a trust fund and build a hospital, and then invite doctors up there and pay them $200,000, $300,000 a year to live there? That would be infinitely better than spending $27 million to $30 million on this road, 87 to 94 percent of which Uncle Sugar will pick up the tab.

Mr. MURKOWSKI. I wonder if my friend from Arkansas will yield.

Mr. BUMPERS. I will be glad to yield.

Mr. MURKOWSKI. I wonder if there is any reference in any material, as he suggests, that we are going to spend $20 million or $30 million for a road? I am sure he is aware there is no appropriation requested for any amount.

Mr. BUMPERS. Of course. I understand the road will be built by the State of Alaska.

Mr. MURKOWSKI. I thank the Senator.

Mr. BUMPERS. But I also understand the Federal share of that will be somewhere between 87 and 94 percent.

You think with that kind of money and what you can do—if you just take the Federal share, cut Alaska out, take the 87 percent of whatever it is going to cost to build the road and establish a trust fund. I promise you, you will have doctors, you will have doctors and anybody you want, with the income from such a trust fund.

But getting back to where I was a moment ago, you can improve the medical facilities there. You can consider Hovercraft. Hovercraft is not dependent on fog. You do not have to worry about fog conditions. A Hovercraft is one of the alternatives that the state is studying. Sometimes the waves may be too volatile to use Hovercraft. That is why a combination of various alternatives may be necessary.

There is a man in Alaska named Dr. Peter Mjos who has written a letter. Dr. Mjos apparently is head of the Alaska Native Medical Center in Anchorage. It is a family practice center. He says:

> I've been asked, as the Eastern Aleutian Tribes Medical Director, to comment on the proposed King Cove to Cold Bay road. The primary concern which has been raised is that of safely evacuating individuals with medical emergencies.
>
> Several concerns come to mind. On the surface, so to speak, a road would appear to be the safest and easiest option, however, the safety issue surrounding medi-vacs arises primarily because of the extremely hazardous meteorologic conditions which occur during an emergency. While flying is obviously potentially hazardous—

And listen to this—

> The proposed road in an Aleutian storm or blizzard could be [just] as equally as hazardous when one considers nearly zero visibility, nonexistence of other traffic over a [long] distance of very isolated country, and, of course, the ever-present winter dangers of avalanches.

What Dr. Mjos is saying is that a road is not a 100-percent solution either. There will be times when you will not be able to use the road—a lot of ice, a lot of snow, avalanches in Alaska. He goes on to say:

> Of much greater expediency, then, I would strongly recommend several measures which would first, markedly decrease the number of medi-vacs and second, would probably be more reliable in the event of emergencies necessitating medi-vacs.
>
> Foremost would be the implementation of a state of the art telemedicine system.

My chief of staff here in Washington told me one time about her father when he was a young man suffered a head injury. And they took him to Fort Smith, AR, which was about 50 or 60 miles away. There were no neurosurgeons in Fort Smith, AR, so a family doctor there—or maybe he was a general surgeon; I do not know—they got a doctor in Oklahoma City on the phone, and this surgeon in Fort Smith held the phone up to his ear, and they operated on her father according to the way this neurosurgeon in Oklahoma City was telling him to do it.

Telemedicine is a lot more advanced than that today, but I use that just as an illustration to say sometimes telemedicine works.

> Another option which would circumvent the hazards of avalanches and isolated highway transportation would be that of a state of the art ferry system which could operate in virtually any climatic weather conditions. This would of course obviate a drive on, drive off ferry with adequate protection from unruly seas.

This is from a doctor who is the Eastern Aleutian Tribes Medical Director.

Here is a letter from Myron P. Naneng, Sr., who is President of the Association of Village Council Presidents. He is writing to Chairman DON YOUNG over in the House.

> DEAR CHAIRMAN YOUNG: After careful examination of H.R. 2259—

Essentially the same bill we are debating here—

> the King Cove Health and Safety Act of 1997, the Association of Village Council Presidents, Inc. Waterfowl Conservation Committee would like to request to be put on the record of opposing such legislation. The bill provides for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay and King Cove.
>
> Although we empathize with the community of King Cove's difficulty with safe air transportation to Anchorage, we find that the proposed road would seriously interfere in our endeavors to resuscitate our migratory bird populations. . .

And he goes on.

Mr. President, I offer these things simply because the Senator from Alaska is correct. I have never been to Cold Bay or King Cove, either one. But apparently people who live there and who know the situation have been, and they oppose it.

One of the most interesting things I have run across is this. No. 1—the Senator from Montana has already covered this, and at the expense of being repetitious—Penn Air, the primary aircarrier between King Cove and Cold Bay, makes 1,800 one-way flights between King Cove and Cold Bay each year. That is 900 round trips. You divide that by 365, and that is about 2 1/3 round trips a day that Pen Air makes between King Cove and Cold Bay.

Listen to this. Incidentally, three Pen Air flights have resulted in accidents in 20 years. Little Rock, AK, does not have a safety record that compares with that. There were 20 medevacs from King Cove between January 1996 and June 1997. That is roughly a year and a half—20 medevacs. There was a delay for 5 of the 20; and of the 5 that were delayed, 4 of them were delayed by no more than 4 hours; and the 5th was successfully completed the next day.

You hear a lot about 11 fatalities between 1981 and 1997; 11 fatalities in that 16-year period. Six of the fatalities were the result of a plane that was en route from Kodiak that crashed into the mountain.

I am going to tell you, flying around Alaska is no fun, under the best of conditions. When I was in Alaska they kept me scared to death—the bush pilots. We are talking about a 16-year period; 11 fatalities, and 6 of those from a plane that crashed coming from Kodiak, coming from an island the opposite side of King Cove from Cold Bay. A road between King Cove and Cold Bay would not have prevented that.

Another incident where one person was killed—this takes care of 7 of the 11 over a 16-year period—was by a pilot who flew within a complete whiteout condition after being warned not to do it.

Mr. President, I am not sure of the statistics involving who died and how trying to get from King Cove to Cold Bay.

I want to say to my friend from Alaska that after all the studies are done and it is determined that there is nothing else that is even feasible except building this road, then I will rethink my position. I don't blame the two Senators from Alaska for trying to honor the request of the people in their State on this.

One thing that has not been talked about is helicopters. You can buy a regular ambulance helicopter for $4.7 million brand new; you can buy one used for $1.5 million. They can always operate safer, and more often, than fixed-wing aircraft in bad weather. They are used consistently by North Slope Borough Search and Rescue.

I won't belabor this any further except to say we have studies ongoing by the Department of Transportation in Alaska. We ought to at least show them the courtesy of letting them report, and then make up our mind after we have seen a detailed study. We should not precipitously, here on the floor of the Senate, build the first road in a wilderness in the history of the country without at least giving it more than a passing thought.

I would be willing to accept the amendment of the Senator from Alaska and we can just vote up or down on the bill if that is agreeable with him, if it is agreeable with some of my colleagues. I don't know how strongly my

good friend from Massachusetts feels, and I will be happy to yield to him in a moment.

Finally, in my opinion—I have been wrong before in my opinions, but this one is, I think, fairly safe—in my opinion, this bill will be vetoed. I don't know of anything, other than the Republican tax bill, that the President feels more strongly about than this bill. The most current information is that if it were presented to the President, his senior advisers would recommend he veto the bill. This is one of those bills, if you present it, it looks like you are being terribly cruel, until you examine it very carefully and see all of the information. I urge the President to veto the bill. It will be a very tough bill to veto. I don't know whether we can uphold the veto or not. I don't know how many votes we will get here this afternoon. He is absolutely determined to veto this bill.

It is a legitimate thing to talk about, and I hope that the studies will show some alternate method of alleviating the problem other than building a road through the wilderness for the first time.

I yield the Senator from Massachusetts such time as he may consume within the limits I have left. How much time do I have remaining?

The PRESIDING OFFICER. Ninety-two and a half minutes.

Mr. KERRY. Mr. President. I think the arguments have been extraordinarily well covered in the course of the afternoon by the Senator from Montana, the Senator from Arkansas, and also the Senators from Alaska.

I begin my comments by saying that I think this is one of those difficult issues we are called on to come to the floor and debate, argue about, and to decide. I regret that because, in a sense, all of what the Senator from Alaska said is extraordinarily compelling with respect to the plight of the citizens of King Cove. There is nobody here who is not sensitive to the need to provide access to health care and who isn't going to be concerned that guaranteed emergency medical services are available to people who need them. These are not just citizens of Alaska, these are our citizens, too.

I think when we come to the floor of the Senate and make arguments on behalf of all of our citizens in rural areas, which is what we are talking about here. So I hope no one will construe in any way whatever—and I am confident my colleagues have both said this and feel it—the notion that anything we are saying suggests an insensitivity to the plight of the citizens of King Cove. But questions remain: What is the best response to that plight? What is the best way to deal with the effort to provide emergency medical services for people who clearly deserve them? There are, I think, simply rational, practical differences of opinion about how you balance the equities here.

We have a $700,000 appropriation in the Senate Transportation Appropriations bill to the Corps of Engineers to study what options may be available in terms of alternate transportation for rural Alaska. So it is not as if this is an issue being looked at in a vacuum. It is already on the radar screen of the U.S. Congress. We are already trying to find out what different alternatives may be available. But all alternatives have to be weighed against what this bill would represent.

We are talking about the first ever permanent new road construction in a federally-designated wilderness area—the first ever permanent new road construction which will be maintained.

Now, it is true there are other miles of road within this wilderness area, but those were trails that were there before the area got its wilderness designation, and they are not being maintained. They will ultimately some day grow over, except to the degree that hunters and trekkers who may go up there use them, which is not sufficient, probably, to maintain them.

The point we make is that a wilderness area is a wilderness area by definition. When you build a new road, you have taken away the notion of wilderness. The construction process alone is disruptive.

I have heard reference on the floor in this debate to the minimal amount of traffic that may take place. But a road has to be maintained. There is also something illogical in the notion that a road that is being built as an alternative to inclement weather and problems of transportation—isn't Alaska going to present you with inclement problems in terms of road travel? A whiteout is a whiteout. Road and vehicular travel is as much affected by an effort to go through a whiteout and a blizzard as a flight. That raises many questions about other possibilities for this road.

When I look at the sum, the Senator from Alaska suggests this is not going to be a Federal expenditure, but in point of fact, 90 percent of highway expenditures tend to come from the Federal Government even though they go through the State treasury. The fact is, the cost of a road is somewhere in the vicinity of $25 to $30 million. Just put $25 million or $30 million in an interest-free account and take your 10 percent or whatever, and you have $3 million of earnings a year. You could build a mighty fine clinic for 100 people for a tenth of that sum. In fact, you might even pay a young doctor $250,000 a year to sit there for a year if you really wanted to talk about cheaper alternatives, together with telemedicine giving you the capacity to do many things, not to mention the possibility of the Federal Government and other kinds of emergency transportation that could be made available.

I think when you weigh the various options here that are being looked at now, you may in the end, as the Senator from Arkansas has suggested, come to the conclusion that this is the best alternative.

But it seems to me that my colleagues would be well advised and well served to at least wait until the analysis is done in order to measure that against the enormous environmental precedent that is set by authorizing the first-ever permanent, maintained road in a wilderness area.

Let me just speak for a moment about the environmental concerns of running a 30-mile road from King Cove to Cold Bay through the Izembek refuge and wilderness. Created in 1960, it is the Izembek National Wildlife Refuge is an internationally recognized wildlife refuge because it is a major stopover on the Pacific flyway for hundreds of thousands of migrating waterfowl and other migratory birds. For example, the entire North American population of Pacific black brant and most of the world's emperor geese use this isthmus as a crucial resting and feeding ground on their annual flights. These geese stop to feed on this isthmus and once airborne continue 60 hours of consecutive flight until they reach parts of southern California and Mexico, losing one-third of their body weight on the journey. Clearly, the protection of the feeding ground is critical to the health of these amazing birds.

Additionally, wildlife abound throughout the refuge which serves as a key migration route for caribou herds as well as a denning ground for Alaskan brown bear. The proposed road would bisect the refuge's isthmus which narrows to less than three miles at some points. A road through this pristine habitat would be more than harmful to its wildlife.

These are critical concerns. But we don't need to decide this issue today. Not doing that today does not deny any service whatsoever to the citizens of Alaska. I think everybody who stands here asking the Senate to weigh the impact as to precedent of the first-ever maintained new road in a wilderness area against the options that are being studied would have to agree that there is no rationale for rushing to judgment against those options.

So I urge my colleagues, as difficult as I know it is—I certainly agree with the Senator from Arkansas. If the alternative proves that this is the way to go, then the Congress, I am sure, will join in a 100–0 vote to make that happen. I would certainly be one of those to do that. But that is not where we find ourselves yet.

So I urge colleagues to exercise restraint, wait for the results of the analysis, look at the alternatives, and measure that against the precedent of what would happen in terms of wilderness construction in this case.

I yield the floor and reserve the remainder of time for my side.

Mr. MURKOWSKI. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from Alaska has 54 minutes.

Mr. MURKOWSKI. Mr. President, for the benefit of my colleagues, let me

point out a few things that are germane to the debate.

The Committee on Natural Resources held hearings on October 15 on the issue of Cold Bay and reported the bill out of the committee. So to suggest that somehow this particular issue has not seen the light of day or committee action is inappropriate.

We have heard in the discussion comments relative to the environmental impact of the road. If my assistant will help me, again I will show you pictures of the roads that are there. These aren't ghost roads, they are real roads. We have shown them to you before. That is the reality. These are the roads that are there. OK. Some of these roads are there and they are in the wilderness.

Here is the map that shows where the roads break off and go into the wilderness, as opposed to those that are not in the wilderness. Few of the Members who have commented really want to reflect on this harsh reality. I will point out the roads in the wilderness that are there today. They are in the dark area here, as you can see with the pointer. This distinguishes the marking line that establishes the wilderness, so it is everything on the top of the picture that is wilderness.

So the point is, there are roads in the wilderness. As we look at the environmental impact of those roads, they are what they are. They are dependent on about 100 people who live in Cold Bay and have access to those roads. Again, there are about 700 people in King Cove. So the impact is pretty small.

Now, there was a mention by my friend from Montana that the reason the migratory waterfowl stopped in this area, you can recognize that it is a flat, tundra-like expanse with no trees. But the Senator from Montana knows the real reason that the black brants stopped there is for the eel grass; that is where the eel grass is, and they come and feed. He is quite correct.

It is a unique day when, sometime in October, mid-October, and the wind currents are right, the brants take off, and their next point of landing is Cabo San Lucas in the Baja peninsula of Mexico. They actually go from this particular point, Izembek Bay, and they lose nearly a third of their body weight. The flight of these geese is really one of the wonders of the world. Hunting season is open by the U.S. Wildlife Service, and people hunt. I hunt, if I am able, with my friends, and we hunt geese. The lives of these geese are dependent on a number of factors. One is a recognition that hunting is allowed. This just isn't a plain wetlands, it is a unique wetlands. But the question is, Is it threatened by this activity? There is no evidence to suggest that it is threatened.

Again, I emphasize this, and I think my friend from Massachusetts, in his comments a few minutes ago, missed the point. We are not talking about a road in the wilderness. He made the point that this would be the first road in the wilderness. This isn't a road in the wilderness, as I have said time and time again on the floor today. This is a land exchange. We are proposing to take the area in exchange by providing about 580 acres of additional wilderness in exchange for about 78 or 87 acres, if you will.

What we are going to do is do a refuge with the exchange. We are going to put this area into a refuge, and then we are going to add to the wilderness the yellow areas, which is a substantial increase of 580 acres. It is a net, net, net gain.

How can anybody who is interested in acquiring more wilderness be against this when there are 580 acres of additional wilderness being offered? We are doing a land exchange and putting the proposed road through the refuge. It is a big difference. We are not setting a precedent. I wish the staffs listening to this would recognize that there is no road going through a wilderness. There is a wilderness exchange. We are putting it in a refuge and it is a net, net increase.

Hovercraft is an interesting mode of transportation. I wish it were a viable alternative. We have had lots of experience with Hovercraft in Alaska. They require a tremendous amount of maintenance. They are very expensive to operate. Mind you, we are talking about, again, 700 people in King Cove—a very small population. Who is going to underwrite the cost of the Hovercraft? You have to have it available year-round, and maintenance, and you have to have operating personnel.

If you have ever been in a Hovercraft—and I have—they are a unique mode of transportation. They skid, because you have a lift from a fan that lifts the vehicle up over whatever it is, whether it is water, ice, or tundra. Then you have another fan that gives you movement ahead. But as you turn, you have no rudders. The Hovercraft has a tendency to skid because there is no rudder, in a sense, that basically digs in and gives immediate direction. You have to be careful when you are moving a Hovercraft and you come up on any cut banks. They will make a corner, but they skid as they go around the corner and you can bang into a cut bank where the edge of the river is and you could find yourself in trouble. It takes a good deal of experience to operate these, and the cost of operation is extremely high.

We have roads all over the United States, and, sure, they cost money. People use them and they facilitate the lifestyle of the people. Somebody said $30 million could build the road. Well, you are pulling that out of some kind of a study, or whatever. These roads that are in these pictures certainly don't cost $30 million a mile. We have estimates that the type of road we are talking about is substantially less—somewhere less than $5 million or $6 million. You are not talking about anything substantial here, as the occupant of the Chair knows. There is no drainage on either side, and they are not ditched.

There is another thing I am confounded about in this debate. They talk about avalanches. I defy anybody looking at this picture to tell me where the avalanche is going to come from. This is tundra. This is where you are talking about putting a road in the refuge. They are not talking about any avalanches in the refuge.

Whether it is refuge, or, as my friend from Massachusetts indicates, wilderness, there are no cliffs. Where is the snow going to hang from to avalanche? There is near King Cove some hilly area, but that is in a different area than we are proposing a land exchange. That is really not part of the argument over whether you are going to have an avalanche potential. And, obviously, you have the potential of avalanches in areas where you have deep snow.

King Cove isn't one of them, I might add. You have them in areas where you have heavy concentrations of snow, like Valdez, and other areas. That is not a legitimate concern. But to lump this in the arguments that we have a wilderness, a bird sanctuary, that we have avalanches and mountains, and we can duck hunt. You don't duck hunt from the mountains. It is a composite of the areas that we are talking about. But the land exchange is just what it is. It is in this tundra area, and you are not subjected, as indicated by the U.S. Fish and Wildlife Service, to any extreme elements such as snow that would be put in their advisory, which they make available to all visitors.

The state-of-the-art ferry we have discussed. Who is going to pay for it? A ferry suggests a crew, and several millions of dollars. We just built a new ferry. What was it, a couple hundred million dollars? Obviously, we are talking about a different type of ferry. It costs a lot of money.

They talk about Penn Air. They do a fine job. We are talking about two trips a day. Do you know how many passengers that airplane carries in two trips a day? It is not a 747. It is not even a DC–3. It is a Piper Navajo. It carries six people. That is what you are looking at. They say, ''Wow. Two trips a day, 1100 in a year.'' That is a six-passenger airplane.

Another thing that I think is important to note as we debate this—and the other side throws figures around—is the Congressional Budget Office has determined that this bill is revenue neutral. The point was made, ''Well, you know. If the State decides to build this road someday, it can use its share of Federal funds that the State receives.'' Who are any of you to criticize what our State determines are its priorities with its share of the Federal funds? The suggestion was made here on the floor a few minutes ago that you shouldn't. If you do, that is on this road in the refuge. That is nobody's business but Alaska's, thank you very much.

We talk about, ''Well, let's put this off a little longer.'' We have been doing

it for 14 years. We have 10 studies. We have a book of them. I don't know.

Mr. President, these aren't very well dusted off. But here are just about eight of the studies over the last 14 years. And some of you recommend that we continue to do what? Do nothing; do studies. I am sure that the people who do these studies are glad to hear that.

There has been some talk about a causeway. What is a causeway, Mr. President? I know the occupant of the Chair knows what it is. It is kind of a road, isn't it? It is an access over an area called a causeway. It carries a road. This was the proposed study by the Corps of Engineers. Somebody suggested that $700,000 is in the bank. Well, I would be willing to make a small wager to any Member that we don't see that money. That $700,000, if it exists at all, in my opinion is pie in the sky at this time.

The point is that while we look at alternatives, we have been looking at them for 14 years. We can look at them again. But the constituents that I have are saying enough is enough. We can study options until the cows come home.

I noted that the Senator from Arkansas indicated that he had a letter from one Myron Naneng who is associated with the Association of Village Council Presidents. What my friend does not know about the AVCP is that their major concern is the spring bird hunt. The Senator from Montana knows. People, for their subsistence, are allowed to take migratory birds in the spring.

What we have here is a little bitterness, if you will, which occurs sometimes between he, I, and others, differences of opinion. This particular AVCP individual has taken it upon himself to express his opinion, which he certainly has every right to do, but his interest is to protect the rights of the village council president to proceed with their spring bird hunts. I have supported that position as a subsistence use.

There is also a criticism. They have a little infighting between the groups. There is a lack of support for a curtailment of the interception of the fisheries issue as far as fall trapping. There is a little dispute between the residents of King Cove and the village council presidents.

So do not take this with a grain of salt, Mr. President, because the more appropriate reference is the attitude of the collective voice of the Native people of Alaska. That is expressed by the Alaska Federation of Natives.

I have a letter here dated April 29 addressed to me.

Dear Chairman MURKOWSKI:

Attached, please find a copy of the 1997 AFN Convention resolution. This resolution is entitled "A Resolution of the Alaska Federation of Natives Supporting the Ability to Obtain Right-of-Way Through National Wildlife Refuges for the Necessity of Improving Health and Safety Issues in Alaska." The Delegates to the 1997 Annual Convention of Alaska Federation of Natives unanimously passed this resolution.

I hope the resolution will assist you in passing legislation involving King Cove for the purposes of obtaining a right-of-way for that community through a land exchange.

That is the voice of the Native people of Alaska.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD, and the accompanying resolution that passed at the convention.

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

ALASKA FEDERATION OF NATIVES, INC.,
Anchorage, AK, April 29, 1998.

Re S. 1092.

Hon. FRANK MURKOWSKI,
Chair, U.S. Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MURKOWSKI: Attached, please find a copy of 1997 AFN Convention Resolution 97–34 (hereafter "97–34"). This resolution is entitled "A Resolution of the Alaska Federation of Natives Supporting the Ability to Obtain Right-of-Way Through National Wildlife Refuges for the Necessity of Improving Health and Safety Issues in Alaska." The delegates to the 1997 Annual Convention of the Alaska Federation of Natives (AFN) unanimously passed this resolution.

97–34 states that the delegates to 1997 AFN Convention support obtaining right-of-ways through national wildlife refuges, including right-of-ways obtained through land exchanges.

I hope this resolution will assist you in passing legislation involving King Cove for the purposes of obtaining a right-of-way for that community through a land exchange.

If you have any questions concerning this letter or the attachment, please call me at AFN.

Sincerely,

JULIE KITKA,
President.

ALASKA FEDERATION OF NATIVES, INC., 1997 ANNUAL CONVENTION, RESOLUTION 97–34, A RESOLUTION OF THE ALASKA FEDERATION OF NATIVES SUPPORTING THE ABILITY TO OBTAIN RIGHT-OF-WAY THROUGH NATIONAL WILDLIFE REFUGES FOR THE NECESSITY OF IMPROVING HEALTH AND SAFETY ISSUES IN ALASKA

Whereas much of the access to and between rural Alaska villages is either by plane; and

Whereas the weather conditions are frequently inclement and flying is often a life or death situation; and

Whereas there have been numerous incidents of fatalities due to trying to fly in bad weather or treacherous terrain; in one community alone there have been 11 fatalities since 1981; and

Whereas most right-of-ways can be obtained through a land exchange with the affected village or regional corporations; and

Whereas the lands that are offered in exchange for the right-of-way are desirous to the National Wildlife Refuge managers; and

Whereas there is a legislation pending in Congress that dedicates right-of-ways through National Wildlife Refuges: Now, therefore be it

Resolved, that the delegates to the 1997. Annual Convention of the Alaska Federation of Natives, Inc., support the ability to obtain right-of-ways through National Wildlife Refuges for Health and Safety reasons.

Sponsored by: The Aleut Corporation.
Committee action: dos pass.
Convention action: passed.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Alaska Native Brotherhood. In that particular letter, it says:

The Juneau Camp of the Alaska Native Brotherhood supports the Alaska Congressional Delegation effort to connect King Salmon and Cold Bay.

Please accept our appreciation for your efforts. This may save a life, while responding to sensitive issues.

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

ALASKA NATIVE BROTHERHOOD,
CAMP NO. 2,
Juneau, AK, June 24, 1998.

Hon. FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: The Juneau Camp of the Alaska Native Brotherhood supports the Alaska Congressional Delegation effort to connect King Salmon and Cold Bay. We do have occasion to meet with Alaska Native organizations on subsistence issues and subsistence management. There are discussions of local interest matters, such as fish and wildlife habitat and access to interest areas. Persons of these areas have contacted us on this matter.

The Juneau ANB supports funding for the Izembek Road that would provide safe access from Cold Bay to the King Salmon areas. It is our understanding that wildlife habitat areas would not be adversely affected, and that the Local Natives do attend to habitat areas anyway.

Please accept our appreciation for your efforts. This may save a life, while responding to sensitive issues.

Respectfully,

JEFFREY ANDERSON,
President.

Mr. MURKOWSKI. Mr. President, I also ask unanimous consent that a petition that was signed by approximately 50 residents of Cold Bay expressing their support for the exchange be printed in the RECORD.

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

As residents of Cold Bay, Alaska, we support the proposed road between our community and King Cove. Furthermore, we recognize the existence of roads in the wilderness area and drive these roads, along with nonresidents who fly into Cold Bay, for access to hunting grounds.

Mr. MURKOWSKI. Mr. President, I further ask unanimous consent that a listing from the King Cove Clinic from April 1998 to present day covering medevacs be printed in the RECORD.

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

KING COVE CLINIC MEDIVACS FROM APRIL 1998 TO PRESENT DAY

April 3: Chest Pain, Airplane, 2 hr. delay;
April 14: Chest Pain, Airplane, ½ hr. delay;
May 5: Abdominal Pain, Airplane, 1 hr. delay;
May 11: Chest Pain, Airplane, No delay;
May 31: Chest Pain, Airplane, No delay;
June 19: Abdominal Pain, Airplane, No delay;
June 24: Abdominal Pain, Airplane, No delay;
June 26: Chest Pain, Airplane, No delay;
June 27: Baby Fever of Unknown Origin, Airplane, No delay;
July 5: Possible Tendon Laceration, Airplane, 1 day delay;

July 6: Chest Pain, Airplane, 3 hr. delay;
July 28: Abdominal Pain, Helicopter, 1 day delay;
July 28: Abdominal Pain, Helicopter, 1 day delay;
August 9: Miscarriage, Airplane, No delay; and
August 28: Pneumonia, Airplane, 1 hr. delay.

Mr. MURKOWSKI. I thank the Chair.

I might add that from April 3rd to August 28th, there were 16 specific medevacs. The first one on April 3rd, there was a 2-hour delay; 14th, 1-hour delay; May 5, an hour delay; no delays in the two in May; there were no delays in June; on July 5, there was a 1-day delay. Not an hour, Mr. President, a 1-day delay; July 8, 3-hour delay; July 28, 1-day delay; July 28, 1-day delay; August 9, a miscarriage, no delay; August 20, pneumonia, 1-day delay.

These are the official records that indicate what is really happening. The only difference is this is summertime. This is the good weather.

Try it on October, November, December, or January.

To give you some idea, this is from the National Weather Service, Marine Desk, lower south side Alaska peninsula, including waters near Cold Bay and King Cove. On the following days in March, small craft advisory warnings; winds between 25 and 34 knots were issued, not only on the 7th, 8th, 11th, 13th, 17th, 19th, 20th, and 21st, but on the following days in March of the same year, gale warnings of 35 to 50 knots were issued on the 2nd, 3rd, 4th, 5th, 6th, 12th, 15th, 16th, 22nd, 25th, 26th, 31st.

There is more air around there than there certainly is around here.

And the following days in March wind advisories greater than 50 knots were issued, on the 23d, 24th, 27th, 28th, 29th, and 30th. Only 5 days during the month were there no marine advisories in this area. That is what we are talking about in Cold Bay and King Cove. It is not just once in a while.

Now, what is hypocrisy? Well, let's try this on for consideration. It might be the Clinton administration and the Washington green lobby opposing a small, one-lane gravel road in an Alaska wildlife refuge to allow a few Aleut Native people to reach emergency medical care while at the same time allowing an international airport to expand a runway—a runway, Mr. President—into a wildlife refuge which is the home to endangered species and provides essential habitat for waterfowl and migratory birds. Where is the Senator from Arkansas? Where is the Senator from Montana? Where is the Senator from Massachusetts? Where is the righteousness as to what is happening?

Well, I see a look of concern. On September 21, 1998, the U.S. Fish and Wildlife Service announced that they had reached an agreement with the Metropolitan Airport Commission to allow a new runway at the Minneapolis-St. Paul International Airport which would severely impact the Minnesota Valley National Wildlife Refuge in Bloomington, MN. The Minnesota Valley National Wildlife Refuge currently consists of 9,429 acres of land. This agreement will require the replacement of 4,000 acres of refuge land which will be impacted by what? Well, let's try aircraft noise. I quote. Here it comes, gentlemen.

''We would have preferred to keep our refuge and our programs intact,'' says Rich Schultz, refuge manager. ''But we certainly recognize the need for safe, reliable air transportation so I am glad we were able to come to an agreement at least in principle. It will take a lot of effort to relocate our facility's programs, but this should be done to allow us to provide additional opportunities for our growing Metro population.''

Well, what is hypocrisy, Mr. President? Perhaps there is no comparison between the minimal potential impact on wildlife from a small gravel road with an occasional—an occasional—car passing in a 300,000 acre wildlife refuge in an area that is excluded from the wilderness and the hundreds of jets—hundreds? Come on, let's talk about thousands of jets—taking off each week from an international airport over a smaller, 9,000 acre refuge in Minnesota.

Well, we have heard the Senator from Arkansas say the President is going to veto this. We have heard that before. Well, charity starts at home, Mr. President. The Clinton administration has made a purely political decision, and I think it is a cruel one at that. It takes into consideration not the people of King Cove or their dreams of access. It would deny medical care for Alaska Natives while giving the population of Minneapolis a jetway with enormous impacts on the environment with regard to noise and air pollution.

Well, I guess that is the way it goes around here. But nevertheless, I think everyone would recognize there is certainly an injustice. Imagine that. The excuse is the refuge manager recognizes the need for safe, reliable transportation. But here again we are proceeding to allow a new runway that would impact on the Minnesota Valley National Wildlife Refuge in Bloomington, MN, consisting of 9,429 acres of land and the agreement will require the replacement of 4,000 acres of refuge land.

So there we have it, Mr. President. What is good for the goose is good for the gander, somebody once said. Now, I don't know if there is a value, commercial value in expanding that runway, but I would let the example speak for itself.

There are a couple more things I want to say in conclusion. Staff did a good job of preparing to respond to some of the statements that have been made in the debate, and I would be remiss not to address them at this time. We have done a little research here, and I hope that our comments are an accurate reflection because they are taken from the RECORD.

Back on Tuesday, September 29, the statement by the Senator from Montana states:

Mr. President, the rider establishes a very troubling precedent. Congress has never authorized the construction of a road through a wilderness area.

The fact is the proposal does not authorize construction of a road through a wilderness. I think I made that point time and time again. The language authorizes a boundary adjustment which Congress routinely has used to provide access through wilderness areas, most notably, the Lee Metcalf Act of 1983, which withdrew several acres in Montana for a road to a fishing hole. I know my colleague already addressed that.

Later the Senator from Montana said:

The bill would cut the refuge in half.

Well, the refuge is 300,000 acres. The proposed road corridor skirts the very edge of the refuge impacting only less than 0.3 percent of the refuge land. The proposed road corridor is 3 miles south, south mind you, of the Izembek lagoon complex and is separated by 3 miles of terrain. The reason you move it back is an obvious one. You want to get away from the immediate tidal wetlands area and put it in a little higher area of elevation.

Further, the Senator from Montana indicated:

Mr. President, this is a road that now exists in part of the wilderness area. This is what is there now. This is what would be contemplated. As you can tell, it is a pretty good size road. It is no small, little cow path.

And that was the picture the Senator had. The facts are the road would be, well, not more than 60 feet wide taking up only 85 acres through 7 miles of the refuge. In return, the Natives would return 664 acres—664 acres of privately owned lands to the refuge. The road would be constructed of gravel, like many of the U.S. Fish and Wildlife roads that are already present in the refuge. So I think that is a factual rebuttal.

And if I may continue. Furthermore, on September 29, the Senator from Montana indicated:

There are many ways to address the legitimate transportation problems at King Cove without violating the Izembek refuge: Coast Guard air evacuation is one; better port facilities and special marine ambulances are another; as well as telemedicine and other medical advances.

We have been studying it for 14 years. The fact is the Coast Guard does not, will not, and cannot handle the dangerous conditions associated with the numerous land-based evacuations. It is a policy matter. To do so would put lives at risk and would fundamentally alter the Coast Guard's mission, which is a sea mission. You have 20-foot seas, and 50-knot winds are not uncommon in the area. Portions of Cold Bay can freeze in the winter. Telemedicine, of course, as we have heard from Senator FRIST, while of benefit, will not reattach limbs and certainly cannot alter the care of premature births.

There was a reference further by the Senator from Montana:

The fact of the matter is when you look a lot deeper into this, the real impetus behind

the road may not be emergency medical evacuation. That is not the real driving force here. Really, it is that the folks there have an economic interest in having a road.

Mr. President, this road is about saving lives. The economics is not part of the equation. Marine transportation is the manner in which the products in cold storage, in the canning operation, in fish processing, move. They move traditionally that way because the value of the product simply does not support moving it by air, and anybody in the business will tell you so, including the residents there.

But last, no one on the other side has addressed this: We provide the authority for the Secretary of the Interior to close the road for nonemergency use. What more could we do? If he sees this road is being inappropriately used, he can close it, he can limit it—whatever. This is about lives.

What has happened here is extremely unfortunate. The leaders in the environmental community, some of whom may be listening—I hope they are—somehow have decided to dig in on this. ''Break your pick on this one. This is the issue.''

It is the issue at whose expense? The Aleut people in King Cove. They are too far away to be heard from. It is too expensive to go out and see them. So we will just stand on this one. Let me tell you what our health care providers say when they speak up, and these are people who are treating people in rural Alaska. It is an issue of access. It is an issue of life. There it is. I quote:

The greatest limiting factor to air ambulance is weather and the condition of the airport [at King Cove]. Being able to use the Cold Bay facility will enhance our ability to get in and continue care of patients . . . if the road saves one life, it's worth it.

This is from Dean C. Dow, MICP, Lifeflight Emergency Evacuation Service, Alaska Regional Hospital, Anchorage.

They are out there, taking care of the people who use the medivac.

The next one:

Distance between communities in Alaska dwarfs many states in the Lower 48 and telecommunications are often sketchy. A wise person once said, ''If a successful fax transmission is a blessing, then successful telemedicine transmissions could be a miracle . . . the telehealth system will not carry a human body that needs advanced medical care . . . it will only enhance medical care. It will not remove the need for treacherous evacuations that so often take place from King Cove.''

Kathy Boucha-Roberts, director of alliances and telemedicine, Providence Health System, Anchorage.

Next one:

All we want is safe access for our people. We see the road as our only hope.

Della Trumble, King Cove Native Corporation:

The King Cove Medical Clinic (a small, four-room building) [that is all they have] is forced to take drastic measures and lose critical time in attempting to complete a medivac—travel by boat in dangerous sea conditions . . . a road between King Cove and Cold Bay would bring us to our Medivac flight and into the 20th Century in emergency response.

Let's see the picture. This is the facility at King Cove. It has the Red Cross on it. That is it. If you get your leg broken, have a baby—whatever—that is all you have. It is a lot better than nothing. But when you are in need of something—look at cloud cover here. You might see that in the picture. This is a good day in King Cove, believe me.

The last one:

Inclement weather severely impacts prompt medical air evacuations. Medivac by fishing vessel is directly affected by wind, ice and poor visibility, making offloading the patient on a dock extremely stressful and hazardous . . . the King Cove Rescue Squad believes that the road to Cold Bay is a necessary alternative to existing air and boat medivac.

Marilyn Mack, emergency medical technician, King Cove.

Mind you, this is an effort by 700 people, a very small village, to be heard in the Congress of the United States. Let us see what our Members have said about access to health care. Some have said access to health care is a right. I agree.

It is absolutely essential that Montanans have access to quality health care without having to cover massive distances. Sometimes getting to a hospital can be the difference between life and death.

That is my good friend, the Senator from Montana.

We have the best health care in the world in many respects, but it is available to people only if they are able to access the kind of doctors they need . . . people ought to be able to seek emergency room care if they need emergency room care.

That is my friend, Senator DORGAN. I agree.

Denying our citizens an opportunity to participate in the greatest advances that are taking place in the medical profession is effectively a death sentence . . . it is really an issue of lifesaving protections.

Senator TED KENNEDY, Massachusetts.

We must ensure that quality health care is there for people when they need it . . . we must protect patients from decisions made by accountants and bureaucrats in insurance companies and have their health care decisions made by physicians.

Senator BARBARA BOXER.

Patients should have access to health care professionals who are qualified to treat their conditions and not forced to accept people without the proper professional credentials . . . if a doctor believes a certain treatment is necessary, as a matter of right, that doctor's judgment should prevail.

Senator ROBERT TORRICELLI, New Jersey.

That is what some of our colleagues are saying about the right to have access to health care. That is what I am saying, what our senior Senator is saying—the right to have access, the best access, the most practical access. It is the access that would be brought about by this exchange which we are proposing, an exchange in the wilderness for an additional area of wilderness of about 580 acres.

Mr. President, I inquire of the time remaining on both sides.

The PRESIDING OFFICER. The Senator from Alaska has 19 minutes 18 seconds; 85 minutes 11 seconds for the other side.

Mr. MURKOWSKI. I retain the remainder of my time. I am not sure what the leadership has in mind. It is my understanding there might be an opportunity for a vote around 5 o'clock. If that is likely to occur, it is almost 5 o'clock.

I think there is a special briefing going on at this time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this has been a good debate. A lot of facts have come out. I might just note parenthetically, I chuckled a little bit. Here we are at the late stages of this debate. I concede to the Senator he has won the chart war. I have never seen so many charts in a debate in all my life. I acknowledge to the Senator he has a lot more charts than I have, and they are pretty good charts.

Also, he has all that staff there. I see the army—there are about 10 back there on his side. He has won the staff war. We have only a couple or three on our side. He has won the chart war. He has won the staff war. And he has also won the time war. He has used a lot more time than we have. I will be very brief.

Basically, there are a couple of points I want to make for the Record, for the Senator. He asked, very interestingly: Nobody has answered the point that the Secretary of the Interior, the refuge manager, basically controls this road.

The fact is, in the bill itself there are provisions that the refuge manager—that is, the Secretary of the Interior—works with—I think it is the Aleutian Boroughs—to try to come up with a Joint Plan for the operation of the road. But the bill further provides, if no agreement is reached, that the borough controls. The borough can just decide within 24 months that that is what it wants to do.

So it is not quite accurate to say this road is under the control of the Department of the Interior. The fact is, as a practical matter, maybe earlier, but certainly within 24 months, this road is under the control—if there is a road—of the State.

The second point: The State of Alaska is not for this road. The State of Alaska takes no position on this road. We do not have any correspondence from the State of Alaska, particularly from the Transportation Department of the State of Alaska, saying we want this road, we support this bill. There is nothing that says, ''We support this bill.'' Rather, the State department takes no position.

Let me just read what the Transportation Department of Alaska says: ''You have inquired about the status of our study efforts, etc.'' I will not read the whole letter.

Basically, the letter concludes on page 2:

Until the Transportation Needs Assessment and the Facilities Concept Report have been completed, we will not be in a position to propose the preferred alternative nor will we know how the King Cove-Cold Bay project is rated against other transportation projects. Therefore we have no position on the legislation currently pending in Congress.

I think that is because that is a sound conclusion. That is why the State of Alaska, at least the department of transportation, takes that position because it makes sense. There is the basic study that is going on. It is an Alaska study. My good friend from Alaska says, ''Gee, we have enough studies here.'' My answer is, light a fire under the State; get them to conclude the study.

Mr. MURKOWSKI. I wonder if the Senator——

Mr. BAUCUS. When I finish I will. Let them conclude the study so the State can recommend what alternative makes the most sense.

He also said, ''I don't know where the $700,000 is.'' It is in the transportation appropriations bill right now. It passed the Senate. The language is there.

I don't want to get in tit-for-tat business. It is not productive. He made the statement implying maybe this Senator has no idea about bottom fishing in Alaska and what the economics are.

I am actually getting my view—it is not my view, but I am reporting what the Alaska Intermodal Transportation Plan says. It has a statement on page 13 of its plan. This is dated October of 1994. I grant it is a few years old.

Essentially, it says King Cove's economy is almost exclusively dependent upon fishing and fish processing. It has been a major fishing center in southwest Alaska for over 75 years. The salmon cannery has operated since 1911; crab processing since 1958; fish roe processing since 1960. In the seventies and eighties, the bottom fishing industry expanded. Peter Pan Seafoods is the largest employer, employing 250 to 300 persons in its cannery operation in King Cove. Commercial fishing accounts for approximately 100 jobs.

It goes on to say that because of limited access, today the seafood market in King Cove is restricted. I am reporting from the Alaska report. It further provides that most product is sold directly to Peter Pan. Peter Pan now moves some fresh fish—fresh fish—into niche markets they have identified with low volumes. Without alternatives, commercial fishermen must settle for the going rate of about 35 cents to 40 cents a pound.

It goes on to say it is estimated that with better access—that is most probably the road to Cold Bay—to fresh fish markets, the same fish could be sold at a price of upwards of 70 to 80 cents a pound, nearly double what fishermen now receive.

It goes on to say essentially that this access would provide for a lot more fresh fish access in addition to the frozen. Basically, 5 percent of their processing production, which would be close to 2 million pounds a year, will be moved by road to an airport to fly directly to fresh fish markets.

I am just answering the Senator by saying this is what the State of Alaska says. I take the Alaska Intermodal Transportation Plan at its word, but if they are incorrect, then I stand to be corrected.

The point about whether this cuts into a wilderness area or not, it is pretty clear that this road we are talking about does. By the way, when the Senator showed a picture of the tundra, he said, ''Oh, there are no avalanches here.'' What he was not showing is sections of the road down here which bisects streams and mountain areas, that is where the avalanches would occur. They would not occur up closer to Cold Bay. But this road does cut this wilderness in half.

This is the whole area, basically, we are talking about, where the waterfowl feed. This is the road that would go up here and down back around to Cold Bay. With truck traffic from the processing plant and the other traffic on the road, it is pretty clear it would bisect the area.

It is constructing a new road in a wilderness. The Senator says that is not true. I think it is true, and I will let people decide for themselves whether it is true or not. I say it is true because here is the wilderness right now and there is the road. It looks like to me there is a road in the wilderness area.

The response is, ''We will just take that out of wilderness and put the road there, and because we take the wilderness away, it is not a road in wilderness.'' That is too clever by half, Mr. President. We know what is going on here. It is a road in the wilderness. We have never done that. We have not constructed a road through wilderness from one point outside wilderness to another point outside wilderness. We have never done that; never.

I recognize that we may have to do that. If the only option to provide medical care and emergency services is a road, but we don't know that yet. There are a lot of options being studied. I say let's let the State of Alaska complete its study, or the $700,000 the senior Senator from Alaska put in the appropriations bill to study rural access, then we will see. If it turns out we have to have this road, I will be one of the first Senators to stand on this floor and reconsider my position, but we are not there yet. I don't think we should take precipitous action today and prejudge by saying we have to build this road.

Finally, on another point, the President will veto this bill if it passes. I hope it doesn't pass, but if it does pass, he will veto it.

I ask unanimous consent that a statement of administration policy be printed in the RECORD.

I will read the first sentence:

The Administration strongly opposes S. 1092, and, if presented to the President, his senior advisers would recommend that he veto the bill.

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

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

The Administration strongly opposes S. 1092, as amended, if presented to the President, his senior advisers would recommend that he veto the bill.

S. 1092 would create an objectionable and unprecedented perpetual right-of-way through portions of the Izembek National Wildlife Refuge and Izembek Wilderness for building a public road and maintaining utility-related fixtures between the communities of King Cove and Cold Bay in Alaska. Specifically, S. 1092 would set a precedent by removing lands from wilderness in a land exchange to build a new road. S. 1092 is not compatible with the purposes for which the Refuge was established and would waive important environmental laws. As a result, S. 1092 would disrupt the habitat of many important species, including internationally-unique waterfowl populations and cause irreparable damage to the ecological integrity of this pristine wilderness area. Finally, the bill would undermine the intent of the recently enacted bipartisan ''National Wildlife Refuge System Improvement Act of 1997.''

The Administration recognizes the need to ensure adequate emergency medical care for the remote community of King Cove. The Administration will continue working with the State of Alaska and other interested parties to explore different transportation alternatives.

Mr. BAUCUS. In summation, I thank the Senator for the debate. It has been a good debate. We have been here, what, almost 5 hours. The Senator from Arkansas, the Senator from Massachusetts, the Senator from Tennessee, both Senators from Alaska have argued this issue. I thank the Senator, again, for taking this issue up on the floor and not as a rider on the appropriations bill. That is the better way to make public policy.

Mr. President, I don't think there are any more speakers on our side. We are ready to accept the amendment and at the appropriate time vote on the bill.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, we are still waiting on this side for an indication from the leadership about disposition of this. My understanding is we can anticipate a vote very shortly, but I have to defer, pending clarification.

In the meantime, I want to clarify the RECORD. The Senator from Montana suggested that the State of Alaska does not support this road. Let me read a statement from the Anchorage Daily News, Wednesday, June 7, 1995. It reads as follows:

Knowles—

Who is our Governor—

Says he favors a road to Whittier, a 16-mile link between Nondalton and Itulilik, and a 20-mile road between King Cove and Cold Bay on the Alaskan Peninsula.

That was the Anchorage Daily News, Wednesday, June 7, 1995.

Relative to another matter that was brought up by my friend on the assessment of transportation needs by the

Alaska Department of Transportation, let me read a synopsis, and that is:

Based on a comparison with other alternatives, the road alternative provides a positive benefit stream throughout the life of the project with total benefits exceeding total costs by more than $242 million through the year 2018.

I am not going to dwell on that because some of these projections are really little more than a hypothetical wish list, whether it be on the issue of whatever the economic value of the fish products are or whatever. But I think it is fair to say the people who put intermodal transportation analysis together do so based on a lot of longitude and latitude relative to realities associated with the market ability associated with what the economics basically have to support.

I would again defer to something that I brought up time and time again, and that is the fact—this is what I find rather amusing about the attitude of the administration and its veto threat. They are not even giving credence to the Secretary of the Interior and the flexibility that we have given him to address this road should it have any detrimental impact on any of the migratory wildlife or initiating any other activity that would be detrimental.

This has not been addressed by the opponents. It is not being addressed by the administration. They have come up with a flat veto. I would like to think that my colleagues would not be moved or motivated by a disinterested administration that does not address the concern associated with what this road means, and it really means a road to life for a very, very small exchange—an exchange not in the wilderness but, indeed, a land exchange in refuge and a net benefit to the wilderness of some 580 acres.

What you have here, Mr. President, is you have gotten a battened down environmental group that is dug in—the Audubon Society, and various others, pulling out all stops to overcome the 730 residents of King Cove on an issue that means perhaps that they will lose face if they lose this vote.

I would like to think that the 100 individuals here are individuals, they think for themselves, they are not motivated by a rush associated with a herd mentality and will address this issue on its merits.

The merits are very simple, Mr. President. This is a road to life for the residents of King Cove. I would appreciate all my colleagues to recognize the issue on its merits and not be threatened by any veto threats from the administration, none of which have to put up with the rigors of living in a wilderness area, such as those residents who live in King Cove.

Mr. President, let me thank the Senator from Montana, the Senator from Arkansas, the Senator from Massachusetts for the debate, my senior Senator, Senator STEVENS, and the Senator from Tennessee who shared with us his expertise on telemedicine, Senator FRIST.

Again, as we look at the alternatives, recognize we have been looking at alternatives for 14 years. This is time for action. The action that we contemplate is a simple land exchange giving the Secretary of the Interior the oversight authority. I cannot imagine anything that is more fair and provides a balance than what we have proposed. I ask my colleagues to support the amendment that I have as well as to vote in favor of the bill.

I have been asked by the leadership to suggest the absence of a quorum. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, may I just ask the Senator to withhold for a moment?

The PRESIDING OFFICER. Does the Senator from Alaska object?

Mr. MURKOWSKI. I object, if I may, for just a moment.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk continued to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I am told there are other Senators still wishing to speak on the bill, so I ask, how much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes remaining.

Mr. MURKOWSKI. The other side?

The PRESIDING OFFICER. The Senator from Arkansas has 74 minutes.

Mr. BUMPERS. Seventy-four minutes?

The PRESIDING OFFICER. Seventy-four minutes.

Mr. MURKOWSKI. I thank the Chair.

I ask unanimous consent to reserve the remainder of my time.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I yield the Senator from Massachusetts 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I appreciate the courtesy of the Senator from Arkansas. And I ask unanimous consent that my comments be placed in the RECORD not to interfere with the debate that has been taking place and will take place further this evening on this important issue. And I will address the Senate on a different issue in question.

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

Mr. KENNEDY. Mr. President, it is time now, as we reach the midpart of this week, and as we are looking forward to going into next week for the probably 6 days that remain in this session—maybe 7 days, maybe even a few more days, if necessary—we are running into the final days of this particular session. It does seem to me to suggest that we ought to spend our time addressing those matters which are of central importance and consequence and seriousness to the American people.

I know on the issue that is before the Senate at the present time that this will be disposed of either later this evening—and I will not interfere should the managers themselves want to have the final disposition of that this evening—but I have understood that the final disposition on this particular proposal would probably carry over to tomorrow.

So I wanted to address the Senate on another issue.

Mr. STEVENS. Will the Senator yield on that point?

Mr. KENNEDY. I yield without losing my right to the floor.

Mr. STEVENS. Mr. President, did the Senator indicate he thought this issue would carry over until tomorrow—this issue?

Mr. KENNEDY. I am not either the manager nor the proponent of that, but I understand I do have the 30 minutes.

Mr. STEVENS. Yes.

Mr. KENNEDY. What I was saying is that I indicated that if both those for it or against it wanted to move ahead with the vote, that I would not interfere with that. But I am told at this time that that is not the case, I say to the Senator.

Mr. STEVENS. I yield to my colleague from Alaska. We do want to go ahead with this vote on the matter tonight, if possible.

Mr. KENNEDY. I thank the Senator, but I——

Mr. MURKOWSKI. Mr. President, if I may offer a clarification. When the unanimous consent was agreed upon, I was under the impression the Senator from Massachusetts was going to speak on the bill. I have no objection to the time being granted, but we had hoped to have a vote around 5 o'clock.

As far as we are concerned, we are ready for the vote. So it is the floor manager on the other side who controls the time. I tell Senator KENNEDY, if he would like to go ahead and allow us to vote, then he could have time after the vote.

Mr. KENNEDY. Mr. President, I was yielded this time. I understand you are ready and the others are not.

Mr. MURKOWSKI. Mr. President, I don't want to confound this any further, but I think I was of the impression and I think the Senator from Montana was of the impression that the Senator from Massachusetts was going to rise to speak on the King Cove matter. Am I correct that is the Senator's understanding?

Mr. BAUCUS. Mr. President, if I might.

Mr. KENNEDY. I will be glad to yield briefly, Mr. President.

Mr. BAUCUS. If I might respond to the Senator from Alaska, we do have more time required on our side in the sense that we are not ready for a vote for about a half hour or later. If that is the case, it probably makes sense for the Senator from Massachusetts to proceed.

Mr. KENNEDY. I thank the Senator. I tried to have an opportunity to address the Senate through the course of the afternoon and appreciated the courtesies of our colleagues for that time.

How much time do I have remaining on this?

The PRESIDING OFFICER (Ms. SNOWE). The Senator has 26 minutes remaining.

(By unanimous consent, the remarks of Mr. KENNEDY and Mr. DURBIN are printed later in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Madam President, I am prepared to yield back the remainder of my time if the Senator from Alaska is also.

Mr. MURKOWSKI. Madam President, I yield the remainder of my time, and I ask on behalf of the leader unanimous consent that all time be considered as yielded back.

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

Mr. MURKOWSKI. And the Senate proceed to vote on the passage of S. 1092, the King Cove/Cold Bay legislation.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, if the Senator from Alaska is prepared, we are prepared to accept his amendment which is the pending business.

The PRESIDING OFFICER. If there is no objection, amendment No. 3676 is agreed to.

The amendment (No. 3676) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MURKOWSKI. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

It appears to be sufficiently seconded.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Illinois (Ms. MOSELEY-BRAUN) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN) would vote ''no.''

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—59

Akaka	Enzi	Lugar
Allard	Faircloth	Mack
Ashcroft	Ford	McCain
Bennett	Frist	McConnell
Bingaman	Gorton	Murkowski
Bond	Gramm	Nickles
Breaux	Grams	Roberts
Brownback	Grassley	Roth
Burns	Hagel	Santorum
Byrd	Hatch	Sessions
Campbell	Helms	Shelby
Chafee	Hollings	Smith Bob (NH)
Coats	Hutchinson	Smith Gordon H (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Stevens
Coverdell	Inouye	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Landrieu	Warner
Domenici	Lott	

NAYS—38

Abraham	Feinstein	Mikulski
Baucus	Graham	Moynihan
Biden	Harkin	Murray
Boxer	Jeffords	Reed
Bryan	Johnson	Reid
Bumpers	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Specter
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Feingold	Lieberman	

NOT VOTING—3

Glenn	Gregg	Moseley-Braun

The bill (S. 1092), as amended, was passed, as follows:

S. 1092

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 ''King Cove Health and Safety Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) King Cove, Alaska is a community in the westernmost region of the Alaska Peninsula with a population of roughly 800 full-time residents and an additional 400 to 600 workers who are transported in and out of the community a number of times a year to work in the local fish processing plant and on fishing vessels;

(2) the majority of the full-time residents are indigenous Native peoples of Aleut ancestry that have resided in the region for over 5,000 years;

(3) the only mode of access to or from King Cove is via small aircraft or fishing boat, and the weather patterns are so severe and unpredictable that King Cove is one of the worst places in all of the United States to access by either of these modes of transportation;

(4) the State of Alaska has initiated the King Cove to Cold Bay Transportation Improvement Assessment to confirm the need for transportation improvements for King Cove and to identify alternative methods of improving transportation access with comprehensive environmental and economic review of each alternative;

(5) the State of Alaska has identified a road between King Cove and Cold Bay as one of the alternatives to be evaluated in the transportation planning process but for a road to be a viable option for the State of Alaska, the Congress must grant a legislative easement within the Izembek National Wildlife Refuge (''Refuge'') across approximately seven miles of wilderness land owned by the Federal Government;

(6) there are fourteen miles of roads within the wilderness boundary of the Refuge which are currently traveled by vehicles;

(7) any road constructed in accordance with such easement would be an unpaved, one-lane road sufficient in width to satisfy State law; and

(8) the combined communities of King Cove and Cold Bay have approximately 250 vehicles.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a surface transportation easement across Federal lands within the Refuge and to transfer 664 acres of high value habitat lands adjacent to the Refuge in fee simple from the King Cove Corporation to the Federal Government as new wilderness lands within the Refuge in exchange for redesignating a narrow corridor of land within the Refuge as nonwilderness lands.

SEC. 4. LAND EXCHANGE.

If the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation in and to all land owned by the Corporation in Sections 2, 3, 4, 5, 6, and 7 of T 57 S, R 88 W, Seward Meridian, Alaska, and any improvements thereon, the Secretary of the Interior (''Secretary'') shall, not later than 30 days after such offer, grant the Aleutians East Borough a perpetual right-of-way of 60 feet in width through the lands described in sections 6 and 7 of this Act for the construction, operation and maintenance of certain utility-related fixtures and of a public road between the city of Cold Bay, Alaska, and the city of King Cove, Alaska and accept the transfer of the offered lands. Upon transfer to the United States, such lands shall be managed in accordance with section 1302(i) of the Alaska National Interest Lands Conservation Act, shall be included within the Refuge, and shall be managed as wilderness.

SEC. 5. RIGHT-OF-WAY.

Unless otherwise agreed to by the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall—

(1) include sufficient lands for logistical staging areas and construction material sites used for the construction and maintenance of an unpaved, one-lane public road sufficient in width to meet the minimum requirements necessary to satisfy State law;

(2) meet all requirements for a public highway right-of-way under the laws of the State of Alaska; and

(3) include the right for the Aleutians East Borough, or its assignees, to construct, operate, and maintain electrical, telephone, or other utility facilities and structures within the right-of-way.

SEC. 6. CONFORMING CHANGE.

Upon the offer of Corporation lands under section 4, the boundaries of the wilderness area within the Refuge are modified to exclude from wilderness designation a 100 foot wide corridor to accommodate the right-of-way within the following land sections:

(1) Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska.

(2) Sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska.

(3) Sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

SEC. 7. RIGHT-OF-WAY LOCATION.

Unless otherwise agreed to by the Secretary and the Aleutians East Borough, the

right-of-way granted under section 4 shall be located within—

(1) sections 2, 3, 10, and 11 of T 59 S, R 86 W, Seward Meridian, Alaska;

(2) sections 27, 28, 29, 30, 31, 32, 33, 34, and 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

(3) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24, 25, 26, and 36 of T 58 S, R 87 W, Seward Meridian, Alaska;

(4) sections 5, 6, 7, 8, 9, 16, 17, 20, 21, 27, 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward Meridian, Alaska;

(5) sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska;

(6) sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska;

(7) section 6 of T 57 S, R 88 W, Seward Meridian, Alaska; and

(8) sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

SEC. 8. TECHNICAL AMENDMENTS.

The following provisions of law shall not be applicable to any right-of-way granted under section 4 of this Act or to any road constructed on such right-of-way—

(1) section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g));

(2) title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), except as specified in this section; and

(3) section 303(c) of title 49, United States Code.

SEC. 9. JOINT PLAN.

The Secretary and the Aleutians East Borough shall jointly prepare a plan setting forth—

(1) the times of the year a road may reasonably be constructed when there are not high concentrations of migratory birds in Kinzarof Lagoon; and

(2) limitations on nonemergency road traffic during periods of the year when there are high concentrations of migratory birds in Kinzarof Lagoon.

SEC. 10. TRANSFER.

If within 24 months of the date the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation lands set forth in section 4 of this Act, the Secretary and the Aleutians East Borough fail to mutually agree on the following—

(1) a final land exchange and a grant of a right-of-way pursuant to section 4; and

(2) the right-of-way specifications, and terms and conditions of use set forth in sections 5, 6, 7 and 8 of this Act;

then the Aleutians East Borough shall have the right to select a 60 foot right-of-way for the construction, operation, and maintenance of certain utility-related fixtures and of a public road from lands described in section 7 of this Act, and to identify logistical staging areas and construction material sites within the right-of-way. If an agreement is not reached within 6 months after the Aleutians East Borough notifies the Secretary of its selection, then the right-of-way is hereby granted to the Borough.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wish to take this opportunity to thank some of my staff who worked on the bill. On behalf of Senator STEVENS and myself, we would like to thank the various staff who worked so hard on the King Cove bill. Brian Malnak of my staff—particularly the Energy and Natural Resources Committee—Jo Meuse, David Dye, Gary Ellsworth, who is unfortunately retiring this year and will be greatly missed, and a number of others.

And let me thank my colleagues in the debate: Senator BUMPERS, the ranking member of the Energy and Natural Resources Committee, who is retiring this year; Senator BAUCUS from Montana; and let me again thank the Members for the vote of confidence in support of fairness. The vote was 59–38. I am sure that will send a strong message over to the House on the merits of addressing the needs of the Aleut people of King Cove who seek what we enjoy every day—and that is access.

I thank my colleagues and thank the Presiding Officer. I wish you all well.

INTERNET TAX FREEDOM ACT

Mr. MCCAIN. Mr. President, under the provisions of the consent agreement of September 30, 1998, I now ask the Chair to lay before the Senate S. 442, the Internet tax freedom bill.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will report.

The legislative clerk read as follows:

A bill (S. 442) to establish national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over the interstate commerce by establishing a moratorium on the imposition of exaction that would interfere with the free flow of commerce via the Internet, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 442

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 ''Internet Tax Freedom Act''.

[SEC. 2. FINDINGS.

[The Congress finds the following:

[(1) As a massive global network spanning not only State but international borders, the Internet and the related provision of online services and Internet access service are inherently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under Article I, section 8, clause 3 of the United States Constitution.

[(2) Even within the United States, the Internet does not respect State lines and operates independently of State boundaries. Addresses on the Internet are designed to be geographically indifferent. Internet transmissions are insensitive to physical distance and can have multiple geographical addresses.

[(3) Because transmissions over the Internet are made using computer protocols, in particular the Transmission Control Protocol / Internet Protocol, that utilize packet-switching technology it is impossible to determine in advance the precise geographic route individual Internet transmissions will travel over, and it is therefore infeasible to separate domestic intrastate Internet transmissions from interstate and foreign Internet transmissions.

[(4) Consumers, businesses, and others engaging in interstate and foreign commerce through online services and Internet access service could become subject to more than 30,000 separate taxing jurisdictions in the United States alone.

[(5) Inconsistent and inadministerable taxes imposed on online services and Internet access service by State and local governments threaten to—

[(A) subject consumers, businesses, and other users engaged in interstate and foreign commerce to multiple, confusing, and burdensome taxation,

[(B) restrict the growth and continued technological maturation of the Internet itself, and

[(C) call into question the continued viability of this dynamic medium.

[(6) Because the tax laws and regulations of so many jurisdictions were established long before the advent of the Internet, online services, and Internet access service, their application to this new medium and services in unintended and unpredictable ways could prove to be an unacceptable burden on the interstate and foreign commerce of the Nation.

[(7) The electronic marketplace of services, products, and ideas available through the Internet can be especially beneficial to senior citizens, the physically challenged, citizens in rural areas, and small businesses. It also offers a variety of uses and benefits for educational institutions and charitable organizations.

[(8) A consistent and coherent national policy regarding taxation of online services, Internet access service, and communications and transactions using the Internet, and the concomitant uniformity, simplicity, and fairness that is needed to avoid burdening this evolving form of interstate and foreign commerce, can best be achieved by the United States exercising its authority under Article I, section 8, clause 3 of the United States Constitution.

[SEC. 3. MORATORIUM ON IMPOSITION OF TAXES ON THE INTERNET, ONLINE SERVICES, OR INTERNET ACCESS SERVICE.

[(a) MORATORIUM.—Except as otherwise provided in this Act, prior to January 1, 2004, no State or political subdivision thereof may impose, assess, or attempt to collect any tax on—

[(1) communications or transactions using the Internet; and

[(2) online services or Internet access service.

[(b) PRESERVATION OF STATE AND LOCAL TAXING AUTHORITY.—Subsection (a) shall not—

[(1) affect the authority of a State, or a political subdivision thereof, to impose a sales, use, or other transaction tax on online services, Internet access service, or communications or transactions using the Internet if—

[(A) the tax (including the rate at which it is imposed) is the same as the tax generally imposed and collected by that State or political subdivision thereof in the case of similar sales, use, or transactions not using the Internet, online services, or Internet access service; and

[(B) the obligation to collect or pay the tax from sales or other transactions using the Internet, online services, or Internet access service is imposed on the same person or entity as in the case of similar sales, use, or transactions not using the Internet, online services, or Internet access service;

[(2) apply to taxes imposed on or measured by gross or net income derived from online services, Internet access service, or communications or transactions using the Internet, or on value added, net worth, or capital stock;

[(3) apply to fairly apportioned business license taxes;

[(4) apply to taxes paid by a provider or user of online services or Internet access service as a consumer of goods and services

not otherwise excluded from taxation pursuant to this Act;

[(5) apply to property taxes imposed or assessed on property owned or leased by a provider or user of online services or Internet access service;

[(6) apply to taxes imposed on or collected by a common carrier, as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153), acting in its capacity as a common carrier;

[(7) apply to taxes imposed on or collected by a provider of telecommunications service, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); or

[(8) apply to franchise fees imposed by a State or local franchising authority, pursuant to sections 622 or 653 of the Communications Act of 1934 (47 U.S.C. 622 or 573), for the provision of cable services, as those terms are defined by such Act.

[SEC. 4. ADMINISTRATION POLICY RECOMMENDATIONS TO CONGRESS.

[(a) CONSULTATIVE GROUP.—The Secretaries of the Treasury, Commerce, and State, in consultation with appropriate committees of the Congress, the National Tax Association-sponsored Joint Communications and Electronic Commerce Tax Project and the National Conference of Commissioners of Uniform State Laws, consumer and business groups, States and political subdivisions thereof, and other appropriate groups, shall—

[(1) undertake an examination of United States domestic and international taxation of—

[(A) communications and transactions using the Internet,

[(B) online services and Internet access service, and

[(C) the telecommunications infrastructure used by the Internet, online services, and Internet access service;

[(2) consider any specific proposals made by the Joint Communications and Electronic Commerce Tax Project and the National Conference of Commissioners of Uniform State Laws concerning appropriate parameters for taxation by States, and political subdivisions thereof, of matters described in paragraph (1); and

[(3) jointly submit appropriate policy recommendations concerning United States domestic and foreign policies toward taxation of online services, Internet access service, and communications and transactions using the Internet, if any, to the President within 18 months after the date of enactment of this Act.

[(b) *PRESIDENT.—Not later than 2 years after the date of enactment of this Act, the President shall, to the extent and in the form the President deems appropriate, transmit to the appropriate committees of Congress policy recommendations on taxation of online services, Internet access service, and communications and transactions using the Internet.*

[SEC. 5. DECLARATION THAT THE INTERNET SHOULD BE FREE OF FOREIGN TARIFFS, TRADE BARRIERS, AND OTHER RESTRICTIONS.

[It is the sense of the Congress that the President should seek bilateral and multilateral agreements through the World Trade Organization, the Organization for Economic Cooperation and Development, the Asia Pacific Economic Cooperation Council, and other appropriate international fora to establish that commercial transactions using the Internet are free from tariff and taxation.

[SEC. 6. DEFINITIONS.

[For the purposes of this Act—

[(1) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol / Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

[(2) ONLINE SERVICES.—The term ''online services'' means the offering or provision of information, information processing, and products or services to a user as part of a package of services that are combined with Internet access service and offered to the user for a single price.

[(3) INTERNET ACCESS SERVICE.—The term ''Internet access service'' means the offering or provision of the storage, computer processing, and transmission of information that enables the user to make use of resources found via the Internet.

[(4) TAX—The term ''tax'' includes any charge imposed by legislative authority to raise revenue for the needs of the public, as well as any license or fee that is imposed by any governmental entity. Such term also includes the imposition on the seller of an obligation to collect and remit to a governmental entity any charge (as defined in the preceding sentence), license, or fee imposed on the buyer by a governmental entity.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Tax Freedom Act''.

TITLE I—MORATORIUM ON CERTAIN TAXES

SEC. 101. MORATORIUM.

(a) MORATORIUM.—No State or political subdivision thereof shall impose any of the following taxes on transactions occurring during the period beginning on July 29, 1998, and ending 2 years after the date of the enactment of this Act:

(1) Taxes on Internet access.

(2) Bit taxes.

(3) Multiple or discriminatory taxes on electronic commerce.

(b) APPLICATION OF MORATORIUM.—Subsection (a) shall not apply with respect to the provision of Internet access that is offered for sale as part of a package of services that includes services other than Internet access, unless the service provider separately states that portion of the billing that applies to such services on the user's bill.

SEC. 102. ADVISORY COMMISSION ON ELECTRONIC COMMERCE.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the Advisory Commission on Electronic Commerce (in this title referred to as the ''Commission''). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b), including the chairperson who shall be selected by the members of the Commission from among themselves; and

(2) conduct its business in accordance with the provisions of this title.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commissioners shall serve for the life of the Commission. The membership of the Commission shall be as follows:

(A) Four representatives from the Federal Government comprised of the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the United States Trade Representative, or their respective representatives.

(B) Six representatives from State and local governments comprised of—

(i) two representatives appointed by the Majority Leader of the Senate;

(ii) one representative appointed by the Minority Leader of the Senate;

(iii) two representatives appointed by the Speaker of the House of Representatives; and

(iv) one representative appointed by the Minority Leader of the House of Representatives.

(C) Six representatives of the electronic industry and consumer groups comprised of—

(i) two representatives appointed by the Majority Leader of the Senate;

(ii) one representative appointed by the Minority Leader of the Senate;

(iii) two representatives appointed by the Speaker of the House of Representatives; and

(iv) one representative appointed by the Minority Leader of the House of Representatives.

(2) APPOINTMENTS.—Appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The chairperson shall be selected not later than 60 days after the date of the enactment of this Act.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) ACCEPTANCE OF GIFTS AND GRANTS.—The Commission may accept, use, and dispose of gifts or grants of services or property, both real and personal, for purposes of aiding or facilitating the work of the Commission. Gifts or grants not used at the expiration of the Commission shall be returned to the donor or grantor.

(d) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, data, and other information from the Department of Justice, the Department of Commerce, the Department of State, the Department of the Treasury, and the Office of the United States Trade Representative. The Commission shall also have reasonable access to use the facilities of any such Department or Office for purposes of conducting meetings.

(e) SUNSET.—The Commission shall terminate 18 months after the date of the enactment of this Act.

(f) RULES OF THE COMMISSION.—

(1) QUORUM.—Nine members of the Commission shall constitute a quorum for conducting the business of the Commission.

(2) MEETINGS.—Any meetings held by the Commission shall be duly noticed at least 14 days in advance and shall be open to the public.

(3) OPPORTUNITIES TO TESTIFY.—The Commission shall provide opportunities for representatives of the general public, taxpayer groups, consumer groups, and State and local government officials to testify.

(4) ADDITIONAL RULES.—The Commission may adopt other rules as needed.

(g) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall conduct a thorough study of Federal, State and local, and international taxation and tariff treatment of transactions using the Internet and Internet access and other comparable interstate or international sales activities.

(2) ISSUES TO BE STUDIED.—The Commission may include in the study under subsection (a)—

(A) an examination of—

(i) barriers imposed in foreign markets on United States providers of property, goods, services, or information engaged in electronic commerce and on United States providers of telecommunications services; and

(ii) how the imposition of such barriers will affect United States consumers, the competitiveness of United States citizens providing property, goods, services, or information in foreign markets, and the growth and maturing of the Internet;

(B) an examination of the collection and administration of consumption taxes on interstate commerce in other countries and the United States, and the impact of such collection on the global economy, including an examination of the relationship between the collection and administration of such taxes when the transaction uses the Internet and when it does not;

(C) an examination of the impact of the Internet and Internet access (particularly voice transmission) on the revenue base for taxes imposed under section 4251 of the Internal Revenue Code of 1986;

(D) an examination of—

(i) the efforts of State and local governments to collect sales and use taxes owed on purchases from interstate sellers, the advantages and disadvantages of authorizing State and local governments to require such sellers to collect and remit such taxes, particularly with respect to electronic commerce, and the level of contacts sufficient to permit a State or local government

to impose such taxes on such interstate commerce;

(ii) model State legislation relating to taxation of transactions using the Internet and Internet access, including uniform terminology, definitions of the transactions, services, and other activities that may be subject to State and local taxation, procedural structures and mechanisms applicable to such taxation, and a mechanism for the resolution of disputes between States regarding matters of multiple taxation; and

(iii) ways to simplify the interstate administration of sales and use taxes on interstate commerce, including a review of the need for a single or uniform tax registration, single or uniform tax returns, simplified remittance requirements, simplified administrative procedures, or the need for an independent third party collection system; and

(E) the examination of ways to simplify Federal and State and local taxes imposed on the provision of telecommunications services.

SEC. 103. REPORT.

Not later than 18 months after the date of the enactment of this Act, the Commission shall transmit to Congress a report reflecting the results of the Commission's study under this title. No finding or recommendation shall be included in the report unless agreed to by at least two-thirds of the members of the Commission serving at the time the finding or recommendation is made.

SEC. 104. DEFINITIONS.

For the purposes of this title:

(1) BIT TAX.—The term ''bit tax'' means any tax on electronic commerce expressly imposed on or measured by the volume of digital information transmitted electronically, or the volume of digital information per unit of time transmitted electronically, but does not include taxes imposed on the provision of telecommunications services.

(2) DISCRIMINATORY TAX.—The term ''discriminatory tax'' means any tax imposed by a State or political subdivision thereof on electronic commerce that—

(A) is not generally imposed and legally collectible by such State or such political subdivision on transactions involving the same or similar property, goods, services, or information accomplished through other means;

(B) is not generally imposed and legally collectible at the same rate by such State or such political subdivision on transactions involving the same or similar property, goods, services, or information accomplished through other means, unless the rate is lower as part of a phase-out of the tax over not more than a 5-year period; or

(C) imposes an obligation to collect or pay the tax on a different person or entity than in the case of transactions involving the same or similar property, goods, services, or information accomplished through other means.

(3) ELECTRONIC COMMERCE.—The term ''electronic commerce'' means any transaction conducted over the Internet or through Internet access, comprising the sale, lease, license, offer, or delivery of property, goods, services, or information, whether or not for consideration, and includes the provision of Internet access.

(4) INTERNET.—The term ''Internet'' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol, to transmit information.

(5) INTERNET ACCESS.—The term ''Internet access'' means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to consumers. Such term does not include telecommunications services.

(6) MULTIPLE TAX.—

(A) IN GENERAL.—The term ''multiple tax'' means any tax that is imposed by one State or political subdivision thereof on the same or essentially the same electronic commerce that is also subject to another tax imposed by another State or political subdivision thereof (whether or not at the same rate or on the same basis), without a credit (for example, a resale exemption certificate) for taxes paid in other jurisdictions.

(B) EXCEPTION.—Such term shall not include a sales or use tax imposed by a State and 1 or more political subdivisions thereof on the same electronic commerce or a tax on persons engaged in electronic commerce which also may have been subject to a sales or use tax thereon.

(C) SALES OR USE TAX.—For purposes of subparagraph (B), the term ''sales or use tax'' means a tax that is imposed on or incident to the sale, purchase, storage, consumption, distribution, or other use of tangible personal property or services as may be defined by laws imposing such tax and which is measured by the amount of the sales price or other charge for such property or service.

(7) STATE.—The term ''State'' means any of the several States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

(8) TAX.—

(A) IN GENERAL.—The term ''tax'' means—

(i) any levy, fee, or charge imposed under governmental authority by any governmental entity; or

(ii) the imposition of or obligation to collect and to remit to a governmental entity any such levy, fee, or charge imposed by a governmental entity.

(B) EXCEPTION.—Such term shall not include any franchise fees or similar fees imposed by a State or local franchising authority, pursuant to section 622 or 653 of the Communications Act of 1934 (47 U.S.C. 542, 573).

(9) TELECOMMUNICATIONS SERVICES.—The term ''telecommunications services'' has the meaning given such term in section 3(46) of the Communications Act of 1934 (47 U.S.C. 153(46)) and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986).

TITLE II—OTHER PROVISIONS

SEC. 201. DECLARATION THAT INTERNET SHOULD BE FREE OF NEW FEDERAL TAXES.

It is the sense of Congress that no new Federal taxes similar to the taxes described in section 101(a) should be enacted with respect to the Internet and Internet access during the moratorium provided in such section.

SEC. 202. NATIONAL TRADE ESTIMATE.

Section 181 of the Trade Act of 1974 (19 U.S.C. 2241) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)—

(i) by striking ''and'' at the end of clause (i);

(ii) by inserting ''and'' at the end of clause (ii); and

(iii) by inserting after clause (ii) the following new clause:

''(iii) United States electronic commerce,''; and

(B) in subparagraph (C)—

(i) by striking ''and'' at the end of clause (i);

(ii) by inserting ''and'' at the end of clause (ii);

(iii) by inserting after clause (ii) the following new clause:

''(iii) the value of additional United States electronic commerce,''; and

(iv) by inserting ''or transacted with,'' after ''or invested in'';

(2) in subsection (a)(2)(E)—

(A) by striking ''and'' at the end of clause (i);

(B) by inserting ''and'' at the end of clause (ii); and

(C) by inserting after clause (ii) the following new clause:

''(iii) the value of electronic commerce transacted with,''; and

(3) by adding at the end the following new subsection:

''(d) ELECTRONIC COMMERCE.—For purposes of this section, the term 'electronic commerce' has the meaning given that term in section 104(3) of the Internet Tax Freedom Act.''.

SEC. 203. DECLARATION THAT THE INTERNET SHOULD BE FREE OF FOREIGN TARIFFS, TRADE BARRIERS, AND OTHER RESTRICTIONS.

(a) IN GENERAL.—It is the sense of Congress that the President should seek bilateral, regional, and multilateral agreements to remove barriers to global electronic commerce through the World Trade Organization, the Organization for Economic Cooperation and Development, the Trans-Atlantic Economic Partnership, the Asia Pacific Economic Cooperation forum, the Free Trade Area of the America, the North American Free Trade Agreement, and other appropriate venues.

(b) NEGOTIATING OBJECTIVES.—The negotiating objectives of the United States shall be—

(1) to assure that electronic commerce is free from—

(A) tariff and nontariff barriers;

(B) burdensome and discriminatory regulation and standards; and

(C) discriminatory taxation; and

(2) to accelerate the growth of electronic commerce by expanding market access opportunities for—

(A) the development of telecommunications infrastructure;

(B) the procurement of telecommunications equipment;

(C) the provision of Internet access and telecommunications services; and

(D) the exchange of goods, services, and digitalized information.

(c) ELECTRONIC COMMERCE.—For purposes of this section, the term ''electronic commerce'' has the meaning given that term in section 104(3).

SEC. 204. NO EXPANSION OF TAX AUTHORITY.

Nothing in this Act shall be construed to expand the duty of any person to collect or pay taxes beyond that which existed immediately before the date of the enactment of this Act.

SEC. 205. PRESERVATION OF AUTHORITY.

Nothing in this Act shall limit or otherwise affect the implementation of the Telecommunications Act of 1996 (Public Law 104–104) or the amendments made by such Act.

(Under the order of September 30, 1998, the Commerce Committee amendment and the Finance Committee amendment were agreed to.)

Mr. MCCAIN. For the information of all Senators, several amendments are expected to be offered and debated tomorrow to this vital piece of legislation. Therefore, all Members should be aware that votes can be expected to occur on Friday.

Mr. President, tomorrow morning we will start out with a Bumpers amendment which he will be prepared to propound shortly after we convene in the morning. And we expect a couple of other amendments besides that. Also, it is the intention of the leader to file cloture tomorrow morning, as well, on this legislation since we only have a few days remaining in the session.

We have been working with Senator DORGAN and with Senator GRAHAM of Florida to try to resolve the remaining issues, and with Senator JUDD GREGG of New Hampshire. I am hopeful that we can reach agreement which would then allow us to move forward quickly and resolve this very important piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Utah, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. 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

Mrs. HUTCHISON. On behalf of the leader, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

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

PATIENTS' BILL OF RIGHTS

Mr. KENNEDY. Mr. President, the matter that I want to address, again, is the issue of the Patients' Bill of Rights. It is time for our Republican leadership to stop the blocking of the Patients' Bill of Rights. It is time for them to stop protecting the insurance company profits and start protecting the parties. It is time for them to stop manipulating the rules of the Senate to deny the American people the protections they deserve.

It is clear what is going on here. It is clear to every Member of the Senate. It should be clear to the American people. The American people want Congress to pass strong, effective legislation to end the abuse by HMOs, the managed care plans, and the health insurance companies.

The Patients' Bill of Rights, sponsored by Senator DASCHLE and Senate Democrats, provides the needed and long overdue antidote to the festering and growing abuses. Our goal is to protect patients and see that insurance plans provide the quality care they promise but too often fail to deliver.

Two hundred groups of patients, doctors, nurses, and families have announced support for our bill and are begging the Republican leadership to listen to their voices. I have the list of the various groups supporting our legislation. They represent virtually all of the major doctor and nurse organizations and consumer groups, starting with the American Medical Association, the various cancer societies, the National Breast Cancer Coalition, and all of the American nursing associations. The supporters also include those groups that are most interested in the health care of children including the Children's Defense Fund and the American Academy of Pediatrics. These groups also represent our senior citizens including the National Council of Senior Citizens. The bill is also supported by groups that are most interested in mental health, the Mental Health Association, and those groups most concerned about disability policies including the Multiple Sclerosis Society, United Cerebral Palsy, the American Academy of Neurology, and the Center on Disability and Health.

This, Mr. President, is only one page of a series of pages of different groups where it can be said, without contradiction, that every major medical association in our country supports the Daschle proposal which is sponsored by the Democrats. Virtually every single doctors organization, every single nurses organization, every single consumer organization, every organization that has represented children in our society, every association that represents cancer victims, every association that represents the disability community—every one of those organizations, plus many others, support our particular proposal. There is not one organization, not a single organization, that supports the alternative Republican proposal. We have asked day in and day out for them just to find one organization representing any of the doctors or nurses, children's groups, women's groups, cancer victims groups, disability groups, any of those groups in our society, and all we have is silence.

This isn't a matter that we are advocating because of our particular interest. We are advocating on behalf of all of these organizations and all of the various patients and all of the various families that are part of this central concern about how we best can protect the families in this country. The best way those families can be protected is, at least, through debate on a Patients' Bill of Rights and, I believe, by the enactment of this legislation.

As we have said on many different occasions, these are commonsense solutions to the kind of problems that are real problems out there and that are being faced by families every single day. If a child is sick and the parents of that child belong to one HMO, that ambulance has to drive by the nearest emergency room and go to an emergency room across town because it is on the list of that HMO. When that child is in an emergency situation, they ought to be able to go to the nearest hospital—that is one of our bills' protections. It is listed right here. We believe that child ought to have the opportunity to go to the nearest emergency room and have the kind of immediate attention, but also the follow-up attention that they need.

That right would be guaranteed under our Patients' Bill of Rights. We want to debate that issue. That is a commonsense proposal. It is a commonsense proposal that any family can understand. If there is going to be an emergency affecting a child, it makes no sense to drive them by the nearest emergency room and take them clear across town to a more distant emergency room if that child needs immediate medical attention.

That is common sense. That protection is here. We ought to be able to debate that particular issue, but we are denied that opportunity. We ought to be able to get to it. I believe it wouldn't take a great deal of time.

The list goes on. Our bill was introduced in March. But, the Senate has taken no action because the Republican leadership has been using every trick in the procedural playbook to prevent a meaningful debate. The Republican leadership is abusing the rules of the Senate so that the health insurance companies can continue to abuse patients. That happens to be the fact.

We have too many instances of reports from patients that say, every single day we fail to provide these guarantees, members of their family are put at risk. Every day we continue to deny women who have breast cancer the opportunity to be involved in clinical trials at places like the Lombardi Center, we are putting those particular women at risk.

As I mentioned yesterday, out at the Lombardi Center they have eight professional individuals whose only job is to argue with the HMOs to permit the parties involved, access to the clinical trials their doctors say are necessary but that the HMO will not permit them access to.

Our bill provides these kinds of protections. It is common sense. Without these kinds of protections, we are endangering the lives of those individuals who ought to be a part of the clinical trials. That is a very important protection.

Every day, we are denied that kind of debate and resolution, but we still find that patients are abused by too many of the HMOs. The Republican leadership wants to gag the Senate so that HMOs can continue to gag the doctors who tell patients about needed treatments that are too expensive for the HMO balance sheet.

I use those words ''gag the Senate'' because all we have had on the other side is the proposal that you can have one, two, or three amendments but no other. You can't have any others. We are not going to take the time of the U.S. Senate to do it, although we did find time to have a debate on the issue of salting; we had time to debate that issue. We had time to debate the issues on the Vacancies Act. We have had time to debate issues like bankruptcy which affects 1.2 million people. But our patient protections bill, which affects tens of millions of our fellow citizens, we evidently, haven't got the time to debate that.

The Republican leadership wants to deny a fair debate on the Patients' Bill of Rights so HMOs can continue to deny the needed patient care. The Republican leadership wants to avoid accountability in the U.S. Senate so that managed care plans can avoid accountability with their unfair decisions, when their unfair decisions kill or injure patients. The Republican leadership has found time to call up the Vacancy Act, the salting bill, the Child Custody Act, the Bankruptcy Act, and the Internet tax bill. So it is clear that

protecting patients from abuse by HMOs and health insurance companies is a priority for American families, but not for the Republican leadership.

How else can that be explained? How else can you explain the fact that the Republican leadership has called up these different pieces of legislation, but denies us the opportunity to debate this issue, which is of essential importance?

Listen to this, Mr. President. The Republican leadership, just yesterday, agreed to a unanimous consent agreement on the Internet tax bill that would have allowed all relevant amendments—no limitation on the number of amendments, no limitation on the time to debate each amendment, and no limitation on the time for the overall debate. We should have the opportunity to do that on the Patients' Bill of Rights, but, oh, no, we can't do that with the Patients' Bill of Rights—even though the failure to provide these protections puts at risk so many fellow citizens every single day.

But no, the Republican leadership said instead we will have a consent agreement on the Internet tax bill. I wonder how many people here in the Senate, let alone those who are watching, would feel that particular issue is of more importance than the Patients' Bill of Rights. We have moved ahead now on the questions of that particular legislation, and I intend to support it. It is important legislation, particularly for a State like mine, Massachusetts, with a lot of high tech and similar kinds of issues. But, Mr. President, to put this bill on the same level as what we are talking about with the Patients' Bill of Rights, it just shouldn't be.

Senator DASCHLE asked Senator LOTT for a similar agreement on the Patients' Bill of Rights on June 25. He asked him for an agreement on July 29. He asked him on September 1, and he asked him on September 9. Each time, Senator LOTT, the Senate Republican leader, said no. Do we understand that, Mr. President? On June 25, on this legislation—the Patients' Bill of Rights, Senator DASCHLE asked for the same kind of agreement made yesterday by the Republican leadership on the Internet tax bill. He asked for it on July 29. He asked for it September 1. He asked for it on September 9. Each time, Senator LOTT and the Senate Republicans said no.

Senator DASCHLE also offered to agree on May 12 and on July 16, to a far more restrictive agreement, limiting the number of amendments, but Senator LOTT and the Republicans said no. Senator LOTT and the Senate Republicans are perfectly willing to agree to essentially unlimited debate on the Internet tax bill, but they are not willing to allow any reasonable opportunity to debate, amend, and vote on the Patients' Bill of Rights. This record of abuse should be unacceptable to the Senate, and it certainly is unacceptable to the American public.

What does our legislation do, and why is the Republican leadership so anxious to prevent its consideration? Our bipartisan Patients' Bill of Rights takes insurance company accountants out of the practice of medicine and returns decisionmaking to patients' doctors, where it belongs. That is it. When you come right down to it, there it is. When you are going to the emergency room, an accountant can say, ''No, you can't go there, you have to go across town.'' Our bill says if you have an emergency, go to the nearest one. If you need access to a specialist and the primary care physician says go to a specialist, you can go to a specialist. Or if you need a pediatric specialist, where a child has cancer—you can go to an oncology specialist for children. These are common sense protections. It is the doctors, the patients, the medical professions making the decision, not the accountants. That's the bottom line.

Mr. President, when we say these are commonsense solutions, I daresay that 99 percent of the American people would agree that doctors and nurses ought to make the decisions with regard to health care issues for your family and for your children, not accountants. That is what we are trying to do and that is at the heart of this debate. But we are denied the opportunity to have that debate because once you go and say you are going to have the medical decisions affecting your family decided by doctors and trained medical professionals, it somehow may threaten the profits of the health delivery system, the HMOs. Those HMOs have layers of different individuals that say ''no.''

I am reminded of when President Clinton said just a week ago, ''You never find an accountant in an HMO that loses his job for saying 'no.' They don't get fired. The ones that get fired are the ones that say 'yes.'" Yes, they need to go to a specialist; yes, they need additional kinds of important types of prescription drugs; yes, they need to have the kind of care that may be more costly, but, more importantly, may save the life of that individual; and, yes, it may very well be if those people get better, it would be less costly to the HMO over a long period of time. That is the issue, Mr. President. That is the bottom line.

Our program simply guarantees people the rights that every honorable insurance company already provides, and provides an effective and timely means to enforce these rights. The good, honorable insurance companies do that, Mr. President, and so do some of the HMOs. But, many of them do not. And what happens is they obviously have the competitive advantage over the good ones. That is wrong. They have the competitive advantage because they shortchange the protection of their consumers, and that is what is at the heart of this whole debate. The protections we provide, as I mentioned, are commonsense components of good health care that every family believes they were promised when they purchased their health insurance and paid the premiums. Virtually all of the protections in this legislation are already available under medical care.

As I mentioned, of these 15 protections which are at the heart of our legislation, over half of them are already in the law under Medicare. Over half of them have been unanimously recommended by the President's bipartisan commission—not in legislation, but recommended as being essential in terms of good health care. And we know that many of them have been recommended by various health care plans, and many have even been recommended by the insurance commissioners that have responsibility—made up of Republicans and Democrats alike.

You cannot find on this list a single one of these commonsense protections that haven't been recommended by at least one of those four groups. And most of them have been recommended by two, or even three, of those groups. These aren't off-the-wall kinds of protections. These are commonsense protections. They are recommended by those who understand what the opportunity and the problems are in terms of health care delivery by HMOs. That is it. Why don't we have the opposition saying, ''Where did you find 5, or 6, or 7, or 10 of those various recommendations? Where in the world did they come from? Who thought those up?'' That isn't an argument that is made. All 15—are either recommended by the bipartisan President's commission, the health plan agencies themselves, Medicare, or the insurance industry themselves. That is why, when we say these are common sense, they are, Mr. President.

If you are not going to find the various health plans responding to these recommendations and enforcing them, at some time you are going to have to go ahead with this. I daresay that the very good HMOs are complying with this now. They have nothing to fear. That is why many of the HMOs endorse this, because they are already doing it. The good ones are already doing it. The good ones have absolutely no fear about it. It is just the other ones. Those are the ones that result in the kinds of tragedies that have been listed by so many of our colleagues over the preceding weeks and months. These are commonsense rights that provide access to the appropriate specialists when the patient's condition requires specialty care. They allow people with chronic illnesses and disabilities to have referrals to the specialists that they need on a regular basis. They provide for a continuity of care so the people will not have to interrupt their course of treatment and find another doctor because their health plan drops their physician or because their employer changes health plans in the middle of a treatment, for example.

When a member of the family is being treated with chemotherapy and has to have a combination of treatment over 6 or 12 months, or 18 months,

to find out in the middle of that, after 5 months, with all the kinds of anxieties that people are affected by, that the particular company has changed HMOs and suddenly that doctor and the nurse and the treatment are pulled out from underneath you, we think that family ought to be protected. That individual who is going through that particular chemotherapy, or specialized care, ought to be able to complete that particular treatment.

Is that such a radical idea, when you have an individual who has had all of these kinds of concerns—not just financial concerns, but the emotional, the pain, and the suffering—and finally to have what is so important, the doctor-patient relationship, the trust and confidence in that doctor, and then, because some bureaucratic decision is made to pull that doctor away from that particular patient—we think there ought to be a guarantee that there can at least be the continuation of care for that particular incidence of care.

Is that so dramatic? Is that so unreasonable? Is that so outrageous? It seems to me that is common sense.

No patient with symptoms of a stroke should be forced to delay treatment to the point where paralysis and disability are permanent because a managed care accountant does not respond promptly and appropriately.

Patients with serious illnesses, like cancer, Alzheimer's, osteoporosis, or rheumatoid arthritis, who cannot be helped by standard treatment, should have the right to participate in the quality clinical trials that can help find a cure or offer the hope of improvement. Traditionally, insurance has allowed patients this opportunity. But, no; managed care is saying no to both the patients and medical personnel. Now, too many of the managed care companies are saying no to both. Patients and medical research are suffering.

It was unthinkable 5 years ago that when a doctor recommended that a child participate in a clinical trial, the insurance wouldn't cover them. They all did. It has only been in the most recent times where it is becoming a pattern and practice of too many HMOs that say no, we are not going to permit you to participate, even though a doctor believes that it is in the health interests of the individual to participate in those particular clinical trials.

Mr. President, the thing that is really so shocking is that we are now seeing extraordinary breakthroughs—every single week there are new medical breakthroughs. Particularly in the areas of cancer, there are new medical breakthroughs, and specifically in the area of breast cancer.

Look at all of the work that has been done in terms of the mapping of the human gene and isolating the various DNA through research. Look at the extraordinary work that is being done out at NIH and a few of the other great research centers, and the new kinds of opportunities that are available through research that are targeting these kinds of illnesses and diseases. I personally believe that the next century is going to be the century of the life sciences. Just at a time when we have the greatest opportunity for cures of the most dreaded disease, we are closing down the opportunities for participating in these clinical trials. It is just extraordinary.

In the testimony that we have seen, it is clear that there isn't really any additional cost to the various HMOs, because all they are asking for is continuity of care for the patient, and just to continue to pay the outlay—not for the particular analysis of the various clinical trials, not for the new kinds of medications that might be rare and expensive, not to do summations, or pay, or participate in terms of these other kinds of studies. Absolutely not. All the HMO has to do is the continuity of care—just provide the kind of care that they would otherwise be providing.

That is the amazement of some of the top researchers who appeared before our forums, who were in charge of some of the most important clinical trials in this country, because they say it really doesn't cost the HMO any more. The fact is, if the patients participate, they may very well and so often do get much better, and it saves the HMO a great deal of resources and funding. That is why there is an absolute disbelief on the part of so many of the top researchers.

They pointed out that not only were we disadvantaging so many individuals, particularly in the area of cancers, and specifically in the area of breast cancer and clinical trials, but also that the research progress was being hurt here in the United States because of the failure of participation of many of these patients.

As I mentioned just a moment ago, in all of the various forums that we had, there were many different facts that stood out. But when you have the top clinicians say that at the Lombardi Clinical Research Center, here within the shadow of the Nation's Capitol, they have eight highly professional people who are spending all of their time all day long wrestling with HMOs based on the fact that doctors have recommended that their patients participate in these clinical trials, but yet still have to spend all of their time arguing with the HMO to permit those individuals to actually participate in these clinical trials. It is absolutely beyond belief to me, absolutely beyond belief.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. I am glad to yield for a question.

Mr. DURBIN. If I understand, the statement is that before we go home we need to address the Patients' Bill of Rights. It appears that there is a wide public sentiment in support of this. It isn't a partisan issue, by a long shot. All the polls suggest that the voters, almost uniformly—Democrats, Republicans, independents—believe that this is a critical and important issue.

When I brought this issue to the State of Illinois and visited a hospital with a doctor, he told me a story of a woman bringing her son in complaining of headaches on the left side of his head. The doctor thought that a CAT scan was indicated to see if a tumor was present. Before he told the mother, he called the insurance company. They said they would not pay for it. The doctor had to go back into his office and tell the mother that he thought they didn't need to do anything. He was prohibited by the terms of his contract with the insurance company from even telling the mother that he had been overruled by the insurance company. Think of that—if you are bringing your son or daughter into a doctor, that you could be treated that way.

What Senator KENNEDY is suggesting, and many of us believe is important before we go home, before we address other issues on the floor: We should take up the Patients' Bill of Rights for that mother and the millions of others like her across America who are counting on us to do something substantive before we leave.

I fully support the Senator.

Mr. KENNEDY. If I could just add to what the Senator has pointed out, would you believe that in the Republican proposal, for example, any medical procedure that wasn't over $1,000 could not be appealed? And so for the kind of situation that the Senator is talking about, under the Republican proposal, they say, oh, look, we have taken care of that, except if that medical procedure is less than $1,000. Then there is no opportunity for appeal. So, effectively, you are saying there are no MRIs for any child who falls off a bicycle, gets hit playing football, falls down or has an accident playing hockey. And the Senator from Illinois knows families as I do that deny their children the opportunity to play sports because they haven't got health insurance or because they are not going to be able to get any kind of coverage for sickness or illness.

As bad as it is, as the Senator has pointed out, we ought to have an opportunity—would the Senator not agree, to debate this sort of phony protection advanced by the Republicans, saying we will guarantee some opportunity for appeal but not if it was under $1,000.

Patients should have the right to appeal decisions of their plans to independent third parties. Today, if a health plan breaks its promise, there is no remedy that can provide relief in time to save a life or prevent a disability.

Independent review was recommended unanimously by the President's Commission. It has worked successfully in Medicare for over thirty years. Families deserve the basic fairness that only an impartial appeal can provide. Without such a remedy, any ''rights'' of patients exist on paper

only—and they are often worth no more than the paper on which they are printed. When the issues are sickness and health—and often as serious as life and death—no health insurance company should be allowed to be both judge and jury.

In addition, when the misconduct of managed care plans actually results in serious injury or death, patients and their families should be able to hold the plans liable in court. Every other industry in America can be held responsible for its actions. Why should health plans, whose decisions truly can mean life or death, enjoy this unique and unfair immunity?

Under current law—the Employee Retirement and Income Security Act—patients whose lives have been devastated or destroyed by the reckless behavior of their health plan have no right to go to court to obtain an appropriate remedy under state law. ERISA ''preempts'' all state remedies. Patients are limited to the narrow federal remedy under ERISA, which covers only the cost of the procedure that the plan failed to pay for. You can be crippled for life by cancer because your plan refused to authorize a test costing a few hundred dollars to detect the cancer in its early stages—and all you can get back to help support your family is the cost of the test you failed to get.

During the debate on the tobacco legislation, Republicans and Democrats alike voted overwhelmingly to support the principle that no industry in America should be exempt from accountability for its actions. Because of ERISA preemption, one industry alone—the health insurance industry—enjoys this protection today. That is wrong—and the Senate should say it's wrong.

During the debate on welfare reform, many on the other side of the aisle spoke strongly in favor of the need for individuals to take responsibility for their actions. It is ironic that some of those who spoke most strongly for responsibility for poor single mothers are opposed to responsibility for a powerful industry that earns tens of billions of dollars in profits every year.

What most Americans do not know—and what the opponents of change ignore—is that ERISA pre-emption does not apply to state and local employee health plans. Employees of the city government or state government, whose health benefits are provided by taxpayers, can hold their health plan accountable in court if it kills or injures them. But equally hardworking families down the street are defenseless—because they happen to work for private industry.

Our legislation is truly a Patients' Bill of Rights that will provide these protections and more. It is a moderate, responsible, and effective response to the widespread problems patients and their families face every day. That is why it is supported by a broad and diverse coalition of doctors, nurses, patients, and advocates for children, women, and working families. That is why it enjoys bi-partisan support from members of Congress on both sides of the aisle, including a courageous physician, Dr. GREG GANSKE, a Republican Congressman from Iowa, who has seen the abuses of managed care first-hand.

The Republican leadership plan, by contrast, is not supported by any group of doctors or nurses or patients. It has no bi-partisan support. It is an industry profit protection program, not a patient protection program. It is not a Patients' Bill of Rights. It is a Patients' Bill of Wrongs. That is why we need a full debate—so that it can be amended and improved until it provides the protections patients need.

If the Majority Leader will stop abusing the rules of the Senate and allow this debate to proceed, I believe that the Senate will pass strong reforms that will be signed into law by the President. The American people deserve real reform, and I believe that when the Senate votes in the clear light of day, it will give the American people the reforms they deserve. This issue is a test of the Senate's willingness to put a higher priority on the needs of families than on the profits of special interests. And it is time for the Senate to act.

The choice is clear. The Senate should stand with patients, families, and physicians, not with the well-heeled special interests that put profits ahead of patients.

The American people know what's going on. Movie audiences across the country erupt in cheers when actress Helen Hunt attacks the abuses of managed care in the film ''As Good As It Gets.'' Helen Hunt won an Oscar for that performance, but managed care isn't winning any Oscars from the American people. Everyone knows that managed care today is not ''as good as it gets.''

Too often, managed care is mismanaged care. No amount of distortions or smokescreens by insurance companies can change the facts. The Patients' Bill of Rights can stop these abuses. Let's pass it now, before more patients have to suffer.

I thank the Chair. I thank the Senator.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 25

Mr. HELMS. Mr. President, the American Petroleum Institute reports, for the week ending September 25, that the U.S. imported 9,953,000 barrels of oil each day, 1,691,000 barrels a day more than the 8,262,000 imported during the same week a year ago.

Americans relied on foreign oil for 54.6 percent of their needs last week. There are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States imported about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America's oil supply.

All Americans should ponder the economic calamity certain to occur in the U.S. if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.: now 9,953,000 barrels a day at a cost of approximately $132,175,840 a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 30, 1998, the federal debt stood at $5,526,193,008,897.62 (Five trillion, five hundred twenty-six billion, one hundred ninety-three million, eight thousand, eight hundred ninety-seven dollars and sixty-two cents).

One year ago, September 30, 1997, the federal debt stood at $5,413,146,000,000 (Five trillion, four hundred thirteen billion, one hundred forty-six million).

Five years ago, September 30, 1993, the federal debt stood at $4,411,488,000,000 (Four trillion, four hundred eleven billion, four hundred eighty-eight million).

Ten years ago, September 30, 1988, the federal debt stood at $2,602,338,000,000 (Two trillion, six hundred two billion, three hundred thirty-eight million).

Fifteen years ago, September 30, 1983, the federal debt stood at $1,377,210,000,000 (One trillion, three hundred seventy-seven billion, two hundred ten million) which reflects a debt increase of more than $4 trillion—$4,148,983,008,897.62 (Four trillion, one hundred forty-eight billion, nine hundred eighty-three million, eight thousand, eight hundred ninety-seven dollars and sixty-two cents) during the past 15 years.

MAJOR GENERAL WILLIAM F. MOORE, USAF

Mr. LEVIN. Mr. President, I wanted to take the opportunity to bring to the attention of the Senate the outstanding and continuing service of a fine Air Force officer, General William F. Moore, USAF.

For almost three years, General Moore has served as Director of Special Programs in the Office of the Secretary of Defense. In this capacity, he was responsible for coordinating planning, budgeting, and management of very sensitive Department of Defense special access classified programs.

In fulfilling these duties, General Moore has had frequent contact with the leadership and members of the defense oversight committees in Congress. I believe that General Moore has executed these duties in an exemplary manner. General Moore always operated in a very forthcoming manner, was sensitive to the needs of Congressional oversight committee members, and made great strides in improving the Congressional understanding and coordination of special access programs. I would point out that our former colleague, Secretary of Defense

Bill Cohen, also recognized this track record by awarding General Moore the Defense Distinguished Service Medal.

General Moore also had a distinguished career in the Air Force before coming to that position. Among his many assignments, he has served as the Program Executive Officer for Bombers, Missiles, and Trainers within the Office of the Assistant Secretary of the Air Force for Acquisition; as the System Program Director for the Small ICBM; and in various positions with the Advanced Medium Range Air-to-air Missile (AMRRAM), Peacekeeper Missile, and Drone and Remotely Piloted Vehicles programs.

General Moore is a graduate of the Air Force Academy, the Air War College, and the Defense Systems Management College. He also took an M.B.A. degree from the Wharton School of Finance and Commerce at the University of Pennsylvania.

General Moore has been recently named as Deputy Director of the Defense Threat Reduction Agency, a very important position. There is no doubt in my mind that General Moore will be as diligent a steward in his new position as he has been as Director of Special Programs. We are all fortunate to have a man of his professionalism and ability in these positions, and I want to thank him both for his many years of service and wish him every continued future success.

POLITICAL DEVELOPMENTS IN MALAYSIA

Mr. THOMAS. Mr. President, I rise today as chairman of the Subcommittee on East Asian and Pacific Affairs to express my deep concern over the recent alarming political developments in Malaysia.

On September 2, Prime Minister Mahathir fired Deputy Prime Minister Dato Seri Anwar Ibrahim, his handpicked heir apparent. In the past few months, as the value of the ringgit has dropped more than 60 percent against the US dollar and as the economy has shown increasing signs of going the way of its surrounding Asian neighbors', Dato Seri Anwar has been arguing with increasing frequency that the country needs to adopt meaningful economic structural reforms. This has run counter to Mahathir's insistence that the root of the country's economic ills lies solely at the feet of George Soros, and that by fixing the ringgit's convertibility and taking other similarly isolationist measures.

This difference of economic opinion began to grow into a larger rift between the two politicians as Dato Seri Anwar began touring the country and speaking publicly. Apparently, Mahathir felt threatened both by Dato Seri Anwar's views and his popularity as a focus for growing anti-Mahathir dissent, and dismissed him from his post. That didn't stop Dato Seri Anwar from continuing to express himself. As a result, Dato Seri Anwar was arrested on September 20 and held under the provisions of the Internal Security Act (ISA).

The ISA removes arrested individuals from the protections afforded criminal defendants under Malaysia's constitution and statutes, and consequently Dato Seri Anwar was held in an undisclosed location without any formal charges being lodged against him. On September 29, however, he was hauled into court and charged with nine counts of corruption and sexual misconduct, including four sodomy counts. The nature of the charges, as well as the vagueness of them and the fact that several of the ''witnesses'' have already recanted, clearly indicates to me that they were concocted by the government for maximum shock value to discredit Dato Seri Anwar in a conservative Muslim country.

More shocking to me, however, is the condition in which Dato Seri Anwar appeared at his arraignment. He had clearly been beaten while in custody. He told the judge that on his first night of detention, while handcuffed and blindfolded, that he was ''boxed very hard on my head and lower jaw and left eye . . . I was then slapped very hard, left and right, until blood came out from my nose and my lips cracked. Because of this I could not walk or see properly.'' To substantiate his claims, Dato Seri Anwar then showed the court a large bruise on his arm; his black eye was already evident to everyone in the courtroom. He has not been allowed any medical treatment for his injuries. Dr. Mahathir's contention yesterday that Dato Seri Anwar inflicted the injuries to himself in order to gain a public relations coup is so absurd, so ludicrous, that it simply confirms in my mind the veracity of Dato Seri Anwar's contentions.

Mr. President, Dr. Mahathir prides himself on having transformed Malaysia from a divided multi-racial developing nation into a model of a modern, cosmopolitan, economically sophisticated country, and not without some justification. He also prides himself on being the self-appointed forward-thinking spokesman for Asian values and upholder of Asian independence from Western ''interference.'' But in my opinion by his actions in the case of Dato Seri Anwar, he negates much of the progress Malaysia has made in the eyes of the rest of the world. And on a personal level, he has sadly shown himself to be just another third-world despot intent on stifling any dissent, challenge to his authority, or deviation from the party line.

Mr. President, I call on the Malaysian government to take every step to safeguard the rights of Dato Seri Anwar, ensure that any charges brought against him are not spurious, afford him a fair and open trial, and fully investigate and prosecute those responsible for his mistreatment while in detention. I hope that all Malaysians will be permitted to express their political views in a peaceful and orderly fashion without fear of arrest or intimidation, and that the government will avoid the perception that Malaysia is looking more and more like Burma and less and less like a democracy.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 11:45 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2187. An act to designate the United States Courthouse located at 40 Foley Square in New York, New York, as the ''Thurgood Marshall United States Courthouse.''

H.R. 2327. An act to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engaged in the operation of automobiles and trucks.

H.R. 2730. An act to designate the Federal building located at 309 North Church Street in Dyersburg, Tennessee, as the ''Jere Cooper Federal Building.''

H.R. 3598. An act to designate the Federal Building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building.''

H.R. 4081. An act to end the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4248. An act to authorize the use of receipts from the sale of the Migratory Bird Hunting and Conservation Stamps to promote additional stamp purchases.

H.R. 4257. An act to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products.

H.R. 4283. An act to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

H.R. 4337. An act to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland for a pilot program to develop measures to eradicate or control nutria and restore marshland damaged by nutria.

H.R. 4595. An act to redesignate the Federal building located at 201 Fourteenth Street Southwest in the District of Columbia as the ''Sidney R. Yates Federal Building.''

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 317. Concurrent resolution expressing the sense of the Congress that Members of Congress should follow the examples

of self-sacrifice and devotion to character displayed by Jacob Chestnut and John Gibson of the United States Capitol Police.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

ENROLLED BILLS SIGNED

At 6:28 p.m., a message from the House of Representatives, delivered by one of its reading clerks announced that the Speaker has signed the following bills:

S. 1355. An act to designate the United States courthouse located at 141 Church Street in New Haven, Connecticut, as the ''Richard C. Lee United States Courthouse''.

S. 2071. An act to extend a quarterly financial report program administered by the Secretary of Commerce.

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons.

H.R. 4060. An act making appropriations for energy and water development for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 4382. An act to amend the Public Health Service Act to revise and extend the program for mammography quality standards.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:35 p.m. a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4658. An act to extend the date by which an automated entry-exit control system must be developed.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 1, 1998 he had presented to the President of the United States, the following enrolled bills:

S. 1355. An act to designate the United States courthouse located at 141 Church Street in New Haven, Connecticut, as the Richard C. Lee United States Courthouse.

S. 2071. An act to extend a quarterly financial report program administered by the Secretary of Commerce.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7275. A communication from the Assistant Secretary of the Navy (Installations and Environment), Department of the Navy, transmitting, pursuant to law, notice of the Department's decision to study certain functions performed by military and civilian personnel for possible performance by private contractors; to the Committee on Armed Services.

EC–7276. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Threatened Status for the Oregon Coast Evolutionarily Significant Unit of Coho Salmon'' (I.D. 063098A) received on September 29, 1998; to the Committee on Environment and Public Works.

EC–7277. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Work Study Programs'' (RIN1840–AC56) received on September 29, 1998; to the Committee on Labor and Human Resources.

EC–7278. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision of Fuel Cost Adjustment Clause Regulation Relating to Fuel Purchases From Company-Owned or Controlled Source'' (Docket RM93–24–000) received on September 29, 1998; to the Committee on Energy and Natural Resources.

EC–7279. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Surface Coal Mining and Reclamation Operations On Federal Lands; State-Federal Cooperative Agreements; Kentucky'' (Docket KY–214–FOR) received on September 29, 1998; to the Committee on Energy and Natural Resources.

EC–7280. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Exchanges: General Procedures; State Exchanges; National Park Exchanges; Wildlife Refuge Exchanges; Miscellaneous Exchanges'' (RIN1004–AC58) received on September 29, 1998; to the Committee on Energy and Natural Resources.

EC–7281. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Grazing Administration; Alaska; Livestock'' (RIN1004–AC70) received on September 29, 1998; to the Committee on Energy and Natural Resources.

EC–7282. A communication from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Final Rule Providing Uniform Procedures for Public Availability of Mineral Resources Information'' (RIN1004–AB55) received on September 29, 1998; to the Committee on Energy and Natural Resources.

EC–7283. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Removal of Brazil from the List of Nations Entitled to Reciprocal Exemption From the Payment of Special Tonnage Taxes'' (T.D. 98–79) received on September 29, 1998; to the Committee on Finance.

EC–7284. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Medical Savings Accounts'' (Announcement 98–88) received on September 29, 1998; to the Committee on Finance.

EC–7285. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Continuity of Interest'' (RIN1545–AW45) received on September 29, 1998; to the Committee on Finance.

EC–7286. A communication from the General Counsel of the Office of Community Oriented Policing Services, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''FY 1998 Police Recruitment Program'' (RIN1105–AA58) received on September 29, 1998; to the Committee on the Judiciary.

EC–7287. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding a Carbon Monoxide Redesignation Plan and Emissions Inventory for the New Haven-Merden-Waterbury Area in Connecticut (FRL61667–1) received on September 29, 1998; to the Committee on Environment and Public Works.

EC–7288. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled ''Assessment and Recommendations for Fissile Material Packaging Exemptions and General License Provisions Within 10 CFR Part 71''; to the Committee on Environment and Public Works.

EC–7289. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the base operation support functions at Offutt Air Force Base, Nebraska; to the Committee on Armed Services.

EC–7290. A communication from the Assistant Commissioner for Examination, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue; Utilities Industry; Capitalization of Costs—Unclassified Labor Costs'' received on September 30, 1998; to the Committee on Finance.

EC–7291. A communication from the Assistant Commissioner for Examination, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue; Motor Vehicle Industry; Excess Parts Inventory'' received on September 30, 1998; to the Committee on Finance.

EC–7292. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Alder Bark; Exemption from the Requirement of a Tolerance'' (FRL6032–2) received on September 30, 1998; to the Committee on Environment and Public Works.

EC–7293. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan'' (FRL6270–8) received on September 30, 1998; to the Committee on Environment and Public Works.

EC–7294. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards—Applicability of Performance for Coal Preparation Plants to Coal Unloading Operations'' (FRL6168–9) received on September 30, 1998; to the Committee on Environment and Public Works.

EC–7295. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions'' (FRL6171–9) received on September 30, 1998; to the Committee on Environment and Public Works.

EC–7296. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyridaben; Pesticide Tolerances for Emergency Exemptions'' (FRL6031–5) received on September 30, 1998; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–548. A petition from a citizen of the State of Georgia relative to national efforts to combat lung cancer; to the Committee on Labor and Human Resources.

POM–549. A resolution adopted by the Legislature of the State of Colorado; to the Committee on Governmental Affairs.

SENATE RESOLUTION 98S–004

Whereas, Article I, section 2, clause 3 of the U.S. Constitution requires an ''actual enumeration'' of the population every ten years and entrusts Congress with overseeing all aspects of each decennial census; and

Whereas, The purpose of the enumeration, as set forth in the Constitution, is to apportion the seats in the federal House of Representatives among the several states; and

Whereas, An accurate decennial census is necessary to apportion such seats and to enable states to comply with federal and state constitutional requirements of equal population in legislative districts; and

Whereas, The U.S. Constitution, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an ''actual enumeration'' of the population, which requires a physical headcount and prohibits statistical guessing or estimates of the population; and

Whereas, Federal law, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the population, and the Federal District Court for the District of Columbia so held in *U.S. House of Representatives* v. *U.S. Department of Commerce, et al.,* Case No. 98–0456; and

Whereas, Every reasonable and practical effort should be made to obtain the fullest and most accurate count possible, including appropriate funding for state and local census outreach and education programs, as well as provision for post-census review; and

Whereas, The U.S. Census Bureau has proposed to use two population-polling techniques in the 2000 decennial census, known as ''sampling for nonresponse follow-up'' and the ''Integrated Coverage Measurement''; now, therefore, be it

Resolved by the Senate of the Sixty-first General Assembly of the State of Colorado:

(1) That the U.S. Census Bureau is requested to conduct the 2000 census consistent with constitutional and statutory mandates, which require a physical headcount of the population and bar the use of statistical sampling to create or adjust the count in any way;

(2) That the Colorado State Senate opposes the use of census number for redistricting that have been determined in whole or in part by the use of sampling techniques or other statistical methodologies that add or subtract persons from the census counts based solely on statistical inference;

(3) That the Colorado State Senate urges Congress, as the branch of government charged with overseeing the decennial census, to take whatever steps are necessary to ensure that the 2000 census is conducted fairly and legally; be it further

Resolved, That a copy of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, the President of the United States, each member of the congressional delegation from Colorado, and James F. Holmes, Acting Director, U.S. Census Bureau.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3809. A bill to authorize appropriations for the United States Customs Service for fiscal years 1999 and 2000, and for other purposes (Rept. No. 105–359).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

S. 555. A bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act (Rept. No. 105–360).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H.R. 1949. A bill for the relief of Nuratu Olarewaju Abeke Kadiri.

S. Res. 283. A resolution to refer H.R. 998 entitled ''A bill for the relief of Lloyd B. Gamble'' to the chief judge of the United States Court of Federal Claims for a report thereon.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1171. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1720. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1916. A bill for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup.

S. 1926. A bill for the relief of Regine Beatie Edwards.

S. 1961. A bill for the relief of Suchada Kwong.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2099. A bill to provide for enhanced Federal sentencing guidelines for counterfeiting offenses, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 2476. A bill for the relief of Wei Jengsheng.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2516. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2524. A bill to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2536. An original bill to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission for the term of three years.

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry:

Michael M. Reyna, of California, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, for a term expiring May 21, 2004.

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation:

Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 1999.

John Paul Hammerschmidt, of Arkansas, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of four years. (New Position)

Norman Y. Mineta, of California, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of six years. (New Position)

Eugene A. Conti, Jr., of Maryland, to be an Assistant Secretary of Transportation.

Peter J. Basso, Jr., of Maryland, to be an Assistant Secretary of Transportation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Robert C. Olsen, Jr., 4781
Capt. Robert D. Sirois, 8309
Capt. Patrick M. Stillman, 0193
Capt. Ronald F. Silva, 1219
Capt. David R. Nicholson, 0216

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Thomas J. Barrett, 7105
Rear Adm. (lh) James D. Hull, 9426
Rear Adm. (lh) George N. Naccara, 7780
Rear Adm. (lh) Terry M. Cross, 4308

Mr. MCCAIN. Madam President, for the Committtee on Commerce, Science, and Transportation, I also report favorably four nomination lists in the Coast Guard which were printed in full in the RECORDS of September 3, 1998, September 16, 1998 and September 29, 1998, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 3, 1998, September 16, 1998 and September 29, 1998, at the end of the Senate proceedings.)

In the Coast Guard nomination of Joseph E. Vorbach, which was received by the Senate and appeared in the Congressional Record of September 3, 1998

In the Coast Guard nominations beginning John H. Siemens, and ending David M. Illuminate, which nominations were received by the Senate and appeared in the Congressional Record of September 16, 1998

In the Coast Guard nomination of Richelle L. Johnson, which was received by the Senate and appeared in the Congressional Record of September 29, 1998

In the Coast Guard nominations beginning Robert J. Fuller, and ending John B. McDermott, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 1998

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. BREAUX (for himself and Mr. MACK):

S. 2535. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Finance.

By Mr. HATCH:

S. 2536. An original bill to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence; from the Committee on the Judiciary; placed on the calendar.

By Mr. MURKOWSKI:

S. 2537. A bill to amend the Export-Import Bank Act of 1945 to assure that the United States is consistent with other G-7 countries in evaluating environmental concerns relating to projects to be financed, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX:

S. 2538. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. TORRICELLI, Mr. FORD, and Mr. GORTON):

S. 2539. A bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Ms. COLLINS, Mr. LEAHY, Mr. D'AMATO, and Mr. MOYNIHAN):

S. 2540. A bill to extend the date by which an automated entry-exit control system must be developed; considered and passed.

By Mr. DASCHLE (for Mr. GLENN (for himself, Mr. THOMPSON, Ms. COLLINS, Mr. LEVIN, Mr. DURBIN, Mr. CLELAND, and Mr. LIEBERMAN)):

S.J. Res. 58. A joint resolution recognizing the accomplishments of Inspector Generals since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government; considered and passed.

By Mr. GRAMM:

S.J. Res. 59. A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance; read the first time.

S.J. Res. 60. A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LEVIN:

S. Con. Res. 122. A concurrent resolution expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. KYL, Mr. CRAIG, and Mr. LOTT):

S. Con. Res. 123. A concurrent resolution to express the sense of the Congress regarding the policy of the Forest Service toward recreational shooting and archery ranges on Federal land; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself and Mr. MACK):

S. 2535. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Finance.

SUBPART F OF INTERNAL REVENUE CODE

• Mr. BREAUX. Mr. President, today Mr. MACK and I are introducing legislation to place a permanent moratorium on the Department of the Treasury's authority to finalize any proposed regulations issued pursuant to Notice 98–35, dealing with the treatment of hybrid branch transactions under subpart F of the Internal Revenue Code. It also prohibits Treasury from issuing new regulations relating to the tax treatment of hybrid transactions under subpart F and requires the Secretary to conduct a study of the tax treatment of hybrid transactions and to provide a written report to the Senate Committee on Finance and the House Committee on Ways and Means.

By way of background, the United States generally subjects U.S. citizens and corporations to current taxation on their worldwide income. Two important devices mitigate or eliminate double taxation of income earned from foreign sources. First, bilateral income tax treaties with many countries exempt American taxpayers from paying foreign taxes on certain types of income (e.g. interest) and impose reduced rates of tax on other types (e.g. dividends and royalties). Second, U.S. taxpayers receive a credit against U.S. taxes for foreign taxes paid on foreign source income. To reiterate, these devices have been part of our international tax rules for decades and are aimed at preventing U.S. businesses from being taxed twice on the same income. The policy of currently taxing U.S. citizens on their worldwide income is in direct contrast with the regimes employed by most of our foreign trading competitors. Generally they tax their citizens and domestic corporations only on the income earned within their borders (the so-called ''water's edge'' approach).

Foreign corporations generally are also not subject to U.S. tax on income earned outside the United States, even if the foreign corporation is controlled by a U.S. parent. Thus, U.S. tax on income earned by foreign subsidiaries of U.S. companies—that is, from foreign operations conducted through a controlled foreign corporation (CFC)—is generally deferred until dividends paid by the CFC are received by its U.S. parent. This policy is referred to as ''tax deferral.''

In 1961, President John F. Kennedy proposed eliminating tax deferral with respect to the earnings of U.S.-controlled foreign subsidiaries. The proposal provided that U.S. corporations would be currently taxable on their share of the earnings of CFCs, except in the case of investments in certain ''less developed countries.'' The business community strongly opposed the proposal, arguing that in order for U.S. multinational companies to be able to compete effectively in global markets, their CFCs should be subject only to the same taxes to which their foreign competitors were subject.

In the Revenue Act of 1962, Congress rejected the President's proposal to completely eliminate tax deferral, recognizing that to do so would place U.S. companies operating in overseas markets at a significant disadvantage vis-a-vis their foreign competitors. Instead, Congress opted to adopt a policy regime designed to end deferral only with respect to income earned from so-called ''tax haven'' operations. This regime, known as ''subpart F,'' generally is aimed at currently taxing foreign source income that is easily moveable from one taxing jurisdiction to another and that is subject to low rates of foreign tax.

Thus, the subpart F provisions of the Internal Revenue Code (found in sections 951–964) have always reflected a balancing of two competing policy objectives: capital export neutrality (i.e. neutrality of taxation as between domestic and foreign operations) and capital import neutrality (i.e. neutrality of taxation as between CFCs and their foreign competitors). While these competing principles continue to form the foundation of subpart F today, recent actions by the Department of the Treasury threaten to upset this longstanding balance.

On January 16, 1998, the Department of the Treasury announced in Notice

98–1l its intention to issue regulations to prevent the use of hybrid branches ''to circumvent the purposes of subpart F.'' The hybrid branch arrangements identified in Notice 98–11 involved entities characterized for U.S. tax purposes as part of a controlled foreign corporation, but characterized for purposes of the tax law of the country in which the CFC was incorporated as a separate entity. The Notice indicated that the creation of such hybrid branches was facilitated by the entity classification rules contained in section 301.7701–I through –3 of the income Tax Regulations (the ''check the box'' regulations).

Notice 98–11 acknowledged that U.S. international tax policy seeks to balance the objectives of capital export neutrality with the objective of allowing U.S. businesses to compete on a level playing field with foreign competitors. In the view of the Treasury and IRS, however, the hybrid transactions attacked in the Notice ''upset that balance.'' Treasury indicated that the regulations to be issued generally would apply to hybrid branch arrangements entered into or substantially modified after January 16, 1998, and would provide that certain payments to and from foreign hybrid branches of CFCs would be treated as generating subpart F income to U.S. shareholders in situations in which subpart F would not otherwise apply to a hybrid branch as a separate entity. This represented a significant expansion of subpart F, by regulation rather than through legislation.

Shortly after Notice 98–11 was issued, the Administration released its Fiscal Year 1999 budget proposals which, among other things, included a provision requesting Congress to statutorily grant broad regulatory authority to the Treasury Secretary to prescribe regulations clarifying the tax consequences of hybrid transactions in cases in which the intended results are inconsistent with the purposes of U.S. tax law. . . .'' While the explanation accompanying the budget proposal argued that this grant of authority as applied to many cases ''merely makes the Secretary's current general regulatory authority more specific, and directs the Secretary to promulgate regulations pursuant to such authority,'' the explanation conceded that in other cases, ''the Secretary's authority may be questioned and should be clarified.''

Notice 98–11 and the accompanying budget proposal generated widespread concerns in the Congress and the business community that the Treasury was undertaking a major new initiative in the international tax arena that would undermine the ability of U.S. multinationals to compete in international markets. For example, House Ways and Means Committee Chairman BILL ARCHER wrote to Treasury Secretary Rubin on March 20, 1998 requesting that ''Notice 98–11 be withdrawn and that no regulations in this area be issued or allowed to take effect until Congress has an appropriate opportunity, to consider these matters in the normal legislative process.'' The Ranking Democrat on the Committee, CHARLES RANGEL, wrote to Secretary Rubin expressing strong concerns about the Treasury's increasing propensity to ''legislate through the regulatory process as evidenced by Notice 98–11.

Despite these concerns, on March 23, 1998, the Treasury department issued two sets of proposed and temporary regulations, the first relating to the treatment of hybrid branch arrangements under subpart F, and the second relating to the treatment of a CFC's distributive share of partnership income. As Notice 98–1l had promised, the regulations provided that certain payments between a controlled foreign corporation and a hybrid branch would be recharacterized as subpart F income if the payments reduce the payer's foreign taxes.

The week after the temporary and proposed regulations were issued, the Senate Finance Committee considered H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1998. A provision was included in the bill prohibiting the Treasury and IRS from implementing temporary or final regulations with respect to Notice 98–11 prior to six months after the date of enactment of H.R. 2676. The Senate bill also included language expressing the ''sense of the Senate'' that ''the Department of the Treasury and the Internal Revenue Service should withdraw Notice 98–11 and the regulations issued thereunder, and that the Congress, and not the Department of the treasury or the Internal Revenue Service, should determine the international tax policy issues relating to the treatment of hybrid transactions under subpart F provisions of the Code.''

Opposition to Notice 98–11 and the temporary and proposed regulations continued to mount. On April 23, 1998, 33 Members of the House Ways and Means Committee wrote to Secretary Rubin expressing concern about the Treasury's decision to move forward and issue regulations pursuant to Notice 98–11 without an appropriate opportunity for Congress to consider this issue in the normal legislative process, urging Treasury to withdraw the regulations.

In the face of these and other pressures from the Congress and the business community, on June 19, 1998, the Treasury Department announced in Notice 98–35 that it was withdrawing Notice 98–1l and the related temporary, and proposed regulations. According to Notice 98–35, Treasury intends to issue a new set of proposed regulations to be effective in general for payments made under hybrid branch arrangements on or after June 19, 1998. These regulations, however, will not be finalized before January 1, 2000, in order to permit both the Congress and Treasury Department the opportunity to further study the issues that were raised following the publication of Notice 98–1l earlier this year.

While we applaud the Treasury's decision to withdraw Notice 98–1l and the temporary regulations, we believe that additional legislative action is needed to prevent the Treasury from finalizing the forthcoming regulations until Congress considers the issues involved. We believe that only the Congress has the authority to achieve a permanent resolution of this issue. Notice 98–35, like its predecessor, Notice 98–1l continues to suffer from a fatal flaw; it is the prerogative of Congress, and not the Executive Branch, to pass laws establishing the nation's fundamental tax policies. Simply put, Notice 98–35 adds restrictions to the subpart F regime that are not supported by the Code's clear statutory language, and there has been no express delegation of regulatory authority to the Treasury that relates specifically to the issues presented in the Notice.

More importantly, we question the policy objectives to be achieved by Notice 98–35 and the accompanying proposed regulations. We do not understand the rationale for penalizing U.S. multinational companies for employing normal tax planning strategies that reduce foreign (as opposed to U.S.) income taxes. Moreover, Notice 98–35 is contrary to recent Congressional efforts to simplify the international tax provisions of the Code. For example, the Congress reduced complexity and ridded the code of a perverse incentive for U.S. companies to invest overseas by repealing the Section 956A tax on excess passive earnings in 1996. Again in 1997, the Congress repealed the application of the Passive Foreign Investment Company regime to U.S. shareholders of controlled foreign corporations because of the complexity involved in applying both regimes, in addition to enacting a host of other foreign tax simplifications. Therefore, in order for Congress to gain a better understanding of the Treasury Department's position on this matter, our bill would require the Treasury to conduct a thorough study of the tax treatment of hybrid transactions under subpart F and to provide a report to the Senate Committee on Finance and House Committee on Ways and Means on this issue.

If the forthcoming regulations are permitted to be finalized by the Treasury, U S multinational businesses will be placed at a competitive disadvantage vis-a-vis foreign companies who remain free to employ strategies to reduce the foreign taxes they pay. Clearly, such a result should be permitted to take effect only if Congress, after having an opportunity to fully consider all of the tax and economic issues involved, agrees that the arguments advanced by the Treasury are compelling and determines that additional statutory changes to subpart F are necessary and appropriate.

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. 2535

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

SECTION 1. HYBRID TRANSACTIONS UNDER SUBPART F.

(a) PROHIBITION ON REGULATIONS.—The Secretary of the Treasury (or his delegate)—

(1) shall not issue temporary or final regulations relating to the treatment of hybrid transactions under subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 pursuant to Internal Revenue Service Notice 98–35 or any other regulations reaching the same or similar result as such notice,

(2) shall retroactively withdraw any regulations described in paragraph (1) which were issued after the date of such notice and before the date of the enactment of this Act, and

(3) shall not modify or withdraw sections 301.7701–1 through 301.7701–3 of the Treasury Regulations (relating to the classification of certain business entities) in a manner which alters the treatment of hybrid transactions under such subpart F.

(b) STUDY AND REPORT.—The Secretary of the Treasury (or his delegate) shall study the tax treatment of hybrid transactions under such subpart F and submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate. The Secretary shall hold at least one public hearing to receive comments from any interested party prior to submitting such report.●

● Mr. MACK. Mr. President, today Senator BREAUX and I introduce a bill reaffirming that the lawmaking power is the province of the Congress, not the executive branch. Our bill prohibits the Treasury Department from issuing regulations that would impose taxes on U.S. companies merely because one of their subsidiaries pays money to itself.

As a general rule, U.S. corporations pay U.S. corporate income tax on the earnings of their foreign subsidiaries only when those earnings are actually distributed to the U.S. parent companies. An exception to this general rule is contained in subpart F of the Internal Revenue Code, which accelerates the income tax liability of U.S. parent companies under certain circumstances. The Treasury Department has announced, in Notice 98–35, an intention to issue regulations that will accelerate income tax liability for U.S. companies—not based on the specific circumstances enumerated in subpart F, but instead on a new ''interpretation'' of the ''policies'' that Treasury infers from that 36-year-old provision. This action crosses the line between administering the laws and making the laws, and cannot be allowed by Congress.

Notice 98–35 concerns so-called ''hybrid arrangements.'' These involve business entities that are considered separate corporations for foreign tax purposes, but are viewed as one company with a branch office for U.S. purposes. U.S. companies organize their subsidiaries in this manner to reduce the amount of foreign taxes they owe. Transactions between a subsidiary and its branch have no impact on U.S. taxable income of the parent, as its subsidiary is merely paying money to itself. But the Treasury Department intends to impose a tax on the U.S. parent to penalize it for reducing the foreign taxes it owes.

This effort is wrong for several reasons. First, the Treasury Department possesses only the power to issue regulations to administer the laws passed by Congress. New rules based on congressional purpose are known as laws, and under the Constitution laws are made by Congress.

Second, the Treasury Department is elevating one policy underlying subpart F—taxing domestic and foreign operations in the same manner—over the other policy of maintaining the competitiveness of U.S. companies in foreign markets. This proposed tax would put U.S.-owned subsidiaries at a competitive disadvantage.

Finally, the Treasury Department should not impose a tax on U.S. companies to force these companies to reorganize in a way that increases the taxes they owe to foreign countries. The Treasury Department is not the tax collector for other nations. And by raising the foreign tax bills of U.S. companies, the Treasury Department is also increasing the size of foreign tax credits and thereby reducing U.S. tax revenues.

The Treasury Department is not only making policy that it has no right to make, it is also making bad policy. Our bill places a moratorium on this lawmaking. It also directs the Treasury Secretary to study these issues and submit a report to the tax-writing committees of Congress. Many people and organizations, including the Treasury Department, desire changes in the tax laws. But only Congress has the power to make these changes, and this is a power we intend to keep.●

By Mr. HATCH:

S. 2536. An original bill to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence; from the Committee on the Judiciary; placed on the calendar.

THE IMPROVEMENTS TO INTERNATIONAL CRIME AND ANTI-TERRORISM AMENDMENTS OF 1998

Mr. LEAHY. Mr. President, I am pleased with the Chairman in offering this important legislation, the Improvements to International Crime and Anti-Terrorism Amendments of 1998, to combat international crime.

Crime and terrorism increasingly have an international face. The bombings of U.S. embassies in Kenya and Tanzania are just the most recent reminders of how vulnerable we are to terrorist attacks. In a shockingly brutal attack, more than 250 men, women and children, were murdered in cold blood. Among those 250 victims were 12 of our fellow citizens. And none of us can forget that it was only a short time ago that there was another assault right here at home, in the Capitol itself.

With improvements in technology, criminals now can move about the world with ease. They can transfer funds with a push of a button, or use computers and credit card numbers to steal from American citizens from any spot on the globe. They can strike at Americans here and abroad. The playing field keeps changing, and we need to change with it.

This bill does exactly that, not with sweeping changes but with thoughtful provisions carefully targeted at specific problems faced by law enforcement. The bill offers tools and protection to investigators and prosecutors, while narrowing the room for maneuver that international criminals and terrorists now enjoy.

I initially introduced some of the provisions of this bill as early as April 30, 1998, in the Money Laundering Enforcement and Combating Drugs Act in Prisons of 1998 with Senators DASCHLE, KOHL, FEINSTEIN, and CLELAND. Again, on July 14, 1998, I introduced with Senator BIDEN many of these provisions set forth in the bill on behalf of the Administration in S. 2303, the International Crime Control Act of 1998. I again included almost all of the provisions in another major anti-crime bill, the Safe Schools, Safe Streets, and Secure Borders Act of 1998, on September 16, 1998, along with Senators DASCHLE, BIDEN, MOSELEY-BRAUN, KENNEDY, KERRY, LAUTENBERG, MIKULSKI, BINGAMAN, REID, MURRAY, DORGAN, and TORRICELLI.

It is a particular pleasure now to be able to draw from these more comprehensive bills a set of discrete, very important improvements that can enjoy bipartisan support, and which I hope and trust can be enacted into law, even in the short time remaining in this session. All of these provisions enjoy the full support of the Administration, and each of them is a law enforcement priority.

The bill would criminalize murder and other serious crimes committed by organized crime against U.S. nationals abroad, and against state and local officials who are working abroad with federal authorities on joint projects or operations.

The bill also protects our maritime borders by providing realistic sanctions for vessels that fail to ''heave to'' or otherwise obstruct the Coast Guard. No longer will drug-runners be able to stall or resist Coast Guard commands with impunity.

The bill also increases our authority to exclude from entry into our country international criminals and terrorists, including those engaged in flight to avoid prosecution, alien smuggling, or arms or drug trafficking under specific circumstances. At the same time, we ensure that the Attorney General has

full authority to make exceptions for humanitarian and similar reasons.

The bill includes important money laundering provisions. At a recent Judiciary Committee hearing on anti-terrorism, FBI Director Louis Freeh noted the importance of money laundering laws as a tool in stopping not only international drug kingpins, but also international terrorists, such as Usama bin Laden, the multi-millionaire terrorist who has been linked to the recent embassy bombings.

The bill has two important provisions aimed at computer crimes: it provides expanded wiretap authority, subject to court order, to cover computer crimes, and also gives us extraterritorial jurisdiction over access device fraud, such as stealing telephone credit card numbers, where the victim of the fraud is within the U.S.

We cannot do it all alone, however. This bill facilitates international cooperation by allowing our country to share the proceeds of joint forfeiture operations, to encourage participation by those countries. It streamlines procedures for executing MLAT requests that apply to multiple judicial districts. Furthermore, the bill addresses the essential but often overlooked role of state and local law enforcement in combating international crime, and authorizes reimbursement of state and local authorities for their cooperation in international crime cases. The bill helps our prosecutors in international crime cases by facilitating the admission of foreign records in U.S. courts. Finally, the bill would speed the wheels of justice by prohibiting international criminals from being credited with any time they serve abroad while they fight extradition to face charges in our country.

These are important provisions that I have advocated for some time. They are helpful, solid law enforcement provisions. I must close with a special thanks to my friend and colleague from Utah, Senator HATCH, for his help in making this bill a reality. It has been pleasure to work closely with him to craft a bipartisan bill that will accomplish what all of us want, to make America a safer and more secure place.

By Mr. MURKOWSKI:

S. 2537. A bill to amend the Export-Import Bank Act of 1945 to assure that the United States is consistent with other G–7 countries in evaluating environmental concerns relating to projects to be financed, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT-IMPORT BANK ACT AMENDMENTS

Mr. MURKOWSKI. Mr. President, I rise to introduce legislation regarding the Export-Import Bank. This legislation is both pro-trade and pro-environment.

Let me start by saying that I support U.S. international finance institutions like Ex-Im Bank, OPIC and TDA because they are necessary to level the playing field for American companies seeking to compete abroad. In a perfect world, such government assistance would be unnecessary, but we know that the other industrialized countries are using government financing to sweeten the pot for their companies' participation in international projects.

My legislation addresses the well-meaning environmental policies of the Bank that are actually harming the environment while undermining American competitiveness. Specifically, my legislation does two things: First, it directs the Ex-Im Bank to negotiate a mulitlateral agreement with the export financing agencies of all G–7 countries to address environmentally sensitive development overseas. Second, until such agreement is reached, my legislation would allow U.S. companies to compete on equal footing with other international companies bidding on international projects. In other words, my legislation would ensure that American companies have access to Ex-Im Bank financing for overseas projects where other G–7 countries are providing or have indicated an intent to provide financing to the project in question without conditioning such assistance on environmental policies or procedures.

Mr. President, under current law, the Ex-Im Bank can deny financing to U.S. companies seeking to participate in international projects when the Bank's environmental concerns have not been adequately addressed by foreign countries. But there is no mechanism in place to ensure that all G–7 countries abide by the same set of rules or environmental standards in competing for such projects. The net effect of this law is to impose unilateral sanctions on U.S. companies in the name of the environment.

The lack of American participation in the largest hydroelectric project in the World, the $24.5 billion Three Gorges Dam Project in China, illustrates why this change in law is necessary. The mission of the Ex-Im Bank is to promote U.S. exports and U.S. jobs. Yet, the Bank refused to provide financial guarantees for this project because the Bank's environmental concerns had not been satisfactorily addressed by the Chinese government.

There were two perverse outcomes from the Bank's decision. First, the project is going ahead anyway without the environmental technologies and practices our companies' participation would bring. And second, the only American participation is by companies that are large enough to use their foreign subsidiaries with another government's financing, and consequently the jobs are going to the Japanese, the Canadians and the Europeans.

A letter that I received from the President of Rotec Industries, located in Elmhurst, Illinois, explains the detrimental effects of the Ex-Im Banks decision. Rotec submitted a bid to the Chinese government for $130 million of U.S.-made concrete placing and transporting equipment. Following the Ex-Im Bank's negative decision they received an order for only a fraction of their proposal. A Japanese-French consortium received an order for ''Rotec-equivalent'' equipment. But it gets worse. As Rotec's president explained:

> No Ex-Im financing meant no made-in-the-USA requirements and no made-in-the-USA price premium . . . For the first time in our 32-year history, Rotec subcontracted manufacturing to companies in South Korea. The effect on U.S. jobs is easy to quantify . . . Rotec will have spent over $13,000,000 in South Korea. With Ex-Im's support, this work—and probably more—would have stayed in the United States.

But this was not the only bad news for Rotec. Before Ex-Im's decision, Rotec was the world's only manufacturer of this specialized equipment. But the Japanese-French consortium selected by the Chinese have now copied Rotec's product. As Rotec's president described it, Ex-Im's decision helped open the door and they [the consortium] walked right in. Rotec will likely face foreign competition wherever this product is needed.''

Other U.S. companies who sought to participate in the Three Gorges Dam project tell a similar story. Caterpillar estimates that it lost $200 million in sales. GE routed its bid through its Canadian subsidiary. Voight Hydro of Pennsylvania had to withdraw its bid in favor of its German parent, which won $85 million of contracts.

Although my legislation cannot retroactively change the effect of the Ex-Im Bank's decision on U.S. participation in the Three Gorges Dam project, we will face this issue again. A recent New York Times story quoted Chinese officials who pledge to spend $1.2 trillion on a vast program of new infrastructure projects over the next three years. Included in those projects are plans to build five large hydroelectric power stations over the next 12 years, at a cost exceeding $7 billion. Although this is small compared to Three Gorges, it presents excellent opportunities for U.S. companies. In addition, the Chinese have plans to order a new nuclear plant each year for the next 20 years. This emerging Chinese market is estimated to be worth $1.65 billion per year in U.S. nuclear exports, supporting an equivalent of 25,400 full time American jobs.

I am told that the environmental lobbyists are out in full force against this legislation. Environmental groups have circulated a letter stating that my legislation would mean that ''[t]he United States Government will likely support dangerous nuclear power plants, unsustainable logging of primary forests, and huge hydroelectric dams resettling millions of people in developing countries with no environmental safeguards allowed.''

Mr. President, let me just respond to their claim that nuclear power plants and hydroelectric dams should not be funded on environmental grounds. China is a case in point. By 2015 China will surpass the United States as the largest emitter of greenhouse gases.

According to the World Health Organization, 6 of the 10 most polluted cities in the world are in China. Coal supplies three-quarters of China's energy and is choking its cities. Already, hundreds of thousands of Chinese die premature deaths each year from chronic respiratory illness. Thousands more died this year from flooding of the Yangtze River and millions more were displaced.

Mr. President, how can the environmentalists ignore the benefits to China's environment, indeed to the World's environment, of helping China turn to cleaner forms of energy such as hydro and nuclear? The 18,200 megawatt Three Gorges Dam will replace the equivalent of thirty-six 500 megawatt coal fossil plants. In a country suffocating on dirty air, how can any rational environmental policy promote coal and penalize clean burning hydro and nuclear power? Of course, hydro and nuclear plants have environmental consequences. Every form of energy production does. Even windmills become cuisinarts for birds. But countries such as China have the right to determine which consequences she can accept.

Let's make sure that Ex-Im does not unilaterally rule out American participation in future projects. Support my legislation and vote to help American companies compete.

Mr. President, I ask unanimous consent that a copy of the Rotec letter be printed in the RECORD.

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

ROTEC INDUSTRIES,
Elmhurst, IL, September 23, 1998.

Hon. FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: As president of a company which has been involved in the construction of China's Three Gorges Dam, I read your September 16th Washington Post op-ed article, ''Too Green'', with great interest.

Rotec Industries, along with Caterpillar and Voith Hydro, aggressively pursued Ex-Im Bank financing for Three Gorges Dam. Of course, we were disappointed when Ex-Im denied financing. It seemed like the wrong decision for economic, environmental and common-sense reasons.

Your legislation, which would prohibit Ex-Im from withholding financing on environmental grounds where any other G–7 country is providing financing, offers some hope that U.S. businesses and workers will have the support of Ex-Im Bank in future, similar situations.

During the two years since Ex-Im's decision, Rotec has continued to pursue its business at Three Gorges with some successes and with some disappointments. A brief history our Three Gorges events:

January 1996—Rotec submitted a proposal (before Ex-Im's decision) to supply more than $130,000,000 of U.S.-made equipment.

November 1996—Following Ex-Im's negative decision, we received an order for only $31,000,000 of equipment.

December 1996—Japanese-French consortium received an order for ''Rotec-equivalent'' equipment.

May 1998—Rotec received an additional $22,000,000 order.

We do not expect any additional major orders from Three Gorges. Our total is approximately $53,000,000; about 40% of what we had hoped to receive.

It gets worse: Losses for American workers were even greater. During negotiations following Ex-Im's decision, our Chinese customer demanded a price discount because ''Rotec can subcontract manufacturing in China or a third country.'' No Ex-Im financing meant no made-in-the-USA requirements and no made-in-the-USA price premiums. Rotec was literally fighting for its existence; we were facing serious competition from foreign suppliers and Ex-Im would not help. For the first time in our 32-year history, Rotec subcontracted manufacturing to companies in South Korea. The effect on U.S. jobs is easy to quantify: when the last shipment is made at the end of this year, Rotec will have spent over $13,000,000 in South Korea. With Ex-Im's support, this work—and probably more—would have stayed in the United States.

More bad news: Before Ex-Im's decision, Rotec was the world's *only* manufacturer of this specialized equipment. The Japanese-French consortium had copied our concepts on paper, but had never designed, manufactured or sold any similar product. Now they have and Rotec has a new competitor. Ex-Im's decision has helped open the door and they walked right in. Rotec will likely face foreign competition wherever this product is needed.

My environmental ''feelings'': (I have made twelve trips to China during the past three years so this comes mostly from personal observation.) China is a huge country with a very low standard of living—especially in the rural areas. Many people live on mountainsides in hand-dug ''caves''. China's people need energy, improved transportation and the ability to control flooding in order to improve their standard of living.

It seems unfair for the United States or anyone else to tell China they can not develop their rivers, especially when so much can be gained. Building Three Gorges Dam means producing clean electricity with hydro-power, mitigating the effects of flooding and adding navigable stretches to a river in an area with very poor roads. Not building the dam means burning more fossil fuel, further polluting the already-terrible air; continuing floods which kill thousands, violently displacing hundreds-of-thousands or even millions and cause untold property damage for people who have so little; and slowing economic development for people who desperately need it. In this case, building a dam is ''the green decision.''

Your initiation of this measure is supported and appreciated by Rotec. We wish you success.

Sincerely,

STEVE LEDGER,
President, Rotec Industries, Inc.

By Mr. BREAUX:

S. 2538. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition relating to distributions of stock and securities of controlled corporations; to the Committee on Finance.

AMENDMENT TO INTERNAL REVENUE CODE SECTION 355(B)(2)

● Mr. BREAUX. Mr. President, today I introduce a bill that would make a technical change in the Internal Revenue Code. We often talk about the need to simplify the Tax Code. The change I propose today would do that.

This change is small but very important. It would not alter the substance of current law in any way. It would, however, greatly simplify a common corporate transaction. This small technical change will alone save corporations millions of dollars in unnecessary expenses and economic costs that are incurred when they divide their businesses.

The Treasury Department agrees that there is a technical problem with the drafting of the Tax Code. It also agrees that a legislative change like the bill I introduce today is the best way to correct it.

Corporations, and affiliated groups of corporations, often find it advantageous, or even necessary, to separate two or more businesses. The division of AT&T from its local telephone companies is an example of such a transaction. The reasons for these corporate divisions are many, but probably chief among them is the ability of management to focus on one core business.

At the end of the day, when a corporation divides, the stockholders simply have the stock of two corporations, instead of one. The Tax Code recognizes this is not an event that should trigger tax, as it includes corporate divisions among the tax-free reorganization provisions.

One requirement the Tax Code imposes on corporate divisions is very awkwardly drafted, however. As a result, an affiliated group of corporations that wishes to divide must often engage in complex and burdensome preliminary reorganizations in order to accomplish what, for a single corporate entity, would be a rather simple and straightforward spinoff of a business to its shareholders. The small technical change I propose today would eliminate the need for these unnecessary transactions, while keeping the statute true to Congress' original purpose.

More specifically, section 355 (and related provisions of the Code) permits a corporation or an affiliated group of corporations to divide on a tax-free basis into two or more separate entities with separate businesses. There are numerous requirements for tax-free treatment of a corporate division, or ''spinoff,'' including continuity of historical shareholder interest, continuity of the business enterprises, business purpose, and absence of any device to distribute earnings and profits. In addition, section 355 requires that each of the divided corporate entities be engaged in the active conduct of a trade or business. The proposed change would alter none of these substantive requirements of the Code.

Section 355(b)(2)(A) currently provides an attribution or ''lookthrough'' rule for groups of corporations that operate active businesses under a holding company, which is necessary because a holding company, by definition, is not itself engaged in an active business. This lookthrough rule inexplicably requires, however, that ''substantially

all'' of the assets of the holding company consist of stock of active controlled subsidiaries. The practical effect of this language is to prevent holding companies from engaging in spinoffs if they own almost any other assets. This is in sharp contrast to corporations that operate businesses directly, which can own substantial assets unrelated to the business and still engage in tax-free spinoff transactions.

In the real world, of course, holding companies may, for many sound business reasons, hold other assets, such as noncontrolling (less than 80 percent) interests in subsidiaries, controlled subsidiaries that have been owned for less than five years (which are not considered ''active businesses'' under section 355), or a host of nonbusiness assets. Such holding companies routinely undertake spinoff transactions, but because of the awkward language used in section 355(b)(2)A), they must first undertake one or more (often a series of) preliminary reorganizations solely for the purpose of complying with this inexplicable language of the Code.

Such preliminary reorganizations are at best costly, burdensome, and without any business purpose, and at worst, they seriously interfere with business operations. In a few cases, they may be so costly as to be prohibitive, and cause the company to abandon an otherwise sound business transaction that is clearly in the best interest of the corporation and the businesses it operates.

There is no tax policy reason, tax advisors agree, to require the reorganization of a consolidated group that is clearly engaged in the active conduct of a trade or business, as a condition to a spinoff. Nor is there any reason to treat affiliated groups differently than single operating companies. Indeed, no one has ever suggested one. The legislative history indicates Congress was concerned about noncontrolled subsidiaries, which is elsewhere adequately addressed, not consolidated groups.

For many purposes, the Tax Code treats affiliated groups as a single corporation. Therefore, the simple remedy I am proposing today for the problem created by the awkward language of section 355(b)(2)(A) is to apply the active business test to an affiliated group as if it were a single entity.

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. 2538

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

SECTION 1. MODIFICATION OF ACTIVE BUSINESS DEFINITION.

(a) IN GENERAL.—Section 355(b)(2) of the Internal Revenue Code of 1986 (defining active conduct of a trade or business) is amended by adding at the end the following: ''For purposes of subparagraph (A), all corporations that are members of the same affiliated group (as defined in section 1504(a)) shall be treated as a single corporation.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions or transfers after the date of the enactment of this Act.●

By Mr. GRAMM:

S.J. Res. 59. A joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance; read the first time.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. GRAMM. Mr. President, I rise today to introduce a Balanced Budget Constitutional Amendment which is designed to protect Social Security. Since we last considered a balanced budget amendment in the Senate, we have achieved balance in the unified federal budget for the first time in 30 years, and have made substantial progress toward achieving balance without relying on the surpluses currently accumulating in Social Security. For 1998, the most recent projections by the Congressional Budget Office show a unified budget surplus of $63 billion, and an on-budget deficit of just $41 billion when the $104 billion surplus in Social Security is not counted. This on-budget deficit is projected to disappear by 2002 under current budget policies.

The Balanced Budget Constitutional Amendment I am introducing today is identical to S.J. Res. 1, which received 66 votes in the Senate on March 4, 1997, except that surplus revenues in Social Security are not counted in determining compliance. It is also identical to the Dorgan substitute and Reid perfecting amendments to S.J. Res. 1, which received 41 and 44 votes respectively, except that while Social Security surpluses are not counted, any deficit in Social Security must be offset by an equivalent on-budget surplus. This distinction is important because Social Security is projected to begin running cash-flow deficits in the year 2013.

The President and a majority of Congress have expressed support for balancing the budget without counting Social Security surpluses, and now that goal is within our reach. We should take this opportunity to approve this Constitutional amendment and send it to the States for ratification. This Constitutional amendment would provide the structure and enforcement mechanism to allow us to achieve this bipartisan goal.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 852

At the request of Mr. LOTT, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1427

At the request of Mr. FORD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1529

At the request of Mr. REID, his name was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1529, supra.

S. 1822

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1822, a bill to amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation.

S. 2039

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2039, a bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 2110

At the request of Mr. BIDEN, the names of the Senator from Virginia (Mr. ROBB) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2110, a bill to authorize the Federal programs to prevent violence against women, and for other purposes.

S. 2145

At the request of Mr. SHELBY, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2205

At the request of Mr. DORGAN, the names of the Senator from Oregon (Mr. SMITH), the Senator from South Dakota (Mr. DASCHLE), the Senator from Nevada (Mr. BRYAN), the Senator from Montana (Mr. BURNS), the Senator from Michigan (Mr. LEVIN), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2205, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

S. 2233

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 2233, a bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2235

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2235, a bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

S. 2253

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2253, a bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

S. 2325

At the request of Mr. GRAMM, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2325, a bill to provide an opportunity for States to modify agreements under title II of the Social Security Act with respect to student wages.

S. 2326

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2326, a bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about children on the Internet, to provide greater parental control over the collection and use of that information, and for other purposes.

S. 2353

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2353, a bill to redesignate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2395

At the request of Mr. DOMENICI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2395, a bill to provide grants to strengthen State and local health care systems' response to domestic violence by building the capacity of health care professionals and staff to identify, address, and prevent domestic violence.

S. 2418

At the request of Mr. JEFFORDS, the names of the Senator from Oregon [Mr. WYDEN) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2418, a bill to establish rural opportunity communities, and for other purposes.

S. 2484

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2484, a bill to combat violent and gang-related crime in schools and on the streets, to reform the juvenile justice system, target international crime, promote effective drug and other crime prevention programs, assist crime victims, and for other purposes.

S. 2520

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2520, a bill to exclude from Federal taxation any portion of any reward paid to David R. Kaczynski and Linda E. Patrik which is donated to the victims in the Unabomber case or their families or which is used to pay Mr. Kaczynski's and Ms. Patrik's attorneys' fees.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE CONCURRENT RESOLUTION 83

At the request of Mr. WARNER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Concurrent Resolution 83, a concurrent resolution remembering the life of George Washington and his contributions to the Nation.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the names of the Senator from Montana (Mr. BURNS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from North Dakota (Mr. CONRAD), and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as ''National Inhalant Abuse Awareness Day.''

SENATE RESOLUTION 271

At the request of Mr. BIDEN, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Hawaii (Mr. AKAKA), the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BAUCUS), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Kansas (Mr. BROWNBACK), the Senator from Nevada (Mr. BRYAN), the Senator from West Virginia (Mr. BYRD), the Senator from Colorado (Mr. CAMPBELL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mr. D'AMATO), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from California (Mrs. FEINSTEIN), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Florida (Mr. GRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from Iowa (Mr. GRASSLEY), the Senator from New Hampshire (Mr. GREGG), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. KERREY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Florida (Mr. MACK), the Senator from Arizona (Mr. MCCAIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from New York (Mr. MOYNIHAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Nevada (Mr. REID), the Senator from Virginia (Mr. ROBB), the Senator from Delaware (Mr. ROTH), the Senator from Maryland (Mr. SARBANES), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from South Carolina (Mr.

THURMOND), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of Senate Resolution 271, a resolution designating October 16, 1998, as ''National Mammography Day.''

SENATE CONCURRENT RESOLUTION 122—EXPRESSING THE SENSE OF THE CONGRESS RELATIVE TO THE 65TH ANNIVERSARY OF THE UKRAINIAN FAMINE OF 1932–1933

Mr. LEVIN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 122

Whereas this year marks the 65th anniversary of the Ukrainian Famine of 1932–1933 that caused the deaths of at least 7,000,000 Ukrainians and that was covered up and officially denied by the government of the former Soviet Union;

Whereas millions of Ukrainians died, not by natural causes such as pestilence, drought, floods, or a poor harvest, but by policies designed to punish Ukraine for its aversion and opposition to the government of the former Soviet Union's oppression and imperialism, including the forced collectivization of agriculture;

Whereas when Ukraine was famine-stricken, the government of the former Soviet Union exported 1,700,000 tons of grain to the West while offers from international relief organizations to assist the starving population were rejected on the grounds that there was no famine in Ukraine and no need for the assistance;

Whereas the borders of Ukraine were tightly controlled and starving Ukrainians were not allowed to cross into Russian territory in search of bread;

Whereas in his book ''The Harvest of Sorrow'', British historian Robert Conquest explains, ''A quarter of the rural population, men, women, and children, lay dead or dying, the rest in various stages of debilitation with no strength to bury their families or neighbors.'';

Whereas the Commission on the Ukraine Famine was established on December 13, 1985, to conduct a study with the goal of expanding the world's knowledge and understanding of the famine and to expose the government of the former Soviet Union for its atrocities in the famine;

Whereas the Commission's report to Congress confirmed that the government of the former Soviet Union consciously employed the brutal policy of forced famine to repress the Ukrainian population and to oppress the Ukrainians' inviolable religious and political rights; and

Whereas the Commission on the Ukraine Famine presented 4 volumes of findings and conclusions, 10 volumes of archival material, and over 200 cassettes of testimony from famine survivors to the newly independent Government of Ukraine in 1993, during the official observances of the 60th anniversary of the Ukrainian famine in Kyiv, Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the victims of the government of the former Soviet Union-engineered Ukrainian Famine of 1932–1933 be solemnly remembered on its 65th anniversary;

(2) the Congress condemns the systematic disregard for human life, human rights, human liberty, and self-determination that characterized the repressive policies of the government of the former Soviet Union during the Ukrainian Famine of 1932–1933;

(3) on the 65th anniversary of the Ukrainian Famine of 1932–1933, in contrast to the policies of the government of the former Soviet Union, Ukraine is moving toward democracy, a free-market economy, and full respect for human rights, and it is essential that the United States continue to assist Ukraine as it proceeds down this path; and

(4) any supplemental material that will assist in the dissemination of information about the Ukrainian Famine of 1932–1933, and thereby help to prevent similar future tragedies, be compiled and made available worldwide for the study of the devastation of the famine.

SEC. 2. TRANSMITTAL OF THE RESOLUTION.

The Secretary of the Senate shall—

(1) transmit a copy of this resolution to—

(A) the President;

(B) the Secretary of State; and

(C) the co-chairs of the Congressional Ukrainian Caucus; and

(2) request that the Secretary of State transmit a copy of this resolution to the Government of Ukraine.

● Mr. LEVIN. Mr. President, today I submit a resolution commemorating the 65th anniversary of the Ukrainian Famine of 1932–1933. During the period 1932–1993, the repressive policies of the government of the former Soviet Union, directed by Joseph Stalin, led to the deaths of at least seven million Ukrainians. Stalin's war on the Ukraine sought to eradicate its unique religious, cultural and political characteristics for the purpose of achieving complete Soviet domination.

For the most part, the famine and its victims can be traced to the forced collectivization of agricultural production. Collectivization was central to Stalin's efforts to break the will of the Ukrainian land-owning peasants and a conscious part of his plan to bring about an end to Ukrainian nationalism, ultimately leading to total Communist control. Stalin's forced collectivization of agriculture changed the face of Ukraine. Stalin repeatedly raised the quota productions for agriculture, so much so that the vast majority of Ukrainian agricultural production was being transferred from the region. These increased production quotas for exports depleted the amount of food for the people of Ukraine. The quota increases began a vicious cycle of less food which led to the exhaustion of farm workers, which in turn led to even smaller harvests and ultimately famine. Harvest yields were further diminished when the peasants were forced to abandon their accustomed ways of farming and use collectivized farming techniques.

During this period, food became so scarce that people were left to scavenge for what little they could find. There are horrible accounts of people being sentenced to death for stealing sheaves of corn. The fields once owned and worked by the peasants were now supervised by armed guards, while an environment of suspicion and fear consumed the Ukrainian people. Individuals who did not quickly show the signs of starvation were often accused of hoarding food. At the same time that the Ukrainian people were risking their lives for the smallest amount of food to sustain themselves and their families, the Soviet Union was denying that there was a crisis and refusing to allow assistance from international relief organizations to be delivered in the region. Throughout this turbulent period, Stalin further exacerbated the situation by working to turn Ukrainians against one another. The famine followed an assault on the Kulaks, or petty bourgeoisie, and a purge of the Ukrainian intelligentsia.

While this tragic period of Ukrainian history is often difficult to revisit, we must do so in order to ensure that the world will not to endure a tragedy such as this again. When children in the United States study the dark periods of human history, it is important that the Ukrainian famine of 1932–1933 be included. It is also important to note that despite the tragedy the people of Ukraine endured at the hands of Stalin's government and many years of Soviet domination, Ukraine has re-emerged with its vibrant cultural and religious traditions intact and strong.

Mr. President, I am proud to sponsor this resolution commemorating the 65th anniversary of the Ukrainian Famine and I urge all Senators to show their support.●

SENATE CONCURRENT RESOLUTION 123—EXPRESSING THE SENSE OF CONGRESS REGARDING THE POLICY OF THE FOREST SERVICE TOWARD RECREATIONAL SHOOTING AND ARCHERY RANGES ON FEDERAL LAND

Mr. MCCAIN (for himself, Mr. KYL, Mr. CRAIG, and Mr. LOTT) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources.

S. CON. 123

Whereas the Forest Service is developing a national policy to guide its management of existing and proposed shooting and archery ranges on national forest land;

Whereas when managed appropriately, firearm and archery sports are a legitimate use of national forest land;

Whereas the Forest Service has proceeded with closure actions of recreational shooting ranges on Forest Service land without prior notification to Congress or the general public;

Whereas on March 10, 1997, the Forest Service suspended the special-use permit of the Tucson Rod and Gun Club located in the Coronado National Forest near Tucson, Arizona; and

Whereas the Forest Service is evaluating alternative sites in the Coronado National Forest that could be used by the Tucson Rod and Gun Club for firearm and archery sports, the Secretary of Agriculture has directed the expeditious completion of the environmental assessment, and the Forest Service has committed to notify Congress of its decision by November 20, 1998: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS REGARDING PUBLIC RECREATIONAL AND MULTI-PURPOSE USE OF UNITED STATES FOREST SERVICE LAND.

It is the sense of Congress that—

(1) the Forest Service should not close shooting or archery facilities without prior notification to Congress and the general public unless there is an immediate threat to public safety;

(2) notification to Congress of any plan for closure of a shooting or archery facility should include the reasons for the closure, including any potential for imminent public safety endangerment;

(3) the Forest Service should avoid unreasonable restrictions in the issuance of special-use permits for firearm and archery sports facilities;

(4) the Forest Service should fully evaluate alternative sites in the Coronado National Forest and provide, to the extent consistent with the environmental assessment, a reasonable alternative that would allow the Tucson Rod and Gun Club to quickly open a safe facility for firearm and archery sports; and

(5) the Forest Service should adhere to its deadline of November 20, 1998, for a decision on a site for the Tucson Rod and Gun Club.

Mr. MCCAIN. Mr. President, today I submit a resolution that is of tremendous importance to me and many of my constituents back in Arizona. This resolution expresses the Sense of the Congress that firearm and archery sports are a recognized recreational opportunity for the general public and a legitimate use of public land. The availability of public land for such activities is especially important in western states, such as Arizona, where a very large percentage of the land is public land.

Mr. President, given that there is little private land in Arizona that is available for such activities, I believe it is crucial that the Forest Service support the continuation of firearm and archery sports on national forest lands.

Mr. President, the Tucson Rod and Gun Club operated a shooting and archery range in the Coronado National Forest for almost 45 years and had an exemplary safety record during that time. When opened, it was miles from the nearest developed area, but the City of Tucson has spread to the very edge of the forest, and houses and schools are now within a short distance from the existing shooting range. The Club's special use permit was temporarily suspended on March 10, 1997 after a Forest Service report concluded that the range may pose a hazard to the homeowners in the vicinity and to visitors to the Sabino Canyon area. The Club as well as the Congressional delegation has asked the Forest Service to assist in searching for an alternate site for their facility.

Mr. President, despite assurances by the Secretary of Agriculture and by the Forest Service that the Club's request would be dealt with in an expeditious manner, it is now more than eighteen months since the range was closed, and shooters in Tucson still do not have a reasonably close, organized, and safe place for recreational firearm sports. At the delegation's urging, the Secretary of Agriculture directed the Forest Service to look at the proposed alternative sites and issue a decision on a selected site for these activities by November 1998. The local Forest Supervisor has pledged to issue a final decision in this matter by November 20, 1998, and has further agreed that once this decision is rendered, no further public comments will be solicited, nor will additional environmental analysis be required by the Department of Agriculture or the Forest Service. I expect the Forest Supervisor to abide by this understanding.

Mr. President, let me make clear that it is not my intent in offering this resolution, to override the Forest Service's normal planning process or existing laws. I know there are others in this body with similar concerns about retaining multiple use policies of the Forest Service. The intent in the resolution is that the Forest Service should support shooting and archery ranges on public land as one of the many public uses of public lands and should strive to find a suitable alternative location for the Tucson Rod and Gun Club.

Mr. KYL. Mr. President, I concur with everything the senior Senator from my state has just said. I would like to add that I find it inconceivable that the Forest Service could determine that it cannot identify approximately 20 acres of land on the entire Santa Catalina ranger district of the Coranado National Forest that is both suitable for a shooting range and readily accessible to the members of the Club. I expect that a suitable location will be found and that the Forest Service will work with the club in good faith to agree on a plan to open a facility.

Mr. President, I would also like to thank Representative KOLBE for his leadership and hard work on this issue.

Mr. MCCAIN. Mr. President, I join with my Arizona colleague in applauding the efforts of our colleague in the House, Representative KOLBE, to resolve this issue.

AMENDMENTS SUBMITTED

KING COVE HEALTH AND SAFETY ACT OF 1998

MURKOWSKI AMENDMENT NO. 3676

Mr. MURKOWSKI proposed an amendment to the bill (S. 1092) to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''King Cove Health and Safety Act of 1998''.

SEC. 2. FINDINGS.

The Congress finds that—

(a) King Cove, Alaska is a community in the westernmost region of the Alaska Peninsula with a population of roughly 800 full-time residents and an additional 400 to 600 workers who are transported in and out of the community a number of times a year to work in the local fish processing plant and on fishing vessels;

(b) the majority of the full-time residents are indigenous Native peoples of Aleut ancestry that have resided in the region for over 5,000 years;

(c) the only mode of access to or from King Cove is via small aircraft or fishing boat, and the weather patterns are so severe and unpredictable that King Cove is one of the worst places in all of the United States to access by either of these modes of transportation;

(d) the State of Alaska has initiated the King Cove to Cold Bay Transportation Improvement Assessment to confirm the need for transportation improvements for King Cove and to identify alternative methods of improving transportation access with comprehensive environmental and economic review of each alternative;

(e) the State of Alaska has identified a road between King Cove and Cold Bay as one of the alternatives to be evaluated in the transportation planning process but for a road to be a viable option for the State of Alaska, the Congress must grant a legislative easement within the Izembek National Wildlife Refuge (''Refuge'') across approximately seven miles of wilderness land owned by the Federal Government;

(f) there are fourteen miles of roads within the wilderness boundary of the Refuge which are currently traveled by vehicles;

(g) any road constructed in accordance with such easement would be an unpaved, one-lane road sufficient in width to satisfy State law; and

(h) the combined communities of King Cove and Cold Bay have approximately 250 vehicles.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a surface transportation easement across Federal lands within the Refuge and to transfer 664 acres of high value habitat lands adjacent to the Refuge in fee simple from the King Cove Corporation to the Federal Government as new wilderness lands within the Refuge in exchange for redesignating a narrow corridor of land within the Refuge as nonwilderness lands.

SEC. 4. LAND EXCHANGE.

If the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation in and to all land owned by the Corporation in Sections 2, 3, 4, 5, 6, and 7 of T 57 S, R 88 W, Seward Meridian, Alaska; and any improvements thereon, the Secretary of the Interior (''Secretary'') shall, not later than 30 days after such offer, grant the Aleutians East Borough a perpetual right-of-way of 60 feet in width through the lands described in sections 6 and 7 of this Act for the construction, operation and maintenance of certain utility-related fixtures and of a public road between the city of Cold Bay, Alaska, and the city of King Cove, Alaska and accept the transfer of the offered lands. Upon transfer to the United States, such lands shall be managed in accordance with Section 1302(i) of the Alaska National Interest Lands Conservation Act, shall be included within the Refuge, and shall be managed as wilderness.

SEC. 5. RIGHT-OF-WAY.

Unless otherwise agreed to be the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall—

(1) include sufficient lands for logistical staging areas and construction material

sites used for the construction and maintenance of an unpaved, one-lane public road sufficient in width to meet the minimum requirements necessary to satisfy State law;

(2) meet all requirements for a public highway right-of-way under the laws of the State of Alaska; and

(3) include the right for the Aleutians East Borough, or its assignees to construct, operate, and maintain electrical, telephone, or other utility facilities and structures within the right-of-way.

SEC. 6. CONFORMING CHANGE.

Upon the offer of Corporation lands under section 4, the boundaries of the wilderness area within the Refuge are modified to exclude from wilderness designation a 100 foot wide corridor to accommodate the right-of-way within the following land sections—

(1) Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska.

(2) Sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska.

(3) Sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

SEC. 7. RIGHT-OF-WAY LOCATION.

Unless otherwise agreed to by the Secretary and the Aleutians East Borough, the right-of-way granted under section 4 shall be located within—

(a) sections 2, 3, 10, and 11 of T 59 S, R 86 W, Seward Meridian, Alaska;

(b) sections 27, 28, 29, 30, 31, 32, 33, 34, and 35 of T 59 S, R 86 W, Seward Meridian, Alaska;

(c) sections 3, 4, 9, 10, 13, 14, 15, 16, 23, 24, 25, 26, and 36 of T 58 S, R 87 W, Seward Meridian, Alaska;

(d) sections 5, 6,7, 8, 9, 16, 17, 20, 21, 27, 28, 29, 32, 33, and 34 of T 57 S, R 87 W, Seward Meridian, Alaska;

(e) sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, and 36 of T 56 S, R 87 W, Seward Meridian, Alaska;

(f) sections 23, 24, 25, 26, 27, 34, 35, and 36 of T 56 S, R 88 W, Seward Meridian, Alaska;

(g) section 6 of T 37 S, R 88 W, Seward Meridian, Alaska; and

(h) sections 1, 2, 11, and 12 of T 57 S, R 89 W, Seward Meridian, Alaska.

SEC. 8. TECHNICAL AMENDMENTS.

The following provisions of law shall not be applicable to any right-of-way granted under section 4 of this Act or to any road constructed on such right-of-way—

(1) section 22(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(g)).

(2) title XI of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3161 et seq.), except as specified in this section; and

(3) section 303(c) of title 49, United States Code.

SEC. 9. The Secretary and the Aleutians East Borough shall jointly prepare a plan setting forth—

(1) the times of the year a road may reasonably be constructed when there are not high concentrations of migratory birds in Kinzarof Lagoon; and

(2) limitations on non-emergency road traffic during periods of the year when there are high concentrations of migratory birds in Kinzarof Lagoon.

SEC. 10. If within 24 months of the date the King Cove Corporation offers to transfer to the United States all right, title, and interest of the Corporation lands set forth in Section 4 of this Act, the Secretary and the Aleutians East Borough fail to mutually agree on the following—

(1) a final land exchange and a grant of a right-of-way pursuant to Section 4; and

(2) the right-of-way specifications, and terms and conditions of use set forth in sections 5, 6, 7 and 8 of this Act;

then the Aleutians East Borough shall have the right to select a 60 foot right-of-way for the construction, operation, and maintenance of certain utility-related fixtures and of a public road from lands described in Section 7 of this section, and to identify logistical staging areas and construction material sites within the right-of-way. If an agreements is not reached within 6 months after the Aleutians East Borough notifies the Secretary of its selection, then the right-of-way is hereby granted to the Borough.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

Mr. THURMOND. 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 Thursday October 1, 1998. The purpose of this meeting will be to mark up the nomination of Michael Reyna to be a member of the Farm Credit Administration Board and to mark up the USDA Information Technology Reform and Year 2000 Compliance Act (S2116).

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

COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet on Thursday, October 1, 1998, at 9:30 a.m.. in open session, to receive testimony regarding plans for Department of Energy national security programs.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 1, 1998 at 9:30 a.m. on S. 2494—Multichannel Video Competition Act.

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

COMMITTE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 1, 1998 at 2:30 p.m. on pending committee business.

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

COMMITTE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 1, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nominations of Eljay B. Bowron to be Inspector General, DOI; Rose Eilene Gottemoeller to be Assistant Secretary of Energy for Non-Proliferation and National Security; and David Michaels to be Assistant Secretary of Energy for Environment, Safety and Health.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. THURMOND. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing to receive testimony from Greta Joy Dicus, nominated by the President to be a member of the Nuclear Regulatory Commission (reappointment), and Jeffery S. Merrifield, nominated by the President to be a member of the Nuclear Regulatory Commission, Thursday, October 1, at 11:00 a.m., Hearing Room (SD–406).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, 1998 at 10:00 a.m. to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, October 1, 1998 at 10:30 a.m. to conduct a Markup, on S. 1870, to amend the Indian Gaming Regulatory Act; H.R. 1805, Auburn Indian Restoration Act; and S. 2097, to encourage and facilitate the resolution of conflicts involving Indian tribes, to be followed immediately by a hearing on S. 2010, to provide for business development and trade promotion for Native Americans. The hearing will be held in room 485 of the Russell Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, October 1, 1998, at 9:30 a.m. in room SD–226 of the Senate Dirksen Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, Oct. 1, 1998 at 2:30 p.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Judicial Nominations.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be

authorized to meet during the session of the Senate on Thursday, October 1, 1998 at 10:30 a.m. to conduct a hearing on Capitol security issues.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 1, 1998 at 10:00 a.m. to hold a closed business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 1, 1998 at 12:00 p.m. to hold a closed conference with the House Permanent Select Committee on Intelligence regarding the FY 99 Intelligence Authorization.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety granted permission to conduct a hearing on regional haze and mercury pollution on Thursday, October 1, 1998 at 2:00 p.m., Hearing Room (SD–406).

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 1, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on Forest Service Cabin fees, and on S. 2513, a bill to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon; S. 2413, a bill to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park; and S. 2402, a bill to direct the Secretary of Agriculture to convey certain lands in San Juan Country, New Mexico, to San Juan College.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, proliferation, and Federal Services to meet on Thursday, October 1, 1998, at 2:00 p.m. for its annual postal oversight hearing.

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

ADDITIONAL STATEMENTS

AGRICULTURE CRISIS IN RURAL AMERICA

● Mr. DURBIN. Mr. President, today I would like to take a few minutes to talk about a subject of great importance to my home state of Illinois—falling farm prices and the impending economic crisis in Rural America.

Illinois is one of our country's most important agricultural contributors. Illinois farm land, which accounts for about 27 million acres, is considered some of the most productive in the world. More than 76,000 farm families in the state produce corn, soybeans, wheat, beef, pork, dairy products, and specialty crops. Illinois exports more than $3.4 billion worth of agricultural products. The state's agribusiness activity is vibrant. From the Chicago area to Decatur and throughout Illinois, agricultural processing employs thousands of people. And, our researchers, at the University of Illinois as well as at other institutions, continue to help provide answers to some of the most common as well as the most complex agricultural questions we face.

With that said, the current downturn of agricultural prices is very troubling. Not just for Illinois' economy, but for the farm families who work to ensure that the state of Illinois, the country, and the world enjoy the safest and most abundant food supply.

Recently, I had visits in my Washington office from almost every agriculture group in the state. I heard, firsthand, how farm income will fall to $42.5 billion in 1998, 20% lower than 1996 and 43% below the five year average. Meanwhile, total farm debt in 1998 has been estimated at $172 billion, the highest level since 1985. This decline in farm income could lead to massive job loss in the agriculture sector and in agribusiness, not to mention what it will do to our family farms.

Last week, I hosted a roundtable discussion with 15 farmers in Springfield, Illinois to talk about the crisis in rural Illinois and America. It is clear that falling prices, the uncertainty with foreign markets—particularly in Asia and Russia, and poor weather conditions have contributed significantly to a severe economic crisis for our nation's farmers.

I heard stories about low prices. In central Illinois, the price of corn went from $2.22/bu to $1.66/bu between July 17 and August 31, a 21 percent decline over a six week period. During this same period, the price of soybeans went from $6.50/bu to $5.15/bu, also a 21% drop.

To further illustrate the seriousness of this crisis, it is important to look at this drop in commodity prices from a historical perspective. At the Shipman Elevator in Shipman, Illinois, the price of corn on September 18, 1998, was $1.64/bu. On this same date in 1993, the price was $2.17/bu. The price of soybeans at the Shipman Elevator on September 18, 1993 was $6.14/bu compared to the September 18, 1998 price of $5.00.

Livestock prices have also dropped dramatically. The price of hogs at Farmland in Monmouth, Illinois, went from $54/cwt in September 1997 to $39/cwt in March 1998 to $29/cwt on September 18, 1998.

At these prices, I worry that a number of our nation's farmers will not be able to survive. Whether this means leaving farming altogether or simply not being able to make their basic payments, I fear we are facing a serious economic crisis in rural America. And, farmers won't be the only ones impacted by this crisis. In the past several weeks, two of the world's largest agricultural equipment manufactures, Deere and Company, based in Moline, IL, and CASE Corporation, based in Racine, Wisconsin, have announced plans to reduce production and cut jobs. Both companies claim declining farm prices have reduced demand for their equipment. When American agriculture suffers, the effects are widespread, from equipment manufacturers to processors to commodity transporters.

Mr. President, Congress needs to demonstrate strong leadership in the face of this economic crisis. There are some short-term solutions which have already been considered by this chamber—removing the cap on marketing loans and extending their terms, authorizing the Secretary of Agriculture to make emergency storage payments to farmers to encourage the use of marketing assistance loans, and replenishing the disaster reserve. Unfortunately, partisanship has gotten in the way of offering rural America a helping hand. This debate is not about the sanctity of the 1996 Farm Bill, it is about giving American agriculture some of the tools needed to improve economic conditions and regain stability.

The Administration, led by Secretary Glickman, has also offered some suggestions on how to address this crisis. They have put forward a $7.1 billion package to aid farmers including $2 billion in emergency disaster assistance. I welcome their proposal and leadership.

In my Springfield meeting I was also told that many farmers won't feel the effects of the current crisis until well after the harvest when the grain bins are full and prices are at all-time lows. And, many of the farm leaders who have appealed to Congress and the Administration for help are concerned that this crisis could stretch into years rather than months. In short, they don't see an end in sight.

Mr. President, Congress is scheduled to adjourn in less than two weeks. We

won't be able to single-handedly solve this serious economic crisis in rural America before we go home for the year. But, we shouldn't wait to address this important issue and offer some assistance. We should act soon and in a bipartisan fashion. We should explore short-term fixes, like lifting the cap on marketing loans, as well as long-term solutions, like tax fairness and expanded trade opportunities. We should stand up for the men and women in rural America and let them know that Congress and the Administration will work with them to help alleviate some of the economic pain and uncertainty they face.

To do anything less would be a disservice to our farmers and American agriculture.●

SOMERSET COUNTY RED RIBBON CAMPAIGN

● Mr. SANTORUM. Mr. President, Communities across our nation are being plagued by the numerous problems associated with drug and alcohol abuse, and this disease is playing an increasing role in the lives of our children. I rise today to commend Somerset County in Pennsylvania for its efforts to raise awareness and show our children that by choosing a drug-free lifestyle, they can reach their full potential.

The Somerset County Red Ribbon Committee is sponsoring its annual Red Ribbon Campaign, which offers citizens throughout Pennsylvania the opportunity to demonstrate their commitment to a drug-free lifestyle. The Committee has designated October 23-31 Red Ribbon Week. Businesses, schools, churches and community organizations across the state will play an active role by participating in drug education and prevention activities throughout the week.

Our children are the future of our country. By joining together to fight the war on drugs we are investing in that future. I commend Somerset County for their efforts in confronting this difficult challenge. Mr. President, I ask my colleagues to join Pennsylvania in recognizing Red Ribbon Week so that all of our children's futures may be promising, healthy and drug-free.●

CONFERENCE REPORT ON THE HIGHER EDUCATION ACT AMENDMENTS OF 1998

● Mr. JOHNSON. Mr. President, I rise to express my strong support for the Higher Education Act Amendments of 1998.

The Higher Education Act has been of enormous benefit to millions of students over the past three decades in providing more affordable access to institutions of post-secondary education. Many of these students simply would not have gone to college or vocational school without the assistance provided through such programs as Pell Grants, student loans, and work study.

With the increased competition faced by workers in the global economy, the importance of these programs is even greater today, not only for students, but also for our nation's economy. The Higher Education Act programs account for 68 percent of all financial aid available to students. In FY 1999, the student aid programs authorized under the Higher Education Reauthorization Act will provide $50 billion of aid to over 8.8 million students.

The cost of a college education continues to grow far faster than inflation, leaving more and more students with a large debt once they finish. Last fall, the College Board released a nationwide survey of tuition costs, finding that tuition and fees would rise about 5 percent for the fifth year in a row.

In contrast, inflation in the overall economy has been held under control during these years, hovering at, or below 2 percent.

As costs have increased, student borrowing has expanded to make up the difference. Student loans now comprise about 60 percent of all financial aid, whereas in the 1980–81 school year, loans were just over 40 percent of the total.

Given the increased reliance on borrowing, it is notable that this reauthorization legislation provides for a reduction in interest rates on new student loans from 8.25 percent to 7.46 percent, saving $11 billion for students over the life of their loans. The typical borrower at a 4-year college, who graduates with $13,000 in debt, will save about $700 over a ten-year repayment period. This is a major educational milestone, allowing student borrowers the lowest interest rate in 17 years.

Nearly 84 percent of South Dakota students receive financial aid in some form, with an average annual award of $5,400 to students who receive aid at the six public universities. Approximately 16,000 students in South Dakota receive Pell Grants, accounting for $28 million in federal assistance.

I am pleased that this bill gradually increases the size of the maximum Pell Grant to $5,800 in academic years 2003–4. In the 1970s, Pell Grants covered three-quarters of the costs of attending a four-year public school. Today, these grants cover only one-third of the cost. I realize that finding the budget resources to fund this maximum grant fully will be a struggle, however Pell Grants are the most effective program we have for helping low-income students afford post-secondary education.

This legislation also continues the essential Federal Family Education Loan (FFEL) program. This program alone has enabled forty million Americans to attend college over the past thirty years. Although direct lending by the federal government has consumed a portion of the overall student loan volume, all of the colleges and universities in my state of South Dakota continue to use the FFEL program and remain satisfied with the services they receive. Accordingly, I have been skeptical of efforts that might destroy the balance that has existed between direct lending and the FFEL program. Federal policy should not be changed in ways to either favor direct lending or undermine the financial viability of lending by the private sector.

There are some lesser-noticed provisions of this bill of which I am particularly proud. Promoting the availability and affordability of child care has been one of my highest priorities in the Senate. That is why I am so pleased that legislation I cosponsored earlier this year, the CAMPUS Act, has been incorporated into this bill. CAMPUS stands for Child Care Access Means Parents in School. This provision will establish a grant program to assist colleges with the costs of establishing child care centers to provide campus-based child care for low-income parents attending college.

The obvious benefit of easy access to child care is that students with young children will have a much greater probability of staying in school and completing their degree. More and more students today are non-traditional students, and the need for campus-based child care is greater than ever before.

Additionally, this bill establishes an innovative new program to offer student loan forgiveness for those who earn a degree in early childhood education and become full-time child care workers in a child care facility. Child care, unfortunately, is one of the lowest-paying professions that one can find, and this low level of pay is completely incommensurate with the value of those who are caring for young children. Not surprisingly, turnover in this field is very high, as workers find better paying jobs elsewhere.

It is especially tragic when highly-trained graduates, those who have earned a degree in early childhood education, are forced to leave the child care profession because they cannot pay their student loans. We still need to do all we can to raise wages for child care workers, but helping with student loan repayment is a remarkable step forward. This concept was included in child care legislation I cosponsored last year, and I am very pleased that it has been included in this bill.

I am pleased this bill develops new distance education partnership models through the Learning Anytime Anywhere Partnership (LAAP) program. This creative initiative provides partnerships grants between schools and other entities to assist in the expansion of student achievement in distance education. LAAP, combined with the expansion of student aid for distance learners, will allow more non-traditional students to obtain higher education, including full-time workers, parents, people in rural areas, or individuals with disabilities.

In addition to meeting the needs of rural America through distance learning, the Higher Education Act speaks to an equally important population of

students: Indian Country. This bill includes a new initiative to provide grants and related assistance to Indian Tribal Colleges and Universities to improve and expand their capacity to serve Indian students. The bill authorizes $10 million for FY 1999 and such sums as may be necessary in the years beyond FY 1999. This new initiative for Tribal Colleges will provide much-needed funding to strengthen academic programs, develop faculty, and improve student services.

Finally, I support the extension of the Special Leveraging Educational Assistance Partnership Program (LEAP), formerly known as the State Student Incentive Grant (SSIG) program. SSIG provides funding on a dollar-for-dollar match to help states provide need-based financial aid to students through grants and community service work study awards. Without this federal incentive, many states would not have established state financial aid programs. As a cosponsor of the LEAP Act, I am pleased that states will now gain new flexibility to use these funds for activities such as increasing grant amounts, carrying out academic or merit scholarships programs, community service programs, and early interventions programs. This program is yet another example of a federal-state partnership developed to create maximum opportunities for students seeking higher education.

While I am pleased with the inclusion of numerous programs that will benefit students pursing higher education, I am deeply disappointed the conference report failed to include an important amendment to count higher education as a work requirement for purposes of the Temporary Assistance to Needy Families program. I was a proud cosponsor of this amendment which enjoyed a bipartisan majority in the Senate-passed bill.

Throughout this Congress, the leadership has echoed the importance of taking personal responsibility and achieving independence. As a supporter of welfare reform, I support imposing work requirements on individuals who receive cash assistance. However, to not allow students to earn a degree, a certifiable ticket to self-sufficiency, is irresponsible and thoughtless.

I have heard from a number of my constituents that the current system has had the unfortunate effect of forcing TANF recipients out of college or vocational school and into dead-end, entry-level jobs. It seems obvious that enabling these individuals, which are usually single mothers, to complete a degree would be far more effective in achieving long-term benefits. Education leads to higher income levels, helping move these families out of poverty for good and making them productive taxpayers. Federal requirements should not be so rigid and inflexible that states are prevented from exercising this option. Unfortunately, we were unsuccessful in addressing this need in the Higher Education Act of 1998, however, I am committed to working with Senator WELLSTONE and other advocates to revisit this issue in the future.

Passage of the Higher Education Reauthorization Act of 1998 was absolutely essential for the continuation and improvement of a system that helps keep post-secondary education within the reach of typical American families. I was pleased with the expeditious manner by which Congress responded to the conference report and President Clinton's prompt signing of the bill.●

ENSURING SAFE SCHOOLS

● Mr. CHAFEE. Mr. President, I am delighted that the Senate has approved legislation which I cosponsored to help ensure the safety of our nation's schools. Senators CAMPBELL, JEFFORDS, and FAIRCLOTH introduced S.2235, ''The School Resource Officers Partnership Grant Act of 1998,'' in June. It was approved unanimously by the Judiciary Committee and approved by the Senate yesterday.

The goal of this legislation is to help put a stop to crime and violence in our nation's schools. Through this legislation, partnerships will be developed between state and local law enforcement agencies and the school districts in which they serve. While national statistics on violence in schools indicate an overall downward trend, the types of violence that have occurred recently, particularly in the last school year, are nothing short of traumatic.

The sight and sound of schoolyard shootings have become all too familiar. Americans were shocked, time and time again, by the devastating sight on the evening news of youngsters being carried to ambulances from school grounds following shooting sprees by other youngsters. Looking back at the 1997-1998 school year, several particularly alarming incidents occurred:

In October, a 16-year-old at Pearl High School in Mississippi went to school with a hunting rifle. He shot and killed a student and a teacher, leaving a second teacher with a bullet wound in the head.

In December, a student at Heath High School in West Paducah, Kentucky used a pistol to kill 3 other students. The shooter was 14-years-old.

In March, 2 boys in Jonesboro, Arkansas, an eleven year-old and a thirteen year-old, pulled the fire alarm in their school. As students and teachers left the building, the two boys began shooting. They killed five people: four young girls and a teacher.

In April, a 14-year-old boy in Edinboro, Pennsylvania went to a school dance with a gun he apparently removed from his father's bureau drawer. He killed a science teacher and injured two students and another teacher.

At Thurston High School in Springfield, Oregon a 15-year-old who was suspended for carrying a gun to school, returned to school the next day and opened fire in a crowded cafeteria. He killed two students and wounded 19 others. Police suspect he shot and killed his parents, as well.

It is no secret that I support tougher restrictions on gun ownership. Earlier this year, Senator DURBIN and I offered an amendment to the spending bill for the Departments of Commerce, State and Justice. Our amendment would have held adult gun owners responsible if their weapon—which had not been stored properly—was used by a child to injure himself or someone else. I felt that this was the least we could do to help protect children from needless gun violence. Unfortunately, the majority of my Senate colleagues didn't agree, and our amendment was defeated.

Despite that setback, I believe that it is Congress' responsibility to take steps to assist local communities in their battle against school violence. Children bringing weapons to school and drug use among youngsters aren't problems of big city schools alone. In my own State of Rhode Island during the last school year, there were more than 400 weapons-related suspensions. To put that number in the proper perspective, we have fewer than 450 elementary and secondary schools in Rhode Island, including private and religious schools. We should not fool ourselves into thinking that the kind of atrocities that all of America witnessed in schools last year can't happen in our children's schools.

It is my sincere belief that The School Resource Officers Partnership Grant Act is a step in the right direction. This legislation will make federal funds available to local law enforcement agencies, working in partnership with local school districts, for ''school resource officers.'' These SROs, who must be professional law enforcement officers, would address gang-related crime and violence, including drug use, in and around schools. They would work with students, teachers, and administrators on crime prevention and personal safety. And perhaps most importantly, they would work directly with students on conflict resolution to help avert violent oubursts that can leave innocent children dead or injured.

There are communities throughout our nation whose police officers have undertaken these very tasks. In Rhode Island, police officers in Newport, Providence, and West Warwick, to name a few, already are working within schools on crime prevention, mentoring, and conflict resolution. Our bill would allow local law enforcement agencies to use a portion of their federal Community Policing funds for these officers.

I applaud our teachers and administrators for their efforts to confront and address violence in schools, but we cannot expect them to undertake this battle alone. This bill will make the knowledge and resources of professional law enforcement agencies available to our schools. I know it will help keep our children safe.●

MAURICE RIVER TOWNSHIP

● Mr. TORRICELLI. Mr. President, I rise today to recognize Maurice River Township as it celebrates its 200th anniversary on Saturday October 3rd. It is a pleasure for me to be able to recognize this important milestone.

Maurice River Township has a rich and varied history that will be celebrated and honored this Saturday. Maurice River Township was first chartered as one of six precincts of the County of Cumberland, created by the Colonial Legislature, in the Colony of West Jersey on January 19th, 1747. Together, Greenwich, Hopewell, and Stow Creek, on the North side of Cohansey Creek, as well as Fairfield, Deerfield, and Maurice River on the South side of Cohansey Creek, formed Cumberland County. The Maurice River Precinct contained all of the land on the East side of Prince Maurice's River. In 1798, Maurice River was finally incorporated as a Township by the New Jersey State Legislature.

Over the past 200 years the Township of Maurice River has developed into a thriving community, incorporating the eight villages of Delmont, Bricksboro, Dorchester, Leesburg, Heislerville, Port Elizabeth, Cumberland, and Milmay. Today, Maurice River stands as one of the most vibrant communities in the State of New Jersey, and I am confident it will continue to grow in a positive direction.

The determination and the spirit of the Maurice River community make it a privilege for me to recognize its bicentennial anniversary. The Township has become one of New Jersey's brightest stars, and I look forward to another two hundred years of success.●

TRIBUTE TO THE BLUE RIDGE RIFLES

● Mr. COVERDELL. Mr. President, I rise today to pay tribute to the Blue Ridge Rifles Precision Drill Team of North Georgia College and State University. The Blue Ridge Rifles finished first overall at the Tulane University Mardi Gras Drill Meet, their tenth such win since 1979.

The Blue Ridge Rifles competed against outstanding competition, hailing from such esteemed institutions as West Point, the United States Air Force Academy, and the Georgia Military College. Furthermore, this competition was scored using Navy-Marine Corps standards of drill, so the Rifles, with their Army-based ROTC training, were competing under unfamiliar rules. The ability of the Rifles to adjust to these changes and compete, let alone win, is nothing short of exceptional.

I also extend congratulations to Cadet Staff Sergeant Justin Shelton and Cadet Second Lieutenant Edward Boyd, who finished first and third in the individual exhibition respectively.

The Blue Ridge Rifles are a proud component of North Georgia College and State University, an dedicated educational institution renowned for its excellent ROTC program. Mr. President, I encourage my colleagues to join me in honoring this fine organization of young Americans as they celebrate their latest triumph.●

TRIBUTE TO THE FIRST PRESBYTERIAN CHURCH OF PITTSBURGH

● Mr. SANTORUM. Mr. President, this year marks the 225th anniversary of the First Presbyterian Church of Pittsburgh. Today I rise to congratulate the church on their many years of faithful service.

The First Presbyterian Church of Pittsburgh has a long and esteemed history of reaching out and ministering to those in need. Over the years, the congregation has faithfully given themselves to advance the good of the city. Their impact is evident in the many lives they have so graciously touched along the way.

Mr. President, I ask my colleagues to join with me in extending the Senate's best wishes to the people of the First Presbyterian Church of Pittsburgh and commending them on their 225 years of dedicated service to the city of Pittsburgh. With God's help, their legacy will carry on for another 225 years.●

RECOGNIZING ANDY WILLIAMS

● Mr. WELLSTONE. Mr. President, I speak today to recognize Andy Williams, an individual who along with only seven others in the nation, has received the National Crime Prevention Council's Ameritech, Award of Excellence in Crime Prevention.

Andy, while employed as a cab driver, made a decision in 1989 that inner-city youth needed both good role models and more chances to learn. He has since devoted his time, energy, and limited resources to the city of St. Paul's young people. Youth in St. Paul have benefited by the creation of his first program, Worker's Organization to Regain Confidence (WORC). After working a 7 or 8 hour day in his cab, he used it to collect kids from school and take them to miscellaneous jobs he had set up for them, providing an alternative to after-school delinquency and crime. Kids took on various jobs such as cleaning windows for a local business, running a lawn service, delivering dinners, learning how to repair small engines, and shovel snow. These programs usually involved 12 to 14 participants.

A successful year later, he expanded WORC into a non-profit organization, guiding at-risk youth in the St. Paul communities of Frogtown and Summit-University. WORC and his newly created subsidiary, SOCK (Save Our City Kids), cooperate with other non-profits to provide work skills, peer counseling, and apprenticeship opportunities. These help the students develop self-confidence, self-respect, and more of the skills crucial to becoming self-sufficent.

Andy has since created several other fruitful programs which continue to benefit the community. His innovations have enabled him and several hundred students to achieve a vision which reflects the nature of the Ameritech Award. His efforts and commitment are a great example for those who wish to make a difference in their own communities. The other programs include: WORC on Bikes, the Drop-In-Center, the Let's Talk program, and Whiz Kids. WORC on Bikes is a program in which youth learn to repair bicycles and eventually earn their own bikes. The Drop-In-Center is a place where any adult or child can stop and discuss personal concerns, such as family problems, alcohol and drug abuse, and violence. The Let's Talk program empowers youth, teenagers, adults, and parents by providing the tools with which solutions to social problems can begin to be addressed. Whiz Kids is a community-based computer education program which makes technology more accessible to youth, while assisting them in developing related skills to prepare them for future endeavors. It is funded entirely through private donations.

Clearly, Andy was selected for this award for his ability to truly make a difference, to persevere, to work for positive results in the lives of youth in the realm of crime prevention and far beyond. On behalf of the children and families who have profited from his exemplary efforts to better various communities in St. Paul, my thanks for his devoted and lasting contribution to the future of our children, and my congratulations on his well-deserved award.●

TRIBUTE TO COMMANDER LILIA L. RAMIRZ, U.S. NAVY

● Mr. D'AMATO. Mr. President, I welcome this opportunity to pay tribute to Commander Lilia L. Ramirez, U.S. Navy, who is retiring after eighteen years of distinguished service to this nation. She stands out as a pioneer, a leader and an outstanding role model for young people in uniform.

Lilia's United States Navy career is testament to a true American success story. She was born in Bogota, Columbia and emigrated to the U.S. when she was just five years old. Her parents, Alvaro and Ana Ramirez fled the violence in the Columbian countryside in the early 1960's in search if a new life of security and promise for their children in America. With little more than an optimistic spirit. Al and Ana settled in Bayshore, New York where they went on to raise five extraordinary citizens. Through hard work, determination and a deep commitment to each other the Ramirez family actualized their dreams of America.

The eldest of five children, Lilia spoke only Spanish when he arrived in New York as a five year old. Yet Lilia excelled throughout her public education career, graduating with distinction from Brentwood high School and

accepting an appointment to the U.S. Navel Academy as a member of the class of 1981. She was a member of Annapolis' second coeduation class.

As a new Ensign, Lilia sailed for the Navel Communications Area Master Station Western Pacific in Guam, the first of three overseas assignments. While in Guam, Lilia was deployed to the Indian Ocean abroad the submarine U.S.S. *Proteus,* with only a handful of women. After crossing the Equator, she was proudly initiated as a Trusty Shell back in a time-honored sea faring ceremony.

European assignments followed and, while stationed in England as a Navy-Air Force Liasion Officer at RAF Mildenhall, Lilia and two other Annapolis classmates saved the life of an elderly Briton. During their evening of liberty, they discovered the Briton who had collapsed from a heart attack. Next, Lilia served at the U.S. European Command in Stuttgart, Germany as the Officer-in Charge of the Navy-Marine Corps Elements at the headquarters' manpower and personnel directorate. While in Stuttgart, she provided crucial after-action reporting and personnel support in the wake of a terrorist murder of our Navel Attache in Greece and the U.S. Marine Barracks bombing in Beirut.

After five years, Lilia returned to the Washington D.C. area to serve in several assignments, including: the Navy Telecommunications Center at Crystal City, which was the Navy's largest message center; the Navy's Bureau of Personnel, where she was personally involved in assigning a record number of women officers to pursue advanced technical degrees at the Naval Postgraduate School; the Joint Chief of Staff's Command, Control and Communications Systems Directorate. While on the Joint Staff, Lilia coordinated the installation of command and control systems in the field offices of Customs, DEA and the North American Air Defense Command as part of our national anti-drug policy.

In 1990, Lilia was assigned as Officer-in-Charge of the Personnel Support Detachment at Naval Air Station Whidbey Island, in the State of Washington. In this tour, she was responsible for the pay, travel and career advancements matters of 8,000 service members and their families. Lilia returned to the Washington, D.C. area again in 1992, where she served as the base-commander of the Navel Communications Unit Chetenham, a 230-acre facility in rural Maryland. At Cheltenham, 300 personnel and 19 tenant commands where under her jurisdiction. She also environmentally protected the wetlands at her base and hosted the local Boy Scout Troop.

In 1994, Lilia began a tour in the Secretary of the Navy's Office of Legislative Affairs. Lilia was responsible for representing the command, control, communications and tactical intelligence programs to the defense and intelligence committees of both the House and Senate. In addition to numerous informational visits to the Naval communications and intelligence facilities throughout the United States, Europe and Japan, Lilia escorted Congressional delegations to the refugee camps in Guantanomo Bay, Cuba and later to the national elections in Nicaragua. In 1997, as a member of the team from the U.S. Naval Academy, she visited Peru to advise the Peruvian Navy on integrating women into their naval academy.

As the first U.S. Naval woman to attend the Inter-American Defense College, Lilia again helped blaze a trail for all women. Named as the ambassador of the U.S. Navy, she combined her native Spanish fluency and experience in nation security affairs to impress her Latin American counterparts. She forged lasting relationships with key civilian and military leaders of Latin America and left them with enduring, positive memories of women as military professionals.

Lilia's personal decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal, the Joint Service Commendation Medal and the Navy Commendation Medal (three awards).

The United States, as a nation, owes a great debt of gratitude to Lilia Ramirez whose example will inspire women, Hispanics and all Americans seeking public service and whose work will have a lasting impact on our armed forces for years to come. While we will miss her distinguished career in uniform, we will no doubt continue to enjoy her commitment to her community and Nation. I wish to recognize her entire family, including her father Alvaro, her mother Ana (whom we lost this year to cancer), her brothers Michael and Henry and her sisters Angela and Ana Tulita who are all great American success stories of their own right. Best wishes to Lilia, her husband Randall Lovdahl (Commander, U.S. Navy) and her children Bianca and Beau as they mark this special milestone.●

DELAYING THE IMPLEMENTATION OF SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

● Mr. MOYNIHAN. Mr. President, I am opposed to implementing section 110 of the Immigration Reform Act of 1996. Its implementation would create widespread chaos and lead to untold congestion at our Northern borders' checkpoints, potentially creating havoc with our largest trading partner, Canada.

Each year, more than eight million trucks cross the eastern United States-Canada border carrying a variety of goods to market. In addition, the Eastern Border Transportation Coalition estimates that over 57 million cars cross that border each year. Sixty percent of these are day trips—people crossing the border to go to work or school, attend cultural events or to shop. The remaining forty percent of auto border crossings were by vacationers.

If implemented, an automated entry-exit system along the northern border would hamper both trade and tourism. This is not inconsequential. The United States-Canadian trade relationship is the largest in the world, totalling $272 billion in 1995. Compare this to $256 billion in trade for the entire European Union during that same period and one gets an idea of how important this relationship is and why it must remain unfettered by chaotic checkpoints.●

WETLANDS AND WILDLIFE CONSERVATION ACT

● Mr. GRAMS. Mr. President, I rise today having learned of last night's unanimous consent request on S. 1677—The Wetlands and Wildlife Conservation Act of 1998.

As you know, S. 1677 reauthorizes the North American Wetlands Conservation Act (NAWCA) for the next five years. Mr. President, over its eight year history NAWCA has been a lynchpin in our nations efforts to preserve habitat and protect wildlife.

NAWCA has been a very good program for wildlife, for conservation, and for American taxpayers. For every one dollar of federal money, the program obtains on average a match of another two dollars from private partners. According to Ducks Unlimited, over 550 projects nationwide have been initiated with NAWCA funding. In 1996, 76.9 million individuals took part in wildlife-associated activities, creating over $100 billion in expenditures for our economy. Additionally, in 1996, over 40 million sportsmen and women spent over $70 billion in recreational expenditures and millions more Americans spent billions in non-sport activities associated with wildlife.

My home state of Minnesota, in particular, has benefited from NAWCA. Over its eight-year life, NAWCA funding of $18.4 million has stimulated private partners to contribute over $25 million more to habitat projects. In 1996, 1.6 million Minnesotans participated in wildlife-associated activities, creating $3.6 billion in expenditures throughout the state.

But beyond the economic benefits NAWCA provides are the important environmental aspects to the program. The decline in duck, geese, and other waterfowl populations in the early 1980s created the catalyst for the program. By protecting nearly 3.7 million acres of habitat since its creation, NAWCA has helped restore waterfowl populations to their highest level in half a century. In fact, state and federal surveys this past year counted 42 million breeding ducks, the highest level since surveys began in 1955, according to the U.S. Department of the Interior.

I was proud to join my colleagues this past April in cosponsoring S. 1677. I am even more proud to come to the

floor today knowing the bill has passed the United States Senate and will continue to protect habitat and wildlife well into the future.●

RECOGNIZING BETTE WAHL

● Mr. KOHL. Mr. President, I rise today to recognize a woman who has been honored as one of only seven Americans to receive the National Crime Prevention Council's Ameritech Award of excellence in Crime Prevention.

Bette Wahl is an enthusiastic youth advocate and a strong voice in the Eau Claire community for crime prevention. While her words are powerful and persuasive, her actions prove her dedication to the youth of Eau Claire, Wisconsin. Mrs. Wahl is the Project Coordinator for the Eau Claire Coalition for Youth. The Coalition is a collaboration of 28 agencies which address the recreational, educational, and social needs of youth and family. Under Mrs. Wahl's guidance, creativity, and energy, the Coalition has grown and become a true asset to the community.

Bette Wahl has created innovative youth crime prevention programs, enlisting the support of senior citizens in her community. In 1994, Seniors Partnering with Youth brought young and old together to work on service projects that benefit the community. This program provides an alternative activity to crime and delinquency, helps youth serve the community, and develops the values of compassion, respect, and responsibility. Bette also created two pilot youth employment programs which serve as gang and delinquency diversion programs. Through one of the programs, Youth Works, young people build self-esteem, pride, and responsibility.

Bette has displayed her extraordinary passion and skill while developing effective crime prevention programs in the Eau Claire community. Eau Claire's chief of police, David Malone, called Bette ''phenomenal'' saying that ''she seems to have a unique talent for bringing out the best in people and getting them to reach a solution.'' She succeeds where others fail by influencing and inspiring others with her energy and creativity, thereby achieving a positive and permanent change in the crime prevention field.

Bette recognizes that greater communication and integration of services enables a community to achieve tangible benefits in crime prevention. Sixty percent of juveniles in her truancy reduction program experienced an increase in school attendance; she has provided community service opportunities for 369 youth in another program, and she organizes two youth job fairs each year to match youth with area businesses for entry level jobs.

Mrs. Wahl's hard work in crime prevention encourages youth, adults, businesses, government agencies, community organizations, and schools to participate in a community-wide partnership to help Eau Claire's youth realize their full potential. On behalf of all those affected by her work and in honor of her recent award, congratulations, Bette Wahl.●

RECOGNIZING MR. MORRIS AMITAY, DISTINGUISHED PRO-ISRAEL ACTIVIST

● Mr. SPECTER. Mr. President, I was happy to read a recent article in the Washington Jewish Week, Guide to Jewish Life in Washington, 1998–1999, about Morrie Amitay and his tireless work toward improving the bonds between the United States and Israel.

I have known Morrie since my earliest days on Capitol Hill and have had the opportunity to witness many of his accomplishments. Morrie's career is indeed impressive. During his years at Harvard Law School, Morrie developed a strong interest in United States foreign policy. This led to a career with the U.S. Foreign Service, where he served the U.S. embassies in both Italy and South Africa. Morrie's talents were quickly noted and he was promoted rapidly. In 1969, Morrie turned his attention to Capitol Hill where he took a position as a legislative assistant in the House of Representatives.

In 1974, while working as an aide for Senator Abraham Ribicoff, Morrie was instrumental in crafting the Jackson-Vanik Amendment—part of the Trade Act of 1974—which provided for an increase of Jewish immigrants from the then-religiously oppressive Soviet Union, into the United States.

Another significant achievement of Morrie's was to become executive director of AIPAC, the American Israel Public Affairs Committee. During Morrie's tenure at AIPAC, the political action committee grew to be one of the most successful interest groups in Washington, D.C. His current work involves educating the American Jewish community on defense issues, and also strengthening the strategic ties between the defense establishments of the United States and Israel. This important work is accomplished through his position as vice chairman at the Jewish Institute for National Security Affairs.

Mr. President, I am privileged to be a friend of Morrie Amitay and I am proud to stand before you today and recognize his successful career. I offer congratulations to Morrie and best wishes for the future.●

TRIBUTE TO PATRICIA HYLTON

● Mr. FAIRCLOTH. Mr. President, I rise to commend a former member of my staff, Patricia Hylton, who has recently been named manager of the Refuse To Be A Victim program. Trish was an invaluable member of my office, and I'm certain that she will be successful in making Refuse To Be A Victim a beneficial program for women across the country.

While working in my office, Trish became interested in developing crime awareness and prevention programs for women. Regrettably, such efforts are needed. The statistics are frightening. Seventy-three percent of women will be victimized at some point in their lives. Seventy-three percent. One million women are stalked each year in the United States. Figures such as these call for decisive action.

I am proud to recognize a program that empowers women with a strategy to ensure their own personal safety. Refuse To Be A Victim is a superior safety tool and thousands of women are safer because of their participation. Refuse To Be A Victim is sponsored by the National Rifle Association. The program is not, however, about firearms. Instead, Refuse To Be A Victim offers women the knowledge necessary to avoid being victimized.

This program is taught throughout the United States an in my home state nine men and women instruct hundreds of North Carolinians each year. I'm pleased that Trish has committed herself to such a worthwhile program. And I hope that many more American women will take advantage of this exceptional learning experience.●

CBO COST ANALYSIS—S. 2361

● Mr. CHAFEE. Mr. President, on September 11, 1998, the Committee on Environmental and Public Works filed Senate Report 105–326, to accompany S. 2361, the Disaster Mitigation Act of 1998. When the report was filed, the letter and analysis of the cost of the legislation prepared by the Congressional Budget Office, as required by Section 403 of the Congressional Budget and Impoundment Control Act, was not available to the committee. That information was received on September 29, 1998. Therefore, I request that the letter from the Congressional Budget Office and cost analysis be placed in the CONGRESSIONAL RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 1998.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2361, the Disaster Mitigation Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kristen Layman (for federal costs) and Lisa Cash Driskill (for the state and local impact).

Sincerely,

JUNE E. O'NEILL,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, SEPTEMBER 29, 1998

S. 2361: DISASTER MITIGATION ACT OF 1998

(As ordered reported by the Senate Committee on Environment and Public Works on July 29, 1998)

SUMMARY

S. 2361 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a predisaster mitigation

program and make changes to the existing disaster relief program.

S. 2361 would emphasize predisaster mitigation in order to reduce the long-run costs of disasters. If the authorized funding for mitigation efforts is provided and used judiciously, enactment of this bill could lead to substantial savings to the federal government by reducing the need for future disaster relief funds. CBO cannot estimate the magnitude of such savings because we cannot predict either the frequency or incidence of major natural disasters.

The bill would authorize the appropriation of $175 million ($35 million a year) over fiscal years 1998 through 2002 for a predisaster mitigation program. In addition to these specified authorizations, other provisions in S. 2361 would result in changes in discretionary spending, assuming appropriation of the necessary amounts. In total, CBO estimates that implementing S. 2361 would require net new appropriations of $585 million over the 1999–2003 period: $140 million from the amounts specified in the bill ($175 million minus the 1998 authorization of $35 million) and $445 million from other provisions. That spending may be offset by savings in regular and emergency appropriations for disaster relief, but CBO cannot estimate the timing or precise amounts of the potential savings. Over the next 10 years, such savings could exceed the $140 million that the bill would authorize for predisaster mitigation efforts over fiscal years 1999 through 2002.

S. 2361 also would affect direct spending by speeding up the disbursement of some existing disaster relief funds; therefore, pay-as-you-go procedures would apply. CBO estimates that outlays from such funds would be $230 million higher in 1999 than they would be under current law, but that there would be no net change in direct spending from this provision over the 1999–2003 period. S. 2361 would affect direct spending in two other ways that would have no significant budgetary impact. It would expand the definition of public safety officer to include certain federal and state emergency management personnel, thereby increasing payments for death benefits from the public safety officers program administered by the Department of Justice. The bill also would raise offsetting receipts by an estimated $3 million each year, but that increase would be matched by higher spending because the Federal Emergency Management Agency (FEMA) would be allowed to spend those receipts without appropriation action.

S. 2361 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would significantly benefit the budgets of state, local, and tribal governments.

DESCRIPTION OF THE BILL'S MAJOR PROVISIONS

Title I would establish a program to provide financial assistance to state and local governments for predisaster mitigation activities. The predisaster mitigation program would expire on October 1, 2003. S. 2361 would require the President to transmit a report to the Congress that would evaluate efforts to implement the predisaster hazard mitigation programs and recommend a process for transferring greater authority over the program to states.

Title I also would remove a yearly cap of $50,000 per state on the grants that the President makes for improving and maintaining disaster assistance plans and would increase the maximum federal contribution for mitigation costs from 15 percent to 20 percent.

Title II would combine any expenses not chargeable to a specific project into a single category called management costs. It would direct the President to establish standard rates for reimbursing states for such costs.

In addition, title II would reduce the federal government's share of costs for repairing damaged facilities from 90 percent to 75 percent, but would allow the President the flexibility to make the contribution as much as 90 percent if the President determines that funds will be used for mitigation activities. Title II would also allow the President to use the estimated cost of repairing or replacing a facility, rather than the actual cost, to determine the level of assistance to provide. S. 2361 would establish an expert panel to develop procedures for estimating the cost of repairing a facility.

Title II would combine the Temporary Housing Assistance (THA) and Individual and Family Grant (IFG) programs into one program, and would eliminate the community disaster loan program, a program that assists any local government that has suffered a substantial loss of tax revenues as a result of a major disaster.

Finally, title II would authorize the President to provide assistance to any local government that helps to suppress a fire that threatens the destruction of public or private forests and grasslands.

Title III would expand the definition of public safety officer to include permanent employees of FEMA and employees of state or local emergency management agencies whose duties are determined to be hazardous and related to a major disaster. As a result, more employees would be eligible for death, disability, and education benefits.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

CBO estimates that implementing S. 2361 would result in additional discretionary outlays of $582 million over the 1999–2003 period ($137 million from authorizations specified in the bill and $445 million from other provisions). These costs are likely to be at least partially offset by future savings resulting from predisaster mitigation efforts, but CBO cannot estimate the magnitude or timing of such savings. S. 2361 would speed up spending of certain existing funds and would thus affect direct spending. However, we estimate no net change over the 1999–2003 period from that timing shift. S. 2361 would also increase offsetting receipts and direct spending of such receipts by approximately $3 million each year from 1999 through 2003.

The estimated budgetary impact of certain provisions in S. 2361 is shown in the following table. The table does not reflect some potential savings and costs from provisions that may affect discretionary spending but for which CBO cannot estimate the likely effects. In particular, we cannot estimate the potential savings in the costs of future disaster relief from the increased spending on predisaster mitigation activities that would be authorized by S. 2361. The costs of this legislation fall within budget function 450 (community and regional development).

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Spending for Disaster Relief Under Current Law:						
Budget Authority/Authorization Level [1]	1,920	327	335	344	352	361
Estimated Outlays	2,00	2,580	2,060	1,741	1,211	844
Proposed Changes:						
Specified Authorization for Predisaster Mitigation:						
Authorization Level	0	35	35	35	35	0
Estimated Outlays	0	18	32	35	35	17
Estimated Authorizations:						
Authorization Level	0	197	62	62	62	62
Estimated Outlays	0	197	62	62	62	62
Spending for Disaster Relief Under S. 2361:						
Estimated Authorization Level	1,920	559	432	441	449	423
Estimated Outlays	2,000	2,795	2,154	1,838	1,308	923
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	0	0	0	0	0	0
Estimated Outlays	0	230	([2])	−138	−92	([2])

[1] The 1998 level is the amount appropriated for that year, including $1.6 billion for an emergency supplemental appropriation provided in Public Law 105–74. The remainder of the 1998 level is the regular appropriation of $320 million. The levels shown for 1999 through 2003 are CBO baseline projections assuming increases for anticipated inflation. Alternatively, if the comparison were made to a baseline without discretionary inflation, the current law authorization level would be $320 million each year, but the incremental cost of the bill would be the same.

[2] Less than $500,000.

BASIS OF ESTIMATE

For the purposes of this estimate, CBO assumes that S. 2361 will be enacted near the beginning of fiscal year 1999, and that the amounts authorized and estimated to be necessary will be appropriated near the start of each fiscal year.

Spending Subject to Appropriation

S. 2361 contains provisions that would result in both costs and savings to the federal government. CBO estimates costs associated with provisions that would: Authorize appropriations for predisaster mitigation, increase the federal contribution for mitigation costs, combine the Individual Family Grant program and the Temporary Housing Assistance program, remove a cap on grants for disaster assistance plans, and increase certain disability and education benefits by expanding the definition of public safety officers.

CBO estimates savings associated with provisions that would: Allow the President to use the estimated cost of repairs rather than the actual cost, and eliminate the community disaster loan program.

CBO cannot estimate the discretionary effects of provisions that would: Achieve long-run savings associated with the predisaster mitigation efforts, encourage provision of financial assistance rather than provision of housing units, establish standardized rates for reimbursement of management costs, provide grants for the testing and application of hazard identification technologies, establish a pilot program to determine the desirability of state administration of parts of the disaster relief program, and authorize

the President to provide fire suppression assistance to local governments.

Provisions with Estimated Costs. Under current law, 15 percent of the estimated amount of grants made with respect to a major disaster would be provided to the state for post-disaster mitigation activities. S. 2361 would increase this percentage to 20 percent for all major disasters declared after March 1, 1997. FEMA spent $332 million for post-disaster mitigation from March 1, 1997, to August 31, 1998. If the contribution were raised by one-third, the federal government would make an additional $111 million in grants for its share of mitigation activities during this period. To assess future costs, CBO based its projection on the average annual amount of such expenses over the last five calendar years—$313 million. Using that five-year average, the rate increase from 15 percent to 20 percent would require increased funding for the federal contribution of $104 million a year over the next several years. In total, CBO estimates that implementing this provision would require the appropriation of $655 million over the 1999–2003 period: $135 million for the 1997–1998 period and $520 million for the 1999–2003 period. This estimate assumes that the funds to pay for the provision would come from future appropriations.

CBO estimates that combining the Individual Family Grant program and the Temporary Housing Assistance program would result in additional costs of approximately $40 million per year from 1999 through 2003. Under current law, the federal share for the IFG program is 75 percent of the actual cost incurred. Combining the IFG and THA programs would change the federal match to 100 percent.

CBO estimates that the costs associated with removing the yearly cap of $50,000 per state on the grants that are made to states for improvement of disaster assistance plans would be about $1 million per year. FEMA currently provides the maximum $50,000 grant to each state for disaster assistance planning. Under S. 2361, FEMA would no longer be bound by the cap and might increase spending on state disaster assistance programs, although such spending is subject to appropriation. Additional spending on state disaster assistance plans could result in future savings if improving these disaster plans reduces FEMA's long-run costs.

S. 2361 would make certain federal and state emergency management employees eligible for disability and education benefits. Enacting the legislation could increase payments of these benefits, assuming appropriation of any necessary amounts. CBO estimates that the effect on discretionary spending would be less than $500,000 a year because the number of additional people qualifying for these benefits would likely be very small.

Provisions with Estimated Savings. CBO estimates that allowing the President to use the estimated cost of repairing a facility, rather than the actual cost, to determine the level of assistance to provide would result in savings of approximately $56 million per year. According to FEMA, reliance on the estimated cost rather than the actual cost of repair would reduce the administrative burden on the agency. S. 2361 would also establish an expert panel, including representatives from the construction industry, to develop procedures for estimating the cost of repairing a facility. If the actual costs of repair are greater than 120 percent or less than 80 percent of the estimated costs, CBO assumes that FEMA could receive compensation for overpayments or provide compensation for underpayments. Savings from this provision may be partially offset by the additional costs of establishing an expert panel, estimating the cost of repairs with more precision, and evaluating the accuracy of estimates. CBO estimates that this provision would result in an overall 25 percent reduction in administrative costs after accounting for additional costs described above.

Based on data provided by FEMA, CBO estimates that eliminating the community disaster loan program would result in savings of approximately $23 million each year from 1999 through 2003.

Provisions with Effects CBO Cannot Estimate. The potential budgetary effects of various provisions of S. 2361 are uncertain because they depend upon the extent and nature of future disasters, the manner in which the Administration would implement certain provisions, and the extent to which states would participate in certain programs.

CBO cannot estimate the potential savings associated with the predisaster mitigation efforts proposed in this bill. Mitigation efforts could achieve substantial savings if damages from future disasters are lessened as a result of the predisaster mitigation measures provided for in the bill. In addition, S. 2361 would encourage the provision of financial assistance to disaster victims for rental of alternative housing accommodations rather than directly providing housing units. CBO expects that this provision would result in savings, but we cannot estimate the amount of the savings. Finally, S. 2361 also would establish standardized reimbursement rates that would reduce the administrative burden of compensating states for indirect costs not chargeable to a specific project. This provision is also likely to result in some savings in FEMA's administrative costs, but CBO has no basis for estimating the likely amount of such savings.

In addition, S. 2361 would authorize grants for 50 percent of the cost of testing new hazard identification technologies (such as improved floodplain mapping technologies) and would establish a pilot program for the devolution of certain responsibilities to the states. At this time, CBO cannot estimate the costs associated with these provisions, or any potential savings that might later accrue from implementing them.

Finally, based on information from FEMA, CBO estimates that the provision authorizing the President to provide additional assistance to local governments for fire suppression would probably have no significant net budgetary impact. Additional costs for providing this assistance are likely to be at least partially offset by administrative savings; but CBO cannot estimate the precise net effect of this provision.

Direct Spending

Enacting S. 2361 would affect direct spending by speeding up the disbursement of funds that have already been appropriated for post-disaster mitigation under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The bill would allow the President to use such funds for the predisaster mitigation program if the funds are not obligated within 30 months after the declaration of the disaster for which they were provided. Based on information from FEMA, CBO estimates that currently approximately $460 million would be eligible for use by the predisaster mitigation program under this provision. Under S. 2361, CBO expects that those funds would be spent between 1999 and 2001, instead of between 2000 and 2002, as under current law. Outlays would increase by $230 million in 1999 and drop by an equal amount over fiscal years 2001 and 2002. The net direct spending effect of this provision would be zero over the 1999–2003 period. More funds, in addition to the estimated $460 million, could become available in the future for shifts to predisaster mitigation activity, but we cannot estimate the likely amount. Finally, this provision could lead to an increase in future appropriations to replenish the disaster relief fund's resources for post-disaster mitigation, but the magnitude and timing of any such effect is uncertain.

In addition, the bill would change the definition of public safety officer to include permanent employees of FEMA and employees of a state or local emergency management agency whose duties are determined to be hazardous and related to a major disaster or emergency. CBO estimates that any change in direct spending would be less than $500,000 a year because the number of additional beneficiaries is likely to be very small.

The bill would expand FEMA's authority to sell temporary housing. Under the Balanced Budget Act of 1997, proceeds from nonroutine asset sales may be counted as a reduction in direct spending for pay-as-you-go purposes only if such sales would entail no net financial cost to the government. CBO estimates that the sale of temporary housing under S. 2361 would not result in a net cost to the government. Based on data provided by FEMA detailing the sale of manufactured homes and trailers, CBO estimates that this provision would result in increased offsetting receipts of approximately $3 million each year. Because the agency could then spend the new receipts, without appropriation action, this provision would have no net effect on direct spending.

The provision relating to sales of temporary housing would direct the President to deposit all receipts from such sales into the disaster relief fund, where they could be spent without further appropriation. Under current law, any receipts obtained are deposited into the general fund of the Treasury (and thus are not available for spending). This change would result in increased direct spending related to sales that would occur under current law. But based on information from FEMA, CBO estimates that any such effect would be insignificant because receipts from sales under existing authority are expected to be negligible.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays that are subject to pay-as-you-go procedures are shown in the following table. The use of existing unexpended balances for predisaster mitigation will increase outlays in 1999, but have no net impact over the next five years. CBO estimates that other effects on direct spending would be less than $500,000 a year. (Enacting the bill would not affect governmental receipts.) For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Changes in outlays	0	230	0	−138	−92	0	0	0	0	0	0
Changes in receipts	Not applicable										

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 2361 contains no intergovernmental mandates as defined in UMRA and would significantly benefit the budgets of state, local, and tribal governments. The bill would authorize $175 million over the next five years to assist in predisaster mitigation projects, and the percentage of funds available for post-disaster mitigation activities would be increased. The 25 percent state matching requirements for individual and family grants and certain housing assistance would no longer be required, reducing the burden on states by an estimated $40 million per year.

The bill would also amend the definition of public facilities to exclude public golf courses, making them no longer eligible for funding under the Stafford Act. In addition, states or local governments which take longer than three years after declaration of a major disaster to file a claim for assistance would be subject to a potential reduction in the federal government's share of their claim.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

The bill would impose no new private-sector mandates as defined in UMRA.

PREVIOUS CBO ESTIMATE

On August 5, 1998, CBO prepared a cost estimate for H.R. 3869, the Disaster Mitigation Act of 1998, as ordered reported by the House Committee on Transportation and Infrastructure on June 25, 1998. H.R. 3869 differs from S. 2361 in that it would provide higher authorization levels for the predisaster mitigation program and would add new restrictions to the funds that a private nonprofit facility could receive for repair and replacement of damaged facilities. H.R. 3869 does not contain provisions that would affect fire suppression assistance and public safety officer benefits as S. 2361 does. Other differences in the two bills do not affect the cost estimates.

Estimate prepared by: Federal Costs: Kristen Layman, Impact on State, Local, and Tribal Governments: Lisa Cash Driskill.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.●

EXTENDING THE DATE BY WHICH AN AUTOMATED ENTRY-EXIT CONTROL SYSTEM MUST BE DEVELOPED

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 2540, introduced earlier today by Senators ABRAHAM and KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2540) to extend the date by which an automated entry-exit control system must be developed.

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

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

Mrs. HUTCHISON. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

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

The bill (S. 2540) was read the third time and passed, as follows:

S. 2540

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

SECTION 1. EXTENSION OF DATE FOR DEVELOPMENT OF AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Section 110 of division C of Public Law 104–208 is amended by striking ''2 years after the date of enactment of this Act'' and inserting ''October 15, 1999.

ORDER FOR STAR PRINT—S. 1637

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that S. 1637 be star printed with the changes that are at the desk.

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

OCEAN SHIPPING REFORM ACT OF 1998

Mrs. HUTCHISON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

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

Resolved, That the bill from the Senate (S. 414) entitled ''An Act to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ocean Shipping Reform Act of 1998''.

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect May 1, 1999.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking ''and'' after the semicolon in paragraph (2);

(2) striking ''needs.'' in paragraph (3) and inserting ''needs; and'';

(3) adding at the end thereof the following:

''(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.''.

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking ''the government under whose registry the vessels of the carrier operate;'' in paragraph (8) and inserting ''a government;'';

(2) striking paragraph (9) and inserting the following:

''(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.'';

(3) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(4) striking ''in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container,'' in paragraph (10), as redesignated;

(5) striking ''paper board in rolls, and paper in rolls.'' in paragraph (10) as redesignated and inserting ''paper and paper board in rolls or in pallet or skid-sized sheets.'';

(6) striking ''conference, other than a service contract or contract based upon time-volume rates,'' in paragraph (13) as redesignated and inserting ''agreement'';

(7) striking ''conference.'' in paragraph (13) as redesignated and inserting ''agreement and the contract provides for a deferred rebate arrangement.'';

(8) by striking ''carrier.'' in paragraph (14) as redesignated and inserting ''carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.'';

(9) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(10) striking paragraph (17), as redesignated, and inserting the following:

''(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term—

''(A) 'ocean freight forwarder' means a person that—

''(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

''(ii) processes the documentation or performs related activities incident to those shipments; and

''(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.'';

(11) striking paragraph (19), as redesignated and inserting the following:

''(19) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual ocean common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the ocean common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party.''; and

(12) striking paragraph (21), as redesignated, and inserting the following:

''(21) 'shipper' means—

''(A) a cargo owner;

''(B) the person for whose account the ocean transportation is provided;

''(C) the person to whom delivery is to be made;

''(D) a shippers' association; or

''(E) an ocean transportation intermediary, as defined in paragraph (17)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.''.

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) OCEAN COMMON CARRIERS.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking ''operators or non-vessel-operating common carriers;'' in paragraph (5) and inserting ''operators;'';

(2) striking ''and'' in paragraph (6) and inserting ''or''; and

(3) striking paragraph (7) and inserting the following:

''(7) discuss and agree on any matter related to service contracts.''.

(b) MARINE TERMINAL OPERATORS.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking ''(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)'';

(2) striking ''and'' in paragraph (1) and inserting ''or''; and

(3) striking ''arrangements.'' in paragraph (2) and inserting ''arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.''.

SEC. 104. AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Shipping Act of 1984 (46 U.S.C. App. 1704) is amended by—

(1) striking subsection (b)(8) and inserting the following:

''(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item;

(2) redesignating subsections (c) through (e) as subsections (d) through (f); and

(3) inserting after subsection (b) the following:

''(c) OCEAN COMMON CARRIER AGREEMENTS.—An ocean common carrier agreement may not—

''(1) prohibit or restrict a member or members of the agreement from engaging in negotiations for service contracts with 1 or more shippers;

''(2) require a member or members of the agreement to disclose a negotiation on a service contract, or the terms and conditions of a service contract, other than those terms or conditions required to be published under section 8(c)(3) of this Act; or

''(3) adopt mandatory rules or requirements affecting the right of an agreement member or agreement members to negotiate and enter into service contracts.

An agreement may provide authority to adopt voluntary guidelines relating to the terms and procedures of an agreement member's or agreement members' service contracts if the guidelines explicitly state the right of members of the agreement not to follow the guidelines. These guidelines shall be confidentially submitted to the Commission.''.

(b) APPLICATION.—

(1) Subsection (e) of section 5 of that Act, as redesignated, is amended by striking ''this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do'' and inserting ''this Act does''; and

(2) Subsection (f) of section 5 of that Act, as redesignated, is amended by—

(A) striking ''and the Shipping Act, 1916, do'' and inserting ''does'';

(B) striking ''or the Shipping Act, 1916,''; and

(C) inserting ''or are essential terms of a service contract'' after ''tariff''.

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting ''or publication'' in paragraph (2) of subsection (a) after ''filing'';

(2) striking ''or'' at the end of subsection (b)(2);

(3) striking ''States.'' at the end of subsection (b)(3) and inserting ''States; or''; and

(4) adding at the end of subsection (b) the following:

''(4) to any loyalty contract.''.

SEC. 106. TARIFFS.

(a) IN GENERAL.—Section 8(a) of the Shipping Act of 1984 (46 U.S.C. App. 1707(a)) is amended by—

(1) inserting ''new assembled motor vehicles,'' after ''scrap,'' in paragraph (1);

(2) striking ''file with the Commission, and'' in paragraph (1);

(3) striking ''inspection,'' in paragraph (1) and inserting ''inspection in an automated tariff system,'';

(4) striking ''tariff filings'' in paragraph (1) and inserting ''tariffs'';

(5) striking ''freight forwarder'' in paragraph (1)(C) and inserting ''transportation intermediary, as defined in section 3(17)(A),'';

(6) striking ''and'' at the end of paragraph (1)(D);

(7) striking ''loyalty contract,'' in paragraph (1)(E);

(8) striking ''agreement.'' in paragraph (1)(E) and inserting ''agreement; and'';

(9) adding at the end of paragraph (1) the following:

''(F) include copies of any loyalty contract, omitting the shipper's name.''; and

(10) striking paragraph (2) and inserting the following:

''(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.''.

(b) SERVICE CONTRACTS.—Subsection (c) of that section is amended to read as follows:

''(c) SERVICE CONTRACTS.—

''(1) IN GENERAL.—An individual ocean common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree. In no case may the contract dispute resolution forum be controlled by or in any way affiliated with a controlled carrier as defined in section 3(8) of this Act, or by the government which owns or controls the carrier.

''(2) FILING REQUIREMENTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an individual ocean common carrier or an agreement shall be filed confidentially with the Commission. Each service contract shall include the following essential terms—

''(A) the origin and destination port ranges;

''(B) the origin and destination geographic areas in the case of through intermodal movements;

''(C) the commodity or commodities involved;

''(D) the minimum volume or portion;

''(E) the line-haul rate;

''(F) the duration;

''(G) service commitments; and

''(H) the liquidated damages for nonperformance, if any.

''(3) PUBLICATION OF CERTAIN TERMS.—When a service contract is filed confidentially with the Commission, a concise statement of the essential terms described in paragraphs 2 (A), (C), (D), and (F) shall be published and made available to the general public in tariff format.

''(4) DISCLOSURE OF CERTAIN TERMS.—

''(A) An ocean common carrier, which is a party to or is subject to the provisions of a collective bargaining agreement with a labor organization, shall, in response to a written request by such labor organization, state whether it is responsible for the following work at dock areas and within port areas in the United States with respect to cargo transportation under a service contract described in paragraph (1) of this subsection—

''(i) the movement of the shipper's cargo on a dock area or within the port area or to or from railroad cars on a dock area or within the port area;

''(ii) the assignment of intraport carriage of the shipper's cargo between areas on a dock or within the port area;

''(iii) the assignment of the carriage of the shipper's cargo between a container yard on a dock area or within the port area and a rail yard adjacent to such container yard; and

''(iv) the assignment of container freight station work and container maintenance and repair work performed at a dock area or within the port area.

''(B) The common carrier shall provide the information described in subparagraph (A) of this paragraph to the requesting labor organization within a reasonable period of time.

''(C) This paragraph requires the disclosure of information by an ocean common carrier only if there exists an applicable and otherwise lawful collective bargaining agreement which pertains to that carrier. No disclosure made by an ocean common carrier shall be deemed to be an admission or agreement that any work is covered by a collective bargaining agreement. Any dispute regarding whether any work is covered by a collective bargaining agreement and the responsibility of the ocean common carrier under such agreement shall be resolved solely in accordance with the dispute resolution procedures contained in the collective bargaining agreement and the National Labor Relations Act, and without reference to this paragraph.

''(D) Nothing in this paragraph shall have any effect on the lawfulness or unlawfulness under this Act, the National Labor Relations Act, the Taft-Hartley Act, the Federal Trade Commission Act, the antitrust laws, or any other Federal or State law, or any revisions or amendments thereto, of any collective bargaining agreement or element thereof, including any element that constitutes an essential term of a service contract under this subsection.

''(E) For purposes of this paragraph the terms 'dock area' and 'within the port area' shall have the same meaning and scope as in the applicable collective bargaining agreement between the requesting labor organization and the carrier.''.

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking the subsection caption and inserting ''(d) TARIFF RATES.—'';

(2) striking ''30 days after filing with the Commission.'' in the first sentence and inserting ''30 calendar days after publication.'';

(3) inserting ''calendar'' after ''30'' in the next sentence; and

(4) striking ''publication and filing with the Commission.'' in the last sentence and inserting ''publication.''.

(d) REFUNDS.—Subsection (e) of that section is amended by—

(1) striking ''tariff of a clerical or administrative nature or an error due to inadvertence'' in paragraph (1) and inserting a comma; and

(2) striking ''file a new tariff,'' in paragraph (1) and inserting ''publish a new tariff, or an error in quoting a tariff,'';

(3) striking ''refund, filed a new tariff with the Commission'' in paragraph (2) and inserting ''refund for an error in a tariff or a failure to publish a tariff, published a new tariff'';

(4) inserting ''and'' at the end of paragraph (2); and

(5) striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(e) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (f) of that section is amended to read as follows:

''(f) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public, subject to section 10(d) of this Act, a schedule of rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving,

delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.''.

(f) AUTOMATED TARIFF SYSTEM REQUIREMENTS; FORM.—Section 8 of that Act is amended by adding at the end the following:

''(g) REGULATIONS.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.''.

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking ''service contracts filed with the Commission'' in the first sentence of subsection (a) and inserting ''service contracts, or charge or assess rates,'';

(2) striking ''or maintain'' in the first sentence of subsection (a) and inserting ''maintain, or enforce'';

(3) striking ''disapprove'' in the third sentence of subsection (a) and inserting ''prohibit the publication or use of''; and

(4) striking ''filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission'' in the last sentence of subsection (a) and inserting ''that have been suspended or prohibited by the Commission'';

(5) striking ''may take into account appropriate factors including, but not limited to, whether—'' in subsection (b) and inserting ''shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—'';

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking ''filed'' in paragraph (1) as redesignated and inserting ''published or assessed'';

(8) striking ''filing with the Commission.'' in subsection (c) and inserting ''publication.'';

(9) striking ''DISAPPROVAL OF RATES.—'' in subsection (d) and inserting ''PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.'';

(10) striking ''filed'' in subsection (d) and inserting ''published or assessed'';

(11) striking ''may issue'' in subsection (d) and inserting ''shall issue'';

(12) striking ''disapproved.'' in subsection (d) and inserting ''prohibited.'';

(13) striking ''60'' in subsection (d) and inserting ''30'';

(14) inserting ''controlled'' after ''affected'' in subsection (d);

(15) striking ''file'' in subsection (d) and inserting ''publish'';

(16) striking ''disapproval'' in subsection (e) and inserting ''prohibition'';

(17) inserting ''or'' after the semicolon in subsection (f)(1);

(18) striking paragraphs (2), (3), and (4) of subsection (f); and

(19) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

''(2) provide service in the liner trade that—

''(A) is not in accordance with the rates, charges, classifications, rules, and practices contained in a tariff published or a service contract entered into under section 8 of this Act unless excepted or exempted under section 8(a)(1) or 16 of this Act; or

''(B) is under a tariff or service contract which has been suspended or prohibited by the Commission under section 9 of this Act or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a);'';

(4) redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(5) striking ''except for service contracts,'' in paragraph (4), as redesignated, and inserting ''for service pursuant to a tariff,'';

(6) striking ''rates;'' in paragraph (4)(A), as redesignated, and inserting ''rates or charges;'';

(7) inserting after paragraph (4), as redesignated, the following:

''(5) for service pursuant to a service contract, engage in any unfair or unjustly discriminatory practice in the matter of rates or charges with respect to any port;'';

(8) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) striking paragraph (6) as redesignated and inserting the following:

''(6) use a vessel or vessels in a particular trade for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;'';

(10) striking paragraphs (9) through (13) and inserting the following:

''(8) for service pursuant to a tariff, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage;

''(9) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any port;

''(10) unreasonably refuse to deal or negotiate;'';

(11) redesignating paragraphs (14), (15), and (16) as paragraphs (11), (12), and (13), respectively;

(12) striking ''a non-vessel-operating common carrier'' in paragraphs (11) and (12) as redesignated and inserting ''an ocean transportation intermediary'';

(13) striking ''sections 8 and 23'' in paragraphs (11) and (12) as redesignated and inserting ''sections 8 and 19'';

(14) striking ''or in which an ocean transportation intermediary is listed as an affiliate'' in paragraph (12), as redesignated;

(15) striking ''Act;'' in paragraph (12), as redesignated, and inserting ''Act, or with an affiliate of such ocean transportation intermediary;''

(16) striking ''paragraph (16)'' in the matter appearing after paragraph (13), as redesignated, and inserting ''paragraph (13)''; and

(17) inserting ''the Commission,'' after ''United States,'' in such matter.

(b) Section 10(c) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)) is amended by—

(1) striking ''non-ocean carriers'' in paragraph (4) and inserting ''non-ocean carriers, unless such negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this Act'';

(2) striking ''freight forwarder'' in paragraph (5) and inserting ''transportation intermediary, as defined by section 3(17)(A) of this Act,'';

(3) striking ''or'' at the end of paragraph (5);

(4) striking ''contract.'' in paragraph (6) and inserting ''contract;''; and

(5) adding at the end the following:

''(7) for service pursuant to a service contract, engage in any unjustly discriminatory practice in the matter of rates or charges with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries; or

''(8) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any locality, port, or persons due to those persons' status as shippers' associations or ocean transportation intermediaries;''.

(c) Section 10(d) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)) is amended by—

(1) striking ''freight forwarders,'' and inserting ''transportation intermediaries,'';

(2) striking ''freight forwarder,'' in paragraph (1) and inserting ''transportation intermediary,'';

(3) striking ''subsection (b)(11), (12), and (16)'' and inserting ''subsections (b)(10) and (13)''; and

(4) adding at the end thereof the following:

''(4) No marine terminal operator may give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.

''(5) The prohibition in subsection (b)(13) of this section applies to ocean transportation intermediaries, as defined by section 3(17)(A) of this Act.''.

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking ''section 10(b)(5) or (7)'' and inserting ''section 10(b)(3) or (6)''; and

(2) striking ''section 10(b)(6)(A) or (B)'' and inserting ''section 10(b)(4)(A) or (B).''.

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking '''non-vessel-operating common carrier','' in subsection (a)(1) and inserting '''ocean transportation intermediary','';

(2) striking ''forwarding and'' in subsection (a)(4);

(3) striking ''non-vessel-operating common carrier'' in subsection (a)(4) and inserting ''ocean transportation intermediary services and'';

(4) striking ''freight forwarder,'' in subsections (c)(1) and (d)(1) and inserting ''transportation intermediary,'';

(5) striking ''filed with the Commission,'' in subsection (e)(1)(B) and inserting ''and service contracts,'';

(6) inserting ''and service contracts'' after ''tariffs'' the second place it appears in subsection (e)(1)(B); and

(7) striking ''(b)(5)'' each place it appears in subsection (h) and inserting ''(b)(6)''.

SEC. 112. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: ''The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels operated by that common carrier and any such vessel may be libeled therefore in the district court of the United States for the district in which it may be found.''.

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking ''section 10(b)(1), (2), (3), (4), or (8)'' in paragraph (1) and inserting ''section 10(b)(1), (2), or (7)'';

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

''(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).''; and

(4) striking ''paragraphs (1), (2), and (3)'' in paragraph (6), as redesignated, and inserting ''paragraphs (1), (2), (3), and (4)''.

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by—

(1) striking ''or (b)(4)'' and inserting ''or (b)(2)'';

(2) striking ''(b)(1), (4)'' and inserting ''(b)(1), (2)''; and

(3) adding at the end thereof the following ''Neither the Commission nor any court shall order any person to pay the difference between the amount billed and agreed upon in writing with a common carrier or its agent and the amount set fourth in any tariff or service contract by that common carrier for the transportation service provided.''.

SEC. 113. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking ''and certificates'' in the section heading;

(2) striking ''(a) REPORTS.—'' in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 114. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking ''substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce.'' and inserting ''result in substantial reduction in competition or be detrimental to commerce.''.

SEC. 115. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 116. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking ''freight forwarders'' in the section caption and inserting ''transportation intermediaries'';

(2) striking subsection (a) and inserting the following:

''(a) LICENSE.—No person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. The Commission shall issue an intermediary's license to any person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.'';

(3) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) inserting after subsection (a) the following:

''(b) FINANCIAL RESPONSIBILITY.—

''(1) No person may act as an ocean transportation intermediary unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

''(2) A bond, insurance, or other surety obtained pursuant to this section—

''(A) shall be available to pay any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act;

''(B) may be available to pay any claim against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act with the consent of the insured ocean transportation intermediary and subject to review by the surety company, or when the claim is deemed valid by the surety company after the ocean transportation intermediary has failed to respond to adequate notice to address the validity of the claim; and

''(C) shall be available to pay any judgment for damages against an ocean transportation intermediary arising from its transportation-related activities under section 3(17) of this Act, provided the claimant has first attempted to resolve the claim pursuant to subparagraph (B) of this paragraph and the claim has not been resolved within a reasonable period of time.

''(3) The Commission shall prescribe regulations for the purpose of protecting the interests of claimants, ocean transportation intermediaries, and surety companies with respect to the process of pursuing claims against ocean transportation intermediary bonds, insurance, or sureties through court judgments. The regulations shall provide that a judgment for monetary damages may not be enforced except to the extent that the damages claimed arise from the transportation-related activities of the insured ocean transportation intermediary, as defined by the Commission.

''(4) An ocean transportation intermediary not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.'';

(5) striking, each place such term appears—

(A) ''freight forwarder'' and inserting ''transportation intermediary'';

(B) ''a forwarder's'' and inserting ''an intermediary's'';

(C) ''forwarder'' and inserting ''intermediary''; and

(D) ''forwarding'' and inserting ''intermediary'';

(6) striking ''a bond in accordance with subsection (a)(2).'' in subsection (c), as redesignated, and inserting ''a bond, proof of insurance, or other surety in accordance with subsection (b)(1).'';

(7) striking ''FORWARDERS.—'' in the caption of subsection (e), as redesignated, and inserting ''INTERMEDIARIES.—'';

(8) striking ''intermediary'' the first place it appears in subsection (e)(1), as redesignated and as amended by paragraph (5)(A), and inserting ''intermediary, as defined in section 3(17)(A) of this Act,'';

(9) striking ''license'' in paragraph (1) of subsection (e), as redesignated, and inserting ''license, if required by subsection (a),'';

(10) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(11) adding at the end of subsection (e), as redesignated, the following:

''(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean transportation intermediary, as defined in section 3(17)(A) of this Act, may—

''(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean transportation intermediary, as so defined; or

''(B) agree to limit the payment of compensation to an ocean transportation intermediary, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the intermediary services are provided.''.

SEC. 117. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

''(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, licenses, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984, shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1998, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1998.'';

(2) inserting the following at the end of subsection (e):

''(3) The Ocean Shipping Reform Act of 1998 shall not affect any suit—

''(A) filed before the effective date of that Act; or

''(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

''(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1998.''.

SEC. 118. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR THE FEDERAL MARITIME COMMISSION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.

There are authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

SEC. 202. FEDERAL MARITIME COMMISSION ORGANIZATION.

Section 102(d) of Reorganization Plan No. 7 of 1961 (75 Stat. 840) is amended to read as follows:

''(d) A vacancy or vacancies in the membership of Commission shall not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the members serving on the Commission is required to dispose of any matter before the Commission.''.

SEC. 203. REGULATIONS.

Not later than March 1, 1999, the Federal Maritime Commission shall prescribe final regulations to implement the changes made by this Act.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) IN GENERAL.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking ''forwarding and'' in subsection (1)(b);

(2) striking ''non-vessel-operating common carrier operations,'' in subsection (1)(b) and inserting ''ocean transportation intermediary services and operations,'';

(3) striking ''methods or practices'' and inserting ''methods, pricing practices, or other practices'' in subsection (1)(b);

(4) striking ''tariffs of a common carrier'' in subsection 7(d) and inserting ''tariffs and service contracts of a common carrier'';

(5) striking ''use the tariffs of conferences'' in subsections (7)(d) and (9)(b) and inserting ''use tariffs of conferences and service contracts of agreements'';

(6) striking ''tariffs filed with the Commission'' in subsection (9)(b) and inserting ''tariffs and service contracts'';

(7) striking ''freight forwarder,'' each place it appears and inserting ''transportation intermediary,''; and

(8) striking ''tariff'' each place it appears in subsection (11) and inserting ''tariff or service contract''.

(b) STYLISTIC CONFORMITY.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), as amended by subsection (a), is further amended by—

(1) redesignating subdivisions (1) through (12) as subsections (a) through (l), respectively;

(2) redesignating subdivisions (a), (b), and (c) of subsection (a), as redesignated, as paragraphs (1), (2), and (3);

(3) redesignating subdivisions (a) through (d) of subsection (f), as redesignated, as paragraphs (1) through (4), respectively;

(4) redesignating subdivisions (a) through (e) of subsection (g), as redesignated, as paragraphs (1) through (5), respectively;

(5) redesignating clauses (i) and (ii) of subsection (g)(4), as redesignated, as subparagraphs (A) and (B), respectively;

(6) redesignating subdivisions (a) through (e) of subsection (i), as redesignated, as paragraphs (1) through (5), respectively;

(7) redesignating subdivisions (a) and (b) of subsection (j), as redesignated, as paragraphs (1) and (2), respectively;

(8) striking ''subdivision (c) of paragraph (1)'' in subsection (c), as redesignated, and inserting ''subsection (a)(3)'';

(9) striking ''paragraph (2)'' in subsection (c), as redesignated, and inserting ''subsection (b)'';

(10) striking ''paragraph (1)(b)'' each place it appears and inserting ''subsection (a)(2)'';

(11) striking ''subdivision (b),'' in subsection (g)(4), as redesignated, and inserting ''paragraph (2),'';

(12) striking ''paragraph (9)(d)'' in subsection (j)(1), as redesignated, and inserting ''subsection (i)(4)''; and

(13) striking ''paragraph (7)(d) or (9)(b)'' in subsection (k), as redesignated, and inserting ''subsection (g)(4) or (i)(2)''.

SEC. 302. TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 89–777.—Sections 2 and 3 of the Act of November 6, 1966 (46 U.S.C. App. 817d and 817e) are amended by striking ''they in their discretion'' each place it appears and inserting ''it in its discretion''.

(b) TARIFF ACT OF 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

TITLE IV—CERTAIN LOAN GUARANTEES AND COMMITMENTS

SEC. 401. CERTAIN LOAN GUARANTEES AND COMMITMENTS.

(a) The Secretary of Transportation may not issue a guarantee or commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a liner vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) after the date of enactment of this Act unless the Chairman of the Federal Maritime Commission certifies that the operator of such vessel—

(1) has not been found by the Commission to have violated section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a), within the previous 5 years; and

(2) has not been found by the Commission to have committed a violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port within the previous 5 years.

(b) The Secretary of Commerce may not issue a guarantee or a commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a fishing vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) if the fishing vessel operator has been—

(1) held liable or liable in rem for a civil penalty pursuant to section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858) and not paid the penalty;

(2) found guilty of an offense pursuant to section 309 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859) and not paid the assessed fine or served the assessed sentence;

(3) held liable for a civil or criminal penalty pursuant to section 105 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375) and not paid the assessed fine or served the assessed sentence; or

(4) held liable for a civil penalty by the Coast Guard pursuant to title 33 or 46, United States Code, and not paid the assessed fine.

Mrs. HUTCHISON. Mr. President, S. 414 is my bill that was passed by the Senate. It was passed by the House. It is now back in the conference, and there will be an amendment.

American ports and carriers are disadvantaged by current laws that require all contracts to be public. To avoid this, shippers who conveniently can, will ship out of foreign ports in nearby Canada and Mexico to avoid this. U.S. ports are bypassed and the U.S. carriers lose business because only U.S. companies have to reveal their ocean transportation costs. This permits their foreign competition to undercut our shippers.

Recent economic problems in Asia will increase pressure in those countries to increase their exports. Therefore, S. 414 will be even more important as our shippers meet the heightened competitive challenge.

S. 414 attempts to level the playing field between U.S. companies which export and their foreign competitors.

This bill will encourage greater competition among carriers. It will provide American exporters and importers with greater choice in obtaining ocean transportation services, and promote more ocean shipping activity for our carriers and our ports.

In providing our shippers with this important reform, we have still attempted to preserve anti-discrimination provisions in current law and the elements of our current ''transparent'' system that protect our ports, smaller shippers and U.S. workers. This bill balances the need to have enough transparency to assure fair pricing with contract privacy.

Our shippers say they want more flexibility in dealing with their ocean carriers, and the ability to go outside the traditional tariff system and conference structure. We've provided this needed confidentiality, but balanced it with protections for ports and U.S. dock workers who seek information on the movement of commodities to protect their competitive position.

Ninety-five percent of U.S. foreign commerce is transported via ocean shipping. Half of this trade, which is carried by container liner vessels with scheduled service and is regulated under the Shipping Act of 1984, is affected by these reforms. This bill represents the first major reform of this critical industry in a decade, and the most significant change to the underlying statute since 1984.

Mr. President, I am proud to have worked with the distinguished Majority Leader and colleagues from both sides of the aisle to pass this important legislation.

I would like to commend, in addition to the Majority Leader, the ranking member of the full Commerce Committee, Senator HOLLINGS, the ranking member of the Surface Transportation and Merchant Marine Subcommittee, Senator INOUYE, and my colleague from Louisiana, Senator BREAUX, for their hard work in putting together meaningful legislation that we're passing today.

I am very pleased we have now worked this important bill out. I think it will certainly help our economy.

I ask unanimous consent the Senate concur in the amendment of the House.

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

Mr. LOTT. Mr. President, I rise to acknowledge today's passage of the Ocean Shipping Reform Act. This action sets America's maritime industry on the right course. It increases competition for U.S. exporters by allowing America's exporters to compete on a level playing field with foreign entities. It has been fourteen years since Congress tackled comprehensive ocean shipping reform for the commercial sector. Since most of the world's commerce travels by sea, and the industry has changed so much during that period, additional reform is long since overdue. This legislation will update, revise, and improve upon the Shipping Act of 1984. It ensures fairness for U.S. carriers and shippers by modernizing America's ocean shipping regulatory system.

The Ocean Shipping Reform Act represents true compromise. This legislative effort brought together many divergent interests—parties who often do not agree with one another. As my colleagues can attest to, achieving mutually beneficial reform was not an easy task. The process was difficult and sometimes arduous. It was, however, a necessary and important legislative journey for our nation's ocean shipping industry. In the end, all affected parties rolled-up their sleeves and worked hard to develop an equitable solution. The result is a consensus bill that received the solid backing of all industry segments including U.S. shippers, American and foreign ocean carriers, ports nation-wide, and U.S. labor. The 105th Congress' passage of this compromise measure represents a milestone in maritime policy. Everyone involved can be proud of this significant accomplishment.

I would like to take this opportunity to express my thanks to the many individuals from industry and labor who participated in this endeavor. I also want to congratulate the many Senators and staff who worked on this bill.

I particularly want to express my gratitude to Senator MCCAIN, Senator KAY BAILEY HUTCHISON and Senator GORTON who worked diligently to deliver to the U.S. shipping industry and to all Americans real maritime reform. I also want to recognize the efforts of Chairman SHUSTER of the House Committee on Transportation and Infrastructure who spearheaded this reform effort in the House of Representatives.

Mr. President, the Ocean Shipping Reform Act of 1998 focuses on the needs of America's small, medium, and large shippers, carriers, U.S. ports, and on our nation's dock workers. It will ensure that the collective power of some industry elements will not be allowed to abuse other industry segments. The bill provides protection for small ports and small shippers through increased competition among shipping lines for export and import cargoes. It allows shipping lines and their customers to negotiate volume discount arrangements through the signing of confidential service contracts for transportation services without first obtaining the blessing of the shipping line conferences. This legislation gives shippers greater ability to shop around for the best rates and service from the carriers of their choice. Additionally, the bill continues current filing requirements for service contracts to provide continued FMC oversight of common carrier activities.

This legislation will retain common carrier tariff publication and enforcement while eliminating the requirement to file tariffs with the government. Common carriers would be able to take advantage of available modern technology by using a World Wide Web home page or an electronic bulletin board to satisfy the tariff publication requirement. This just makes common sense. It reduces the cost of doing business while maintaining protections for small shippers. The wide availability of competitive price and service information will make for a better informed shipping consumer.

The Ocean Shipping Reform Act of 1998 does much to ensure that America's presence in the shipping industry is not subjected to unfair foreign rules or discriminatory practices. The FMC's enforcement actions taken against unfair port practices in Japan illustrates the essential and unique mission that this agency performs. Even more recently, issues concerning Brazil and China have come on their radar screen. This is a function that will continue, a mission that I wholeheartedly support.

This legislation will significantly change the regulatory framework governing ocean transportation. It increases shipper and carrier flexibility and competitive options, ensures tariff accuracy and fairness, produces government efficiencies and provides genuine reform to protect American interests. These changes will strengthen the ability of common carriers to market their services and makes America's shippers more competitive. The Ocean Shipping Reform Act of 1998 makes sense for American businesses and consumers alike. It will help sustain a strong and vibrant American maritime industry—fostering economic growth and enhancing our national security for years to come.

Mr. MCCAIN. Mr. President, today I rise to praise the Senate for the final passage of S. 414, the Ocean Shipping Reform Act of 1998, and to clarify the legislative history of the bill with the Senator from Texas, who authorized the bill.

On April 21, 1998, the Senate first adopted S. 414. In her statement providing legislative history for the bill, the Senator from Texas identified a need to resolve the requirement for Federal agencies, including those in the Department of Defense, to ensure U.S.-flag ocean common carrier compliance with cargo preference law requirements concerning shipping rates with the new confidential service contracting regime authorized by S. 414., At that time, my colleague encouraged the Federal Maritime Commission to work with other Federal agencies to address this concern.

I'd like to ask the Senator from Texas to clarify the ability of the FMC to share confidential service contract rate and service information with other Federal agencies to ensure that U.S.-flag shipping rates for preference cargo shipments meet statutory requirements.

Mrs. HUTCHISON. Mr. President, I want to thank the distinguished Chairman of the Commerce Committee for raising this issue. The General Counsel of the FMC, in a recent written response to an inquiry on this issue with respect to the Department of Defense, stated:

> I have no doubt that we will be able to develop an intragovernmental system for providing the DOD with the pricing and service information it needs to effectively execute its mission, within the framework of S. 414. If we determine that technical legislative corrections would aid this process, we will no doubt make such recommendations jointly. At this time, however, I do not believe that any additional amendments to the bill are necessary to meet your concerns for the Department.

Mr. President, I want to make it clear that the FMC is authorized to share with another Federal agency service contract information that parties of the service contract have legally decided to protect from public disclosure in order to enable that Federal agency to ensure the compliance of U.S.-flag ocean common carriers with cargo preference law shipping rate requirements. Of course, that confidential service contract information would remain protected from disclosure to the public consistent with the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998, and other applicable Federal laws.

Mr. MCCAIN. Mr. President, I'd like to thank my colleague from Texas for clarifying this issue. Also, I'd like to complement her on her efforts to protect the interests of the Department of Defense, other Federal agencies, and American taxpayers while reforming the ocean liner transportation system in a manner that encourages greater competition. The Ocean Shipping Reform Act of 1998 is a thoroughly crafted piece of legislation that required hard work by her and many others for more than 3 years. It is a worthy accomplishment for the 106th Congress.

RECOGNIZING ACCOMPLISHMENTS OF INSPECTORS GENERAL

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 58, introduced earlier today by Senators GLENN, THOMPSON, COLLINS, and others.

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

The clerk will report.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 58) recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse and mismanagement, and in promoting economy, efficiency and effectiveness in the Federal Government.

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

There being no objection, the Senate proceeded to consider the joint resolution.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. GLENN. Mr. President, I rise today to introduce a joint resolution commemorating the Inspector General Act in the year of its 20th anniversary. The Governmental Affairs Committee, on which I serve as Ranking Minority Member, has a long and bipartisan history with the IG community. In fact, I am very proud that I was an original sponsor of the IG Act and author of the 1988 amendments, both of which have played a major role in making our government function more efficiently, effectively, and with greater trust and confidence on the part of the American people. So, it is fitting that the Senate and House note this anniversary.

Throughout government, IGs have had tremendous success. I note just some of these accomplishments as follows, from the latest (1996) PCIE report:

> Inspector General (IG) investigations led to $1.5 billion in ''recoveries'' in 1995. (This is money which has been recovered by the Government from people who have attempted to defraud it). In addition, based on IG recommendations, agency managers agreed to cancel, or seek reimbursements of, $2.3 billion from contractors or grantees in 1995. Also based on IG recommendations, managers changed how they planned to spend $10.4 billion to maximize return on the Federal dollar. Overall, between 1981–1994, IG's reported $340 billion in recoveries & funds put to better use from their efforts.
>
> In addition to IG work on program improvements, and the figures cited above, the report compiles other important IG accomplishments from FY 1995: $26.8 billion in recommendations that funds be put to better

use; $7.2 billion in questioned costs; 14,122 successful prosecutions; 2,405 personnel actions; and 4,234 suspensions and debarments of persons or firms doing business with the Government.

These facts suggest that IGs are doing the job we intended them to do, in spite of the fact that they are operating in a very difficult and more complex environment. The data also support the fact that the IG's first responsibility continues to be program and fiscal integrity; they are not ''tools'' of management. Even though, in this day and age, IGs need to make themselves ''relevant'' to both Congress and the agency, they first must help to make good programs work better, target those most vulnerable to waste and fraud, and help achieve savings wherever they can find them. The record proves this is clearly what the IG's have been about.

The progress I have mentioned is particularly important since, if anything, the IG's role has only become more difficult in a new political culture dedicated to improving management. With the passage of the CFO Act, the Government Management Reform Act (GMRA), and the Government Performance and Results Act (GPRA), IGs have inherited some new authority and some new duties. They now have some responsibility to ensure that we have accurate, reliable, and complete financial information on which to base our policy decisions and, down the road, which measure how well each program achieves its goal and at what actual cost. In that context, IGs have a unique role in helping to solve management problems throughout the federal government. The test of their success in this new mission is much like the one applied to their old one and—as I have indicated—the measure of their success is already evident.

As I approach my last months as a United States Senator, I look back with great pride on the accomplishments we have made so far among the more than 60 statutory IGs. I am the first one to admit that the IGs do not function perfectly. In fact, any government operation can always stand improvement. But I strongly believe that we now have in place a fair, effective, and useful—if partial—solution to some very serious management problems in government. To me, this represents a singularly important success for the Congress and the American people, and one upon which I am hopeful we will continue to build into the 21st century and beyond.

I hope all Senators will join me in supporting this important resolution.●

Mrs. HUTCHISON. I ask unanimous consent that the joint resolution be read three times and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read in the appropriate place.

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

The joint resolution (S.J. Res. 58) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 58

Whereas the Inspector General Act of 1978 (5 U.S.C. App.) was signed into law on October 12, 1978, with overwhelming bipartisan support;

Whereas Inspectors General now exist in the 27 largest executive agencies and in 30 other designated Federal entities;

Whereas Inspectors General serve the American taxpayer by promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Federal Government;

Whereas Inspectors General conduct and supervise audits and investigations to both prevent and detect waste, fraud and abuse in the programs and operations of the Federal Government;

Whereas Inspectors General make Congress and agency heads aware, through semiannual reports and other activities, of problems and deficiencies relating to the administration of programs and operations of the Federal Government;

Whereas Inspectors General work with Congress and agency heads to recommend policies to promote economy and efficiency in the administration of, or preventing and detecting waste, fraud and abuse in, the programs and operations of the Federal Government;

Whereas Inspectors General receive and investigate information from Federal employees and other dedicated citizens regarding the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to public health and safety;

Whereas Inspector General actions result in, on a yearly basis, recommendations for several billions of dollars to be spent more effectively; thousands of successful criminal prosecutions; hundreds of millions of dollars returned to the United States Treasury through investigative recoveries; and the suspension and disbarment of thousands of individuals or entities from doing business with the Government;

Whereas for 20 years the Offices of Inspectors General have worked with Congress to facilitate the exercise of effective legislative oversight to improve the programs and operations of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the many accomplishments of the Offices of Inspectors General in preventing and detecting waste, fraud, and abuse in the Federal Government;

(2) commends the Offices of Inspectors General and their employees for the dedication and professionalism displayed in the performance of their duties; and

(3) reaffirms the role of Inspectors General in promoting economy, efficiency and effectiveness in the administration of the programs and operations of the Federal Government.

MEASURE READ FOR THE FIRST TIME—S.J. RES. 59

Mrs. HUTCHISON. Mr. President, I understand that Senate Joint Resolution 59 which was introduced by Senator GRAMM of Texas is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution for the first time.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 59) to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance.

Mrs. HUTCHISON. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The resolution will be read the second time on the next legislative day.

COMMISSION ON THE ADVANCEMENT OF WOMEN AND MINORITIES IN SCIENCE, ENGINEERING, AND TECHNOLOGY DEVELOPMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3007, which was received from the House.

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

The clerk will report.

A bill (H.R. 3007) to establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the bill be considered read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the appropriate place in the RECORD.

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

The bill (H.R. 3007) was considered read the third time, and passed.

MAKING TECHNICAL CORRECTIONS IN LAWS RELATING TO NATIVE AMERICANS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4068, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4068) to make certain technical corrections in laws relating to Native Americans, and for other purposes.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 4068) was considered read the third time, and passed.

ORDERS FOR FRIDAY, OCTOBER 2, 1998

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, October 2. I further ask that when the Senate reconvenes on Friday, immediately following the prayer, the Journal of the proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin consideration of S. 442, the Internet Tax Bill, under the consent agreement of September 30.

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

ORDER FOR CLOTURE VOTE ON MOTION TO PROCEED TO H.R. 10

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to H.R. 10 occur at 5:30 p.m. Monday, October 5.

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

PROGRAM

Mrs. HUTCHISON. Mr. President, for the information of all Senators, when the Senate reconvenes on Friday, the pending business will be the Internet Tax Bill. An agreement has been reached on that bill allowing for relevant amendments, with the addition of a Bumpers amendment regarding catalog sales. Rollcall votes are expected during Friday's session on or in relation to amendments offered to the Internet bill, or possibly an executive nomination. In either case, the first rollcall vote on Friday's session will occur by 10:30 a.m.

Members are reminded that a cloture motion was filed today on the motion to proceed to H.R. 10, the Financial Services Bill. That vote will occur at 5:30 p.m. on Monday, October 5. Also during Monday's session, the Senate may consider any available appropriations conference reports, including the Agriculture, HUD, and Treasury/Postal bills. Therefore, further votes could occur following the 5:30 cloture vote.

ORDER FOR ADJOURNMENT

Mrs. HUTCHISON. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks of Senator SESSIONS.

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

FIRST BALANCED BUDGET IN 30 YEARS

Mr. SESSIONS. Mr. President, I would also like to offer remarks that I have prepared as we celebrate today the first balanced budget in 30 years. I had occasion to be elected to the Senate on a number of issues, but none more important than a commitment to work for that goal just 2 years ago.

I remember when I first got here, Secretary of Treasury Rubin was testifying before the Judiciary Committee on the question of whether we needed a balanced budget constitutional amendment that would mandate that we balance the budget. He said we did not. He said they had a plan that would balance the budget by 2002.

I was new. I had been told that Secretary Rubin was quite a skillful witness and that I should be careful. I said, ''Mr. Secretary, that is a nice promise you made. But the truth is you won't be here in 2002 as Secretary of the Treasury, will you?'' Without hesitating, he said, ''Well, I haven't talked to the Vice President yet.'' But I was left with a thought that, well, President Clinton would not be here constitutionally as President past his two full terms, and that he could not make a promise that we could balance the budget long after he left office.

So I just say that to say that less than 2 years ago there was great doubt in our country and among our public policy leaders that we would, in fact, be able to balance the budget.

This Congress has stepped forward and has made some tough decisions. It has worked with the administration. It has put caps on spending that are holding. And we have now produced a balanced budget amendment with maybe a $70 billion surplus.

When I traveled across the state two years ago during my campaign for the Senate, I learned that foremost in the minds of Alabamians regarding the future of our country was the economic legacy we as taxpayers were creating for our children. At the time, that legacy meant budget deficits as far as the eye could see. I believe that part of the reason why I was elected to the Senate was because of my promise to change that legacy by supporting a balanced budget, and to do so by cutting spending and eliminating fraud and abuse.

Today, I am proud to witness as a Member of Congress, the first balanced budget in thirty years. It is an historic event much as Neil Armstrong's first steps taken on the Moon in 1969—the last year there was no budget deficit.

As a result of this achievement, the American taxpayer is enjoying historically low interest rates on mortgages, car loans, and students loans. Those who could only dream of buying a home are becoming homeowners. Automobiles are more affordable than ever. And students with college loans are finding the burden of their debt lessened as they graduate and enter the workforce.

Businesses are benefitting as well. Lower interest rates mean more money to invest in capital, and expanded capital means more jobs. The unemployment rate is at an historic low of 4.5 percent. The effects of this tight labor market combined with such low interest rates has meant returns to workers in the form of higher wages. Indeed, income for the typical American household rose at nearly twice the rate of inflation in 1997.

There are many people that deserve credit for this historic achievement, but none more than the American people. It is the American people that created a mandate for a balanced budget by electing those of us to office who would make it their number one priority to put the country's books in the black. I am proud to be part of that mandate. It is a Republican Congress who responded to this mandate by producing a balanced budget and doing it ahead of schedule. If this responsibility had been left to the President, today we would have a $196 billion deficit, which he called for in his 1996 budget.

But it is not enough to balance the budget just once. Now that we have achieved a balance, we need to maintain it. Interest rates don't respond to what the deficit is today. They respond to what people think the deficit is going to be in the future, and big hurdles remain before a future of balanced budgets can be assured. Today, we begin a new fiscal year with a surplus of $63 billion. Yet, hard choices regarding spending must still be made in order to preserve Social Security and Medicare, as well as cut taxes in order to keep the economy and families strong.

It is a time to celebrate, and I think we should pause and be grateful.

I thank the Chair. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Whereupon, the Senate, at 6:58 p.m., adjourned until Friday, October 2, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 1998:

NATIONAL CONSUMER COOPERATIVE BANK

HARRY J. BOWIE, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE TONY SCALLON, TERM EXPIRED.

SMALL BUSINESS ADMINISTRATION

PHYLLIS K. FONG, OF MARYLAND, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE JAMES F. HOOBLER.

EXTENSIONS OF REMARKS

TRIBUTE TO MARK MCGWIRE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. DREIER. Mr. Speaker, at a time when America needed a distraction from Washington scandals, hurricanes, and global economic crises, St. Louis Cardinals first baseman Mark McGwire lifted our spirits and made us forget our troubles. For his achievements on and off the baseball field, Mark McGwire deserves our praise and admiration. We all share in the pride felt by his parents, Dr. John and Ginger McGwire, who were long time residents of Claremont, California.

The people of California feel a special bond with this son of the San Gabriel Valley. Born in Pomona and raised in Claremont, McGwire graduated from Damien High School where he was recruited by the University of Southern California as a pitcher. At USC, McGwire gave up pitching to become an everyday player. Like Babe Ruth, McGwire has become one of the most feared hitters in the major league. This year, his 70 home runs shattered the 37-year-old mark set by Roger Maris. McGwire also had a .752 slugging average, the highest average since 1927. He had 162 walks, which is the second most intentional walks in a season. To put that in perspective, in 1961 Roger Maris drew only 94 walks and never received an intentional walk.

Besides his accomplishments on the baseball diamond, McGwire is an all-star off the field. He is a devoted father, and the images of him hugging his son, Matt, after home run #62 brought tears to many eyes. In 1987, McGwire had a chance to lead the American League in home runs as a rookie, but instead he sat out the end of the season to be there for his son's birth. His love for children is extraordinary. Last year, McGwire pledged $3 million to his foundation which helps sexually abused children. While in Oakland, he regularly wore wristbands with the pictures of missing children so viewers could see them on television. After awarding McGwire with their Sportsman of the Year award last year, The Sporting News President James Nuckols appropriately commented, ''the quantity and sheer power of Mark's home runs have put him in a class of his own, but his moving example of selflessness and loyalty have made him equally unique.''

Baseball historians may view Mark McGwire's legacy as the greatest home run hitter of all time. McGwire has hit a home run every 11.3 at bats, which is the lowest ratio by a major leaguer—lower than Hank Aaron, Babe Ruth, Willie Mays, and Harmon Killebrew. Or, his legacy may be this year's 70 home runs which may never be surpassed. However, Mr. Speaker, I believe McGwire's legacy should be the tremendous inspiration that he provides. As he described in a recent interview, ''for all the bad things that are going on in the world, for a short period of time, [I was] putting a lot of smiles on people's faces.'' To be sure, Mark McGwire has been an inspiration to all of us. He is the pride of the San Gabriel Valley.

COMMEMORATING RINGWOOD MANOR

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to call attention to Ringwood Manor, an historic home in Ringwood, New Jersey, that has come to be a symbol of the area's unique heritage and history. I would also like to offer my congratulations to the Ringwood Women's Club and the Friends of Ringwood Manor, two civic organizations that have helped preserve Ringwood Manor and keep it open to the public as an historic site. Their initiative and leadership have made them role models for the nation.

An elegant, 51-room mansion at the center of a 33,000-acre estate in Passaic County, Ringwood Manor served for two centuries as the home of the owners of the iron mines that were once the focus of the region's economy. Those huge mining operations made Ringwood the center of munitions production for U.S. forces in every major armed conflict from the French and Indian Wars to World War I. Ringwood Manor and the surrounding town of Ringwood have a place in our national history that should be recognized. The mines are gone but Ringwood Manor still stands, reminding residents of the area and tourists alike of Ringwood's place in history.

Established in 1740, Ringwood was a center of iron making and munitions making from Colonial days. Three ironmasters oversaw the bustling operations over the years leading up to the Revolutionary War but the last, Robert Erskine, was destined to play a major role in the creation of the United States. Erskine had run the Ringwood mines for seven years when, in 1777, General George Washington appointed him as Georgrapher and Surveyor General of the Continential Army. In this important role as our nation's army's first geographer, he and his staff produced nearly 300 highly detailed maps. These maps played a major role in leading the colonies' troops to victory over the British. The Robert Erskine Militia performs ceremonial functions in modern-day Ringwood as a tribute to this early prominent citizen.

The next prominent head of the mines was Martin J. Ryerson, who built the original portions of the existing manor house in 1807. (The original manor house burned in 1742.) Ryerson, who built a three-story home of 10 rooms decorated in Federal style, left Ringwood Manor to his sons. They, in turn, sold the house and surrounding 33,000 acres to Peter Cooper in 1854 for $100,000. Cooper and his business partner, Abram S. Hewitt, operated 32 working mines as Cooper Hewitt and Co.—and were two of the most important industrialists who transformed our nation's economy during the 19th Century.

In 1855, Hewitt married Cooper's daughter and the couple made Ringwood Manor their country home. Between 1864 and 1879, they greatly expanded the house, bringing it to a total of 51 rooms. Included were 28 bedrooms, 24 fireplaces, 13 bathrooms and 250 windows.

The Hewitts left the house to their children, who donated it to the State of New Jersey in 1936. The state opened the home to the public in 1939.

The present structures standing at Ringwood Manor reflect the period from 1854 to 1936, when the Hewitt family lived there. Among the many unusual features are gardens inspired by the grounds of the Palace of Versailles.

Ringwood Manor has been preserved and kept open to the public through the efforts of two private civic organizations in addition to the State of New Jersey—the Ringwood Women's Club and the Friends of Ringwood Manor. Ringwood Manor is one of the many projects undertaken by the Women's Club, which also works closely with the Ringwood Public Library, local schools and projects such as planting flowers at local shopping centers. The Friends of Ringwood Manor provide a wide variety of volunteer services at the Manor, from gardening to administration. Both these organizations deserve our thanks.

Mr. Speaker, I would like to ask our colleagues here in the U.S. House of Representatives to join me in congratulating Ringwood Manor and these outstanding community leaders for this important contribution to maintaining the history of our great nation. As U.S. Supreme Court Justice Oliver Wendell Holmes, Jr. wrote in New York Trust Co. v. Eisner, ''A page of history is worth a volume of logic.''

SOUND ADVICE FROM AN ALLY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. HAMILTON. Mr. Speaker, I recently received a letter from the South Korean Minister of Foreign Affairs and Trade, Hong Soon-young, in which he asks for the support of the U.S. Congress as his country seeks to manage the difficult relationship with North Korea.

Minister Hong specifically asks for the continued backing of the U.S. Congress for the South's policy of engagement with the North. He also notes that the 1994 Geneva Framework Agreement, while not perfect, has played ''an effective and useful role'' in dealing with the challenge posed by North Korea's nuclear weapons program.

In perhaps the letter's key sentence, he requests that the House of Representatives continue to support implementation of this agreement so as to give the North no excuse for backing out of its obligations under the accord.

Mr. Speaker, we hear much these days about the need to work closely with our friends and allies in South Korea. Here is a concrete request from Seoul. If the idea of working in cooperation with South Korea has any meaning at all, then I don't see how we have any choice but to honor Minister Hong's request that we not sabotage the Agreed Framework.

I submit Minister Hong's letter to the CONGRESSIONAL RECORD, so that other Members may have the benefit of his views.

THE MINISTER OF FOREIGN AFFAIRS AND TRADE,
Seoul, Korea, September 16, 1998.

LEE HAMILTON,
Congressman, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HAMILTON. It was a great pleasure to meet you during my recent visit to the United States. In particular, I am very grateful for your kindness in attending the meeting I had at the U.S. House of Representatives. I found the discussions on the U.S.-Korea relationship as well as our policies toward north Korea to be very useful and informative.

As discussed during our meeting, I fully share with you and your colleagues the deep apprehension about north Korea's recent actions, such as the construction of underground facilities and the firing of a launcher.

However, we believe that the Geneva Framework Agreement, though not perfect, has played an effective and useful role in freezing north Korea's nuclear weapons program and thus maintaining peace and security of the Korean Peninsula and in Northeast Asia.

As we press north Korea to fully abide by its obligations under the Agreement, we should be careful not to give it any excuse to break the nuclear freeze. In this respect, the support of the U.S. House of Representatives for smooth implementation of the Agreement is most important.

At the same time, it is essential to draw north Korea to engage in genuine dialogue and exchanges with the Republic of Korea. Lasting peace and security on the Korean Peninsula can not be realized without talks between the parties directly concerned. We count on the continued assistance of the U.S. Congress for our engagement policy toward the north.

Once again, thanking you for your support and the warm hospitality extended to me during my visit to the United States, I wish you good health and success in all of your noble endeavors.

Sincerely,

HONG SOON-YOUNG.

IN REMEMBERANCE OF ROBERTA MURPHY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. GILMAN. Mr. Speaker, I rise to inform our colleagues of the passing earlier this week of one of the most remarkable public servants of our Hudson valley region in New York.

Roberta Murphy was one of a kind. Our local newspaper dubbed her ''the bulldog of Orange County'' and considering her tenacity and dedication to the public interest that description is certainly apt. Roberta was a deeply caring person, and at the same time was also a skilled political leader who knew how to get things done and how to accomplish the impossible.

Roberta Murphy was first elected to the Legislature of Orange County, NY, in 1977, the first woman ever elected to that body. It became obvious as the years went by that she was no mere follower or rubber stamp who went along with others. Rather, she was a trailblazer, willing and eager to lead. In 1993, she became the Chairman of the Legislature—the first woman in New York south of Albany to serve in that position. It was as Chairman that she became a household word throughout our region. Many of the vital projects important to our county, including the expansion of our courthouse, the resolution of our landfill problems, the need for a new jail, moved forward under her leadership after vexing others for so long.

Roberta Murphy was a member of the Monroe-Woodbury Board of Education even before entering county politics, and served a total of 20 years in that position, and the education of our young people remained her first love. She often would question me and my staff regarding our educational policies, reminding us of her firm belief that our local school boards know what is best for their students, and that it is the role of the Federal government to assist when appropriate, but never to dictate.

Governor George Pataki came to know Roberta well when he represented her home town in the State Assembly. When she passed on earlier this week at the age of 66, the Governor stated: ''Roberta was a tremendous personal friend and a woman of just tremendous courage.''

Perhaps the greatest demonstration of the affection with which Roberta was held by all is the fact that in both 1993 and 1997, her constituents reelected her by the largest margin of any of the 21 members in the Orange County Legislature.

Roberta's husband John, with whom she had a remarkable partnership, predeceased her by four and a half years. She is survived by their sons, Robert, John, and Steve. She was also a proud grandmother.

I invite our colleagues to join me in extending our sincerest condolences to Roberta's entire family, and to her countless friends and admirers. Hopefully, their grief will be somewhat tempered by the knowledge that Roberta Murphy was a truly unique individual who touched many lives and who dedicated her life to a better society for all of us.

Roberta will be long missed by all of us.

HONORING THE DISTINGUISHED CAREER OF DR. CLIFF GILLESPIE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. GORDON. Mr. Speaker, I rise today to recognize and commend the contributions Dr. George Clifford Gillespie, Jr. has made to Middle Tennessee State University (MTSU) and his community.

Dr. Gillespie is the Associate Vice President for Enrollment Management at Middle Tennessee State University. He is a native of Nashville and received his undergraduate and Masters degrees at MTSU. He also received a doctorate in College Administration from the George Peabody College at Vanderbilt University.

From 1975 to 1996, Dr. Gillespie held the position of Dean of Admissions, Records, and Information Systems at Middle Tennessee State. At the time of his appointment, he was the youngest person to hold such a position in the United States. From 1983 through 1986, Dr. Gillespie held the position of Secretary/Treasurer of the Executive Committee of the American Association of Collegiate Registrars and Admissions Officers. He has also been a presenter at the annual meeting of AACRAO on numerous occasions. In 1994, the National Collegiate Athletic Association (NCAA) appointed him Interassociation Representative.

Dr. Gillespie had the honor of being selected to serve on the Board of Trustees of ACT Inc. from 1998 to 2001 this year. Richard L. Ferguson, ACT President, said that ''during his six years as Tennessee Representative to the ACT Corp., Cliff Gillespie has consistently given thoughtful advice on ways ACT can enhance its educational services.''

Dr. Gillespie has done an exceptional job as Associate Vice President for Enrollment Management. Since his employment with the school in the early 70's, he has brought about many changes. Under Dr. Gillespie's leadership, enrollment has almost doubled. In addition, ACT average scores for the entering Freshmen at MTSU are above the national average and exceed the Tennessee tested population averages. He is truly a strong proponent of the institution.

Dr. Gillespie has also distinguished himself as the annual premier announcer for horse shows at the national and international level, including the Tennessee Walking Horse National Celebration at Shelbyville, TN and the International Championship Horse Show held at MTSU. His enthusiasm has earned him the distinction of being one of the best announcers in the country.

I would like to congratulate Dr. Gillespie on his stellar accomplishments. Additionally, I want to sincerely and personally thank Cliff, his wife, Gayle, and their children Matthew, Michael and Lauren for their contributions to Middle Tennessee State University and the Murfreesboro community.

CONGRATULATING THE NEWTON FIRE DEPARTMENT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Kittatinny Hose & Ladder Co. #1 and Steam Co. #1 on their 125th anniversary of service to the residents of Newton, New Jersey. These two companies of the Newton Fire Department will be honored for meritorious service during the Sussex County Fireman's Inspection Day Parade on Saturday, October 3, in Newton. The Newton Fire Department this year has the honor of hosting the parade, which honors the hard-working volunteer firefighters of the entire county.

Volunteer firefighters are among the most dedicated public servants in our communities. They set aside their own convenience—indeed, their own safety—to protect the lives and property of their neighbors and ask nothing in return. Volunteer firefighters turn out to

do their duty in the darkness of freezing winter nights and in the heat of suffocating summer days without hesitation. The officers and members of Kittatinny Hose & Ladder Co. #1 and Steam Co. #1—along with all members of the Newton Fire Department—deserve our gratitude and thanks.

Kittatinny Hose & Ladder Co. #1 and Steam Co. #1 were both incorporated in September 1873 and throughout their long and distinguished histories have protected both lives and property through the dedication and skill of their many volunteer members. Both have grown vastly in personnel, equipment and other resources over the years. Today, they are among the finest firefighting organizations in the State of New Jersey.

Both fire companies keep their heritage alive with lovingly maintained pieces of antique fire apparatus that show how far firefighting has come since the last century. Kittatinny Hose is the proud owner of an impressive 1849, four-wheel Hose Carriage, while Steamer Co. #1 owns a distinctive 1873 Clapp and Jones Steamer. Both will be on display in Saturday's parade.

Kittatinny Hose & Ladder Co. #1 and Steam Co. #1 have come a long way from the hand-pulled fire wagons of the 19th century. Today's state-of-the-art engines and high-tech equipment put Newton on par with any other fire department in the region. But it takes more than equipment and buildings to run a fire department. It takes dedicated, hard-working individuals willing to put the safety and property of their neighbors first. Kittatinny Hose & Ladder Co. #1 and Steam Co. #1 were founded 125 years ago on the principle of neighbors helping neighbors. That principle has made them a success and will continue to do so in the future.

I would like to ask my colleagues in the House to join me in congratulating Kittatinny Hose & Ladder Co. #1 and Steam Co. #1 on 125 years of meritorious service to the community and in paying tribute to their brave and dedicated firefighters past and present who have sacrificed personal safety in response to the needs of others. The Newton Fire Department and all members of all the fire departments of Sussex County deserve our deepest thanks for their work on the behalf of our community.

WHO'S WATCHING THE WATCHDOG INSPECTOR GENERAL OVERSIGHT COUNCIL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. TOWNS. Mr. Speaker, I rise today to introduce legislation to create an Inspector General Oversight Council.

1998 marks the twentieth anniversary of the creation of the Office of Inspector General. It was created to be an independent and objective investigative unit within an agency but not under the jurisdiction of that agency. My intention is not to change the independent nature of the office, but recent events involving the Inspector General's (IG) office have raised concerns about the necessity for oversight. Events such as:

A Treasury Department Deputy Assistant Inspector General asserted pressure for investigation of an IRS Deputy Commissioner about personal tax matters over which the IG has no jurisdiction. This came after a Senate hearing during which the Deputy IRS Commissioner apologized for IRS abuses of taxpayers.

A former Treasury IG resigned on the eve of the Senate Governmental Affairs Subcommittee on Investigations' release of a report criticizing the awarding of sole-source consulting contracts.

Despite concerns expressed by the Social Security Administration's Commissioner and employee groups, the SSA's IG planned arrest scenarios using SSA field offices to arrest wanted criminals, potentially endangering the public and field office personnel.

A series of skirmishes between the Secretary of HUD and IG of HUD caused Senator FRED THOMPSON (R–TN) to observe ". . . maybe we ought to try to get someone's attention over there . . ." (Washington Post, Sept. 9, 1998).

IGs have three principal responsibilities: to conduct and supervise audits and investigations; to combat fraud and promote efficiency; and to keep Congress and the agency head fully informed about problems and deficiencies. The original act did not anticipate the need to deal with arguments between the Secretary and IG of an agency, and provided no forum for the airing of grievances and input of impartial advice.

The bill I introduce today will create an Oversight Council to address concerns, such as those highlighted earlier, and recommend solutions to Inspector Generals. This would increase public confidence in the federal government by assuring that the Inspector General is held to standards of accountability and integrity while preserving the independent, nonpartisan role of the Inspector General. I urge my colleagues on both sides of the aisle to support this legislation to create an Inspector General Oversight Council.

THE NEED TO IMPROVE THE PALESTINIAN ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues the Dvar Torah sermon Leo Kramer gave at the Adas Israel Congregation on August 8, 1998. The sermon is entitled "The Palestinians: The Strangers amongst Us."

Leo Kramer is an international business consultant with strong ties to Israel, but also with a strong commitment to helping the Palestinians enhance their economy. He sees Palestinian economic advancement as a key Israeli and U.S. interest and as essential to promoting real and effective peace. He says "We need to change the facts. The facts of Palestinian poverty, lack of export access, lack of dignity and respect. Once the facts change, the attitudes will change". And peace will be promoted.

Leo Kramer's remarks follows:

"THE PALESTINIANS: THE STRANGERS AMONGST US"

(By Leo Kramer)

As Americans, as Jews, our commitment, our objective is clear—a secure Israel where Judaism thrives, the salvation of the Jewish people

This is only possible in a peaceful environment.

What has happened the last 50 years?

Where are we now?

The answers ethically and practically are in Torah. Morality leading to action guarantees results.

"Do that which is right and good" (Deuteronomy, Chapter VI, verse 18), page 772 of Hertz Chumash—second edition.

"To do them" (Deuteronomy Chapter IV verse 1), page 756.

Man must act. Not only believe.

Not declarations for peace,

Not excuses based on what is wrong with others,

But to do what is right and "to do" means to deliver on the ground, where people live.

And what is right in our treatment of the strangers is clear.

How to Treat the Strangers (The Palestinians):

1. "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt" (Exodus, Chapter 22, verse 20).

2. "And if a stranger sojourn with thee in your land, ye shall not do him wrong, The stranger that sojourneth with you shall be unto you as the home born among you, and thou shalt love him as thyself" (Leviticus Chapter, 19 verses 33–34).

3. "And I charged your Judges . . . Hear the causes between your brethren and judge righteously between the man and his brother and the stranger that is with him". (Deuteronomy Chapter IV verse 16).

The strangers amongst us, amongst our brethren, are the Palestinians.

And who are these Palestinians? Stereotypes don't work. Sometimes anecdotal history helps:

Ewan Clague, my colleague, no longer with us, who served four presidents and was the head of the Bureau of Labor Statistics, taught me, "If your eyes differ with data, believe your eyes."

Let me tell you what my eyes have seen and what my ears have heard.

A. When I last was in Amman, people remembered my first visit. Yes, I said, five years ago. No, they said eight.

That was the beginning of this mission taking the road less traveled. And as Robert Frost wrote. . . . "that has made all the difference."

When Israel agreed at that time with the European Community on the unrestricted shipment of Palestinian goods to Europe, Israeli leadership asked me to help the Palestinians because they were sure that economic problems would follow.

Sometime later my wife and I were invited to a New Year's Eve party in Amman.

On arrival, we found ourselves meeting with Palestinians who also asked for the same help.

Israelis and Palestinians requesting the same positive help started me on this less traveled road.

B. Soon I found myself setting in a packing house in Gaza. Present were fathers and sons, brothers and uncles and nephews and soon I wondered why they all have the familiar American accent. I asked how come and where they were educated. I found they went to college in Michigan, Tennessee and Arizona.

C. And some time later an orthodox Jew in New York says, "Leo, you must explain to the Palestinians the effect and meaning of Passover. And he prepared an excellent summary for them which I delivered. Not long thereafter, I find myself sitting with the Palestinians in Gaza, explaining Passover. They say they don't get it.

And I explained Passover again and they don't see the significance I am about to give

up when a leader of the political Palestinian movement, Fatah, shouts out, ''You mean Pesach, Leo!''

Not our stereotypical view of the Palestinians—but real!

Do these stories sound like the teaching of these last 50 years? Not at all!

What has been our education leading to orientation and attitude?

Fear and hate have been used to squeeze money out of us. And in the process no distinction was made between: all Arabs and Palestinians, and Palestinians in Israel, and Palestinians across the green line.

And there is a world of difference between the groups.

We were told if we do not contribute, our brethren will be thrown into the sea and to prove it, let us tell you how evil are the Palestinians. The image stuck.

Was fundraising now a substitute for religion and Torah and we gave and did not notice the world was changing?

The Torah does not say, ''Do that which is right'' only to those you like and admire. However, it is clear if you do what is right, you will reduce the arena from which terrorists are recruited.

Torah teaching—practical solution.

These 50 years we kept our views and did not notice changes.

We must not confuse security with terrorism. Did Israel not win every war? And is not Israel's military partner, the USA, the only real power by far, not only in the Middle East, but in the world? Are we not proud of Israel's might?

And the Palestinians? No army, no F–16s, no MI tanks—no U.S. military alliance. The Palestinians have been a beaten people—their life has been in part determined by Jews. In such a circumstance, how does our religion tell us to behave?

What I am saying would be the same during Rabin's days, during Peres' days, during Netanyahu's days. My statement before the U.S. Senate Subcommittee on Near Eastern and South Asian Affairs, at the Capitol, Thursday, July 13, 1995.

In part: Some years ago I came to the conclusion that the critical element essential to achieve peace in the Middle East was the economic well being and the dignity of the Palestinian people. And this was in the interest of Israel and the Jewish people.

Who has the power to make these critical changes and improvements? Not the Palestinians, not the PLO and not the PNA (Palestinian National Authority).

The resources, the power, and the controls in these critical areas lie with the West, the donor nations, the United States and Israel.

Until these matters are adequately addressed, there can be no lasting peace.

If they are not addressed, we will not stop this generation's hate from being passed on to the next generation and the children will be fighting each other. We must now allow this to happen.

The state of Israel and the well-being of its people are not threatened by a Palestinian Army, Air Force or Navy. They are not a security threat to the nation of Israel.

Some equate terrorism to a security threat. That in turn is used to delay economic liberation of the Palestinian people which, if not achieved, will guarantee that the children of this generation will still be at war. We cannot allow that. Yes, we must stop terrorism but how?

Economic deprivation will breed further terrorism. Raising the economic standard gives us hope.

I was proud to be appointed to participate in the peace signing in Cairo. I heard my government announce that without economic progress on the ground, peace is a risk. I agreed then and I agree now, Palestinians are still waiting for that delivery. We can no longer delay.

I have heard over and over again the Israeli pronouncement that the well being of the Palestinians is in their interest. I agree.

Hurts of the past must not be excuses for continuing hurts into the future.

Free passage of goods, open markets, investments and reliability of American commitment will produce prosperity and peace in the region.

Four conditions are needed, which are interdependent:

1. Reliable access to crossing borders for export.
2. The opening of overseas markets.
3. Private sector investment funds, i.e., perhaps $100 million from the American side to challenge the Palestinians to provide another $100 million to support and give confidence to the private sector for medium size investment based on reliable border crossings and open markets and long term commitments. Then we will see the capability of the Palestinians, the development, more effective use of our aid money.
4. A U.S. participation that is dependable and firm in the peace process, via the Middle-East Peace Facilitation Act.

True eight years ago. True three years ago. True today!

Recent conclusion by Ha'aretz (Israeli newspaper):

''Exports from the territories to overseas markets are still hamstrung by a seemingly infinite number of bureaucratic hurdles that pose under the guise of ''security consideration'' and which are forcing Palestinian manufacturers to export their products via Israeli companies. The atmosphere of political uncertainty is dissuading potential investors from sinking funds into the Palestinian economy's manufacturing sector.

It is therefore not in the least surprising that, in this unhealthy economic climate, wages on the West Bank and in Gaza have dropped.''

How can you earn a living if you cannot get what you produce to market at a proper price?

The reality! What are we doing? What should we do?

There is not a single Jewish organization, not one contributing in any way to peace process. There is fundraising using the word ''Peace'' but delivering nothing—nothing on the ground, nothing across the green line. And without a proper peace, there can be no Jewish life in Israel. Not a single Jewish based organization in Washington (or any in the US or the UK—find them) is contributing one penny to peace on the ground—not one penny across the green line. Funding projects in Israel proper is fine, but if we ignore what is happening beyond the green line how are we truly contributing to peace?

Why?

Who knows?

Is 50-year education too difficult to change?

Does fundraising without commitment pay off?

Commitment to the moral and practical teaching of the Torah will pay off—will bring peace.

What must we Jews do now? The salvation of our people is at stake. We must not focus on what is wrong with others. That is no excuse! What to do? We must perform on the ground, the only way to reduce terrorism.

Contribute to those organizations that can demonstrate to your without any, ifs ands and buts that money is resulting in a better health, a better life, a better education on the other side of the Green Line for the Palestinian people.

This is where the urgent need is. That is what the Torah commands us to do.

If we are talking about peace, we must address the well being of the Palestinian people on the other side of the Green Line.

We have no time for do-good conferences. We have no time for pleasantries. We must do things that improve the well being of the ''strangers'' amongst us, those on the other side of the Green Line. We have no time to wait to change attitudes. We need to change the facts. The facts of Palestinian poverty, lack of export access, lack of dignity and respect. Once the facts change, the attitudes will change.

A leader of Egypt asked me why the Palestinian oranges at Ashdod are crushed and I said I did not know. And he said, ''They are your cousins, Leo, and you must find out.''

I met with the appropriate military authority. They asked do you want an investigation? And I said no. Do I want sensitivity training through various international funds? No. Then what do you want?

We must appoint a person to be responsible, a colonel who need not like the Palestinians, who has the assignment to see that their products get on the ship undamaged so that they arrive in good shape for the customers. And the colonel will do so if he knows the price of failure, dishonorable discharge and loss of pension.

He will then do the job, his children will see that it works, and his grandchildren will live in a better world. First change the facts, Do that which is right and good, then the people will learn and attitudes will change.

Do that which is right and good and peace will follow.

There is a program for the improvement of health, fortunately without great publicity and political involvement, with Canadian, Jordanian, Israeli and Palestinian doctors cooperating to improve the health of the people on the ground.

I mandate them, no declarations of love, no press releases that you are for peace, but if you do not improve the well being of the people, we will cut you off.

Results, real results for people on the ground is what we must do. We must solve the problem of goods crossing borders so they can get to market and people will then invest and create jobs. Therefore we must prepare them by training and education. A group of visionaries are planning to build a college, an industrial college in Gaza. If you think about it, you will find other ways and other projects to deliver results on the ground. Just follow the Torah. Do what is right for practical results.

Not conferences, not teas, but delivering improvements on the ground. Do what is right and peace will follow. Jews will win militarily. But if they win in the wrong way, their children and grandchildren will be at war.

The Torah makes it clear, do what is right, perform on the ground. The ground is the territory in which the strangers live, the Palestinians. If we do so, there will be peace and Jews and Judaism will prosper.

To help the Palestians is to help Israel.

TRIBUTE TO VERNON H. RICKS, JR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. CLAY. Mr. Speaker, I am pleased to commend Mr. Vernon H. Ricks, Jr. on the occasion of his retirement from the Xerox Corporation. Wednesday, September 30, 1998 marked the end of Vernon's remarkable thirty-

three year career with one of the world's leading corporations. In recognition of his exemplary years of service with Xerox, as well as his contributions to his community, it is a pleasure to highlight just a few of his many achievements with my colleagues here today.

Vernon began his career with Xerox as an entry level technician. He honed his skills in several critical management areas and rose to become the manager of field services. Throughout his career, he has devoted his time to serving as a mentor to many young, aspiring African Americans within the Xerox family. His selfless contributions led to his appointment to the corporation's Affirmative Action Development Task Force. From that position, Vernon went on to become the Founding Member of the Xerox ''Corporate Few,'' the organization of Xerox's African American corporate executives.

Vernon's concern for equal opportunity and community involvement extended far beyond the confines of the Xerox Corporation. He has served as a member of the Congressional Black Caucus Corporate Braintrust; executive director of the Federation of Corporation Professionals; the Montgomery County, Maryland Sensitivity Task Force, and the Montgomery County, Maryland Police Community Relations Task Force.

Vernon Ricks' civic involvement has also been impressive. From 1972–1980 he was a councilman on the Takoma Park, Maryland City Council and from 1980–82 he served as Mayor Pro-Tem of Takoma Park. In addition, he has been a member of the Maryland Municipal League, the National League of Cities and a regional director of the National Black Caucus of Local Elected Officials.

As he begins a new chapter in his life, Vernon will continue his community involvement, serving as president of the Coalition for Equitable Representation in Government; the Montgomery County, Maryland Mentoring Task Force; Democratic Precinct Chair; and as Chairman of the Board of Trustees of Mt. Zion United Methodist Church. A Life/Golden Heritage member of the NAACP, Vernon will certainly maintain his extensive involvement with the nation's oldest and most distinguished civil and human rights organization.

In recognition of his brilliant career, Vernon has received numerous awards and citations from Xerox as well as from civic and communications organizations. Among the many awards commending his achievements in support of corporate and community endeavors is the 1st place-vocal group award he received in the Air Force Worldwide Talent Competition.

Prior to joining the Xerox Corporation in 1965, the third generation Washington, D.C. native and McKinley Technical High School graduate was a well known local entertainer and singer. He went on to become a missile technician and teletype/crypto specialist in the United States Air Force. He was honorably discharged in 1965.

He is married to the lovely and equally civic minded Janet Lee and he has one son, Brian, who is a real estate agent in the Washington, D.C. area. Vernon and Janet reside in Potomac, Maryland.

Mr. Speaker, it is indeed a pleasure to use this opportunity to salute the career and accomplishments of a true American role model, proud father and loving husband—Vernon H. Ricks, Jr. He is a man whom I have known and respected for many years. He is a friend and a gentleman; someone who has worked unselfishly on behalf of others. I know that his family and friends are proud of him, and I join them in congratulating him on a distinguished career with the Xerox Corporation. As he prepares to set course on yet another chapter in his illustrious life, I ask that you join me in extending our best wishes to him and Janet on a future abundant in the riches of God's love, good health, and much happiness.

100TH ANNIVERSARY OF HAWTHORNE, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Borough of Hawthorne on its 100th anniversary as an independent borough in the State of New Jersey. The people of Hawthorne this year are celebrating the many virtues of their wonderful community. Hawthorne is a good place to call home. It has the outstanding schools, safe streets, family oriented neighborhoods, civic volunteerism and community values that make it an outstanding place to live and raise a family.

On this occasion of its Centennial Celebration, I want to specifically acknowledge the outstanding leadership of Hawthorne's elected officials. Hawthorne has always enjoyed a history of good, sound local government—a tradition carried on today by Mayor Fred Criscitelli, Council President Joseph Metzler, Council Vice President John Lane and Council Members Marge Shortway, Lois Cuccinello, Richard Goldberg, Patrick Botbyl and Eugene Morabito. Indeed, the U.S. Congress should pay special respect to this community for having the wisdom and farsightedness to have elected Mayor Louis Bay 2nd in 1947. Mayor Bay, who retired in 1987 after 40 years of continuous service, set a record for consecutive terms as Mayor.

Today's leaders of Hawthorne draw upon nearly three centuries of heritage. Hawthorne was officially incorporated as a borough in 1898 but the area was first settled around the beginning of the 18th Century. Among the earliest settlers of Hawthorne were the Ryerson brothers, who purchased 600 acres of land in 1707. Their property extended from the Passaic River to what is now Diamond Bridge Avenue and from the crest of Goffle Hill to Lincoln Avenue. One of the Ryerson's homes, built in 1740 and destroyed by fire in 1950, served as General Lafayette's headquarters during the Revolutionary War. A monument erected by the Passaic County Park Commission marks the spot at 367 Goffle Road. Another Ryerson home survives as a restaurant.

Saw mills were the earliest industrial operation in Hawthorne, as trees cut to clear land for farming were turned into lumber for construction. Grist mills followed to process the grain raised by the farmers.

Located in Passaic County, Hawthorne originally was part of Manchester Township, which also included communities now known as Totowa, Haledon, North Haledon, Prospect Park and part of Paterson. Hawthorne was established as an independent borough on March 24, 1898. The other communities eventually declared their independence as well as Manchester Township ceased to exist.

There are two theories on the origin of the borough's name. One is that it was named for the profuse growth of the thorny Hawthorne bushes early farmers had to clear from their land before cattle could safely graze. The other is that it was named for the author Nathaniel Hawthorne. The true answer is lost to history. Nonetheless, the name is honored and revered and deserves the good reputation it has enjoyed for a century. It is one of the finest communities in our state.

Hawthorne's first Mayor, Dr. Sylvester Utter, was elected April 12, 1898. Adam Vreeland was chosen as assessor and William H. Post as tax collector. The councilmen were Albert Rhodes, Frank Post, Daniel Van Blarcom, Martin Marsh, John V.B. Terhune and Arthur F.J. Wheatley.

At the turn of the century, farms were already disappearing to make room for housing development and Hawthorne's population stood at 2,500. By 1908, large tracts of land were being developed for homes. The Arnold Brothers Co. developed land from Elberon to Tuxedo Avenues. The Rea Land Co. developed the northern end of town and Hawthorne Parks Estates developed the eastern section. By 1910, the population totaled 3,500.

One of the new government's first steps was to secure $19,000 in loans to renovate school buildings, including the Lafayette School, the Washington School and a one-room schoolhouse on Goffle Road. The Franklin School was built in 1910. The Lafayette School eventually became the borough municipal building but was destroyed by fire in 1979. A new municipal building was constructed on the same site.

The post-World War I boom of the 1920s brought more new homes, a variety of industrial and commercial enterprises and two new schools. Goffle Brook Park was established in 1927 by the Passaic County Park Commission, quickly becoming the setting for band concerts and baseball games. The park remains a setting for community events to this day. The First National Bank of Hawthorne, the Hawthorne Public Library and the Masonic Temple were all opened in 1928. The same year, the Hawthorne Chamber of Commerce was established and local chapters of the American Legion, Rotary Club and Veterans of Foreign Wars were opened.

The 1930s saw construction of Hawthorne High School, the beginning of the Hawthorne Women's Club and the Hawthorne Child Welfare League. The population in 1930 soared to 12,000—a 13 percent increase from 1920 reported to be the second-highest increase in the United States. Hawthorne today has a population of more than 17,000 and plays an essential role in the active economy of the reigon.

My colleagues, I am sure you would agree with my conviction and assertion that Hawthorne is one of the finest communities in the State of New Jersey. This community is symbolic of traditional American values. The residents work hard, are dedicated to their families, support their schools and volunteer to help their neighbors. I ask all my colleagues to join me in wishing all its residents continued success as their borough enters its second century.

TRIBUTE TO CLAIRE GAUDIANI ON THE TENTH ANNIVERSARY OF HER TENURE AS PRESIDENT OF CONNECTICUT COLLEGE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to Claire Gaudiani as she marks her tenth anniversary as President of Connecticut College in New London, Connecticut. President Gaudiani is an extraordinary academic, administrator and community activist who embodies the very best qualities of America. I am honored to call her my friend.

President Gaudiani came to Connecticut College from Purdue University in 1988. Over the past decade, she has made an indelible impact on the institution. Under her leadership, the college has dramatically expanded academic programs, including creating four new academic centers: the Centers for Community Challenges; Conservation Biology and Environmental Studies; Arts and Technology; and International Studies and the Liberal Arts. She spearheaded a campaign which has quadrupled the school's endowment. Today, Connecticut College is recognized as one of the leading liberal arts institutions in the nation.

Although her work as Connecticut College is truly impressive, President Gaudiani is much, much more than a university president. She is arguably the most articulate voice today on behalf of restoring civility to our society. Throughout much of our history, Americans helped their neighbors in need—communities built barns, families took in strangers displaced by natural disasters, and people gave whatever they could, even when they had very little, to fellow citizens who had fallen on hard times. Community was not merely a place where people lived, it embodied a sense of togetherness and common purpose. Civil discourse was not an abstraction but a way of life.

Unfortunately, as President Gaudiani has written: ''Evidence is mounting that our national reservoir of good will toward each other is running out like water from a leaky bucket.'' Today, as so many rush to accomplish an ever growing list of tasks, we often forget to take time to lend a helping hand to our neighbors or to put the interests of our city, town or country ahead of our own. In an alarming example of how people are withdrawing from our most important national discourse—our electoral process, participation rates in national elections are at all-time lows.

President Gaudiani is leading a national effort to restore civility to society and to encourage all of us to work on behalf of the common good. She is a member of the National Council for a Civil Society based at the University of Chicago. She has written numerous articles and given speeches coast to coast discussing how the nation can achieve this goal. She has put this vision into practice at Connecticut College by creating the Center for Community Challenges, which offers students a wide array of opportunities to engage in community service, and the Institute for a Civil Society, which brings together non-profit organizations, businesses and government to encourage civic participation. Moreover, President Gaudiani has been courageous enough to challenge the nation's leaders ''to stop widening the private rifts that separate us and call us to renew the values that can unite our public life.'' These are words each of us should take to heart when the politics of division appear to be overcoming the politics of inclusion.

Mr. Speaker, I believe the most extraordinary characteristic which distinguishes President Gaudiani is her commitment to her community—New London. Working with local elected officials, businesses, community activists and residents, President Gaudiani has helped to lead a renaissance in the city of New London as the President of the New London Development Corporation. Claire Gaudiani didn't have to take this job. She had more than enough to do at Connecticut College to keep her very busy. She accepted this position because the Corporation is focused on renewing the community in the larger sense. Although this effort is strongly focused on economic renewal, it encompasses a wide array of initiatives designed to improve quality of life, restore civic pride and bring every sector of the community—political, cultural, ethnic and racial—together in pursuit of a common goal.

I am proud to say that this effort has been a resounding success. Earlier this month, several hundred people gathered to celebrate the fact that Pfizer, one of the world's leading pharmaceutical companies which is based in southeastern Connecticut, will develop a $220 million state-of-the-art research facility in New London. This project will create as many as 2,000 jobs over the next decade and will be the centerpiece of a revitalized riverfront area. New London will be one of several sites in the United States to host OpSail 2000—the largest tall ship and maritime event in history—in July 2000.

Although these projects are exciting, the overall effort led by President Gaudiani has created a new sense of community spirit and pride. Residents, businesses, civic groups and others have a new appreciation of the common bonds that unite them. People are coming together in pursuit of common goals and with a renewed commitment to strengthening the entire community.

Mr. Speaker, I take great pride in congratulating Claire Gaudiani on her tenth anniversary as President of Connecticut College. Her commitment to academic excellence and civic renewal is an example for all of us. I wish her continued success as she embarks on her second decade in New London.

HONORING THE DISTINGUISHED CAREER OF DR. CLIFF GILLESPIE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. GORDON. Mr. Speaker, I rise today to recognize and commend the contributions Dr. George Clifford Gillespie, Jr. has made to Middle Tennessee State University (MTSU) and his community.

Dr. Gillespie is the Associate Vice President for Enrollment Management at Middle Tennessee State University. He is a native of Nashville and received his undergraduate education at MTSU. He also received a Masters Degree at MTSU and a Ph. D. in College Administration from the George Peabody College at Vanderbilt University.

Prior to his recent promotion, he had held the position of Dean of Admissions, Records, and Information Systems at Middle Tennessee State since 1975. At the time of his appointment, he was the youngest person to hold such a position in the United States. Dr. Gillespie is a former member of the Executive Committee of the American Association of Collegiate Registrars and Admissions Officers. He held the position of Secretary/Treasurer from 1983 through 1986, and has been a presenter at the annual meeting of AACRAO on numerous occasions.

He has done an exceptional job with the office. Since his employment with the school, in the early 70's, he has witnessed many changes. One of the major changes is the increase of enrollment due to his professional expertise in admissions. He is truly a strong proponent of the institution.

Dr. Gillespie is noted for the automation he has brought to the admission processes at MTSU. He is often called upon by other institutions to serve as a consultant in the area of registration, records management, and enrollment. On occasion, he teaches in the doctoral program on higher education at Vanderbilt University.

Dr. Gillespie is known for more than his role as Associate Vice President for Enrollment Management at MTSU. He has also distinguished himself as the primary announcer for the Tennessee Walking Horse National Celebration.

I would like to congratulate Dr. Gillespie on his stellar career. He had done a fine job in representing Rutherford County. I thank him for the contributions he has made to Middle Tennessee State University and the Murfreesboro community.

PROTECT SOCIAL SECURITY ACCOUNT

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 25, 1998

Ms. PELOSI. Mr. Speaker, I rise in strong opposition to H.R. 4578. Social Security is a sacred trust between working Americans and the Federal government. It is the last program that should be used as a political tool in an election year.

This bill, which claims to save Social Security, would undermine the financial strength of the program, siphoning off the Social Security surplus into tax cuts. Ninety-eight percent of what we call the budget surplus over the next decade comes from the Social Security Trust Fund. Those funds must be protected until we have shored up the long term strength of the program.

This bill is a companion to an $80 billion tax cut bill. The Republicans temporarily have dropped their longtime commitment to tax breaks for the very wealthy and adopted Democratic tax relief proposals. Unfortunately, they pay for them by violating the Social Security Trust Fund. This Republican tax cut robs our seniors of their peace of mind and undermines the future fiscal stability of Social Security.

The Republicans are not proposing these tax cuts because they believe in them. This is

an attempt to co-opt Democrats into helping the Republicans slowly dismantle Social Security. They have made the tax cuts as attractive as possible to Democrats in order to provide a mountain of sugar to disguise the taste of the poison. But the truth is that undermining Social Security will not help America's working families.

There can no longer be any doubt about the differences between the Republicans and the Democrats. Democrats want to protect the Social Security surplus. Republicans want a tax cut at the expense of America's seniors. Democrats want to ensure that for generations to come, Social Security will continue to be a constant in the lives of our elderly citizens.

Democrats have always supported responsible tax cuts paid for out of the budget. But to take money from the Social Security surplus is fiscally irresponsible and jeopardizes the future of the program. Those funds must be protected for today's retirees and for today's workers. We must save the surplus, strengthen the system, and secure the future for America's seniors. That's the Democratic way.

I urge my colleagues to oppose H.R. 4578.

INTRODUCTION OF H.R. 4566—IRAQ LIBERATION ACT OF 1998

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. GILMAN. Mr. Speaker, on Tuesday, September 29th, I introduced H.R. 4566, the ''Iraq Liberation Act of 1998.'' As the title suggests, the purpose of this legislation is to finally and irrevocably commit the United States to the removal from power of the regime headed by Saddam Hussein.

For almost eight years now, since the end of Operation Desert Storm, we waited for Saddam Hussein's regime to live up to its international obligations; to dismantle its weapons of mass destruction under international inspections, to stop threatening Iraq's neighbors, and stop menacing Iraq's Kurdish and Shi'ite minorities.

After dozens of U.N. Security Council resolutions, and compromise after compromise, we have too little to show. Our patience was misinterpreted by Saddam Hussein as weakness. Regrettably, America's friends in the Middle East believe our policy lacked seriousness. The time has come to let Saddam know—to let the whole world know—that the United States will not tolerate this regime's continued grip on power.

We must abandon the fiction that there can be peace and security in the Persian Gulf region with Saddam Hussein's regime still in power. Simply put, Saddam must go. This is not a simple task. Even when the international community was unified and the United States was energized, solutions were few and far between.

Some suggest that our nation should go to war and rid the Persian Gulf of the threat posed by Saddam. We may yet be compelled to do so, but before we put American lives at risk in that far away land, we have a duty to explore the alternatives. One alternative is to assist freedom-loving Iraquis.

Consider the people of Iraq who have no say in their future. Because of Saddam Hussein, they tolerated years of deprivation. At the hands of this man and his Republican Guards, tens of thousands of people were massacred. The people of Iraq are sick and tired of suffering; they have been willing to take up arms against Saddam Hussein, and they are willing to do so again.

The Iraq Liberation Act is not a complete recipe for Saddam's removal, but it contains some key ingredients. This bill calls on the President to designate a group or groups committed to a democratic Iraq. For the designated group or groups, it authorizes the President to provide up to $97 million in military assistance, to be drawn down from the stocks of the Department of Defense. In addition, it authorizes the provision of $2 million for opposition radio and television broadcasting inside Iraq.

These authorities, combined with other actions Congress already has taken, will contribute to a comprehensive policy of promoting democracy in Iraq. Earlier this year, the Congress appropriated $10 million to support pro-democracy groups, assist their organization, found Radio Free Iraq under the aegis of Radio Free Europe, and build a war-crimes case against Saddam Hussein. A further $10 million is contained in the Senate version of the Foreign Operations Appropriations bill that will soon go to conference.

The Iraq Liberation Act marks an important step forward in our fight against Saddam Hussein. We must not fool ourselves: The man is the problem. If this man remains in power, Iraq will remain a clear and present danger to the United States and our allies. We heard as much from the Chief U.N. weapons inspector, Scott Ritter, and we have heard as much from the Administration.

This bill will not tie the President's hands. It does not mandate the actual delivery of military assistance. The only requirement it contains is that the President designate a group or groups as eligible to receive the assistance we are authorizing. I would hope, however, that the President will use the authority we are offering him to begin to help the people of Iraq liberate themselves.

TRIBUTE TO THE LATE ERNEST MORISHITA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. FARR of California. Mr. Speaker, I rise to express our community's grief at the loss of Ernest Morishita who died September 6 of this year at the age of 57. Ernie was more than an effective and dedicated public servant, Ernie instilled a feeling of family to Monterey County administration.

Monterey County was extremely fortunate to hire Ernie Morishita away from Fresno County in 1983 to become our County Administrative Officer. Ernie managed the 24 departments and over 3,700 employees with a combination of skill and good humor. It was under his leadership that an economic development program was implemented, bringing stability to County coffers in the face of such onslaughts as the economic downturns of the early 1990's and the erosion of property tax income due to changes in State formulae.

Ernie had a way of streamlining bureaucratic processes and making them user-friendly. Planning and building inspection processes, cooperation between county libraries with city libraries and schools, health and medical departments and programs all benefitted from Ernie's intelligent oversight and fine leadership. Ernie could call upon his positive relationship with the agencies and the political structure of the county to negotiate agreements across agency boundaries. The City of Salinas was able to build playing fields and a golf course on County land, for instance. As the Emergency Services Director during five major, presidentially declared disasters, Ernie created a full-time emergency services office for greater inter-agency cooperation and effective emergency response.

Ernie's droll humor brought warmth and loyalty to county administration, and his pranks are legend. He was not beyond impersonating the county environmental health officer upon arrival at a restaurant to see how it affected service. To better monitor operations and maintain accessibility to all levels of operations, Ernie often walked through county facilities, conversing with custodians and clerks. He was a mentor and advisor who developed affection and camaraderie at every level. Supervisor Simon Salinas once said ''He had the biggest heart of anyone in the county.''

Our heartfelt condolences go to his family, his wife Kay, daughter Emily, and son Mark, as well as to his father Irving and brother Ken.

Ernie's legacies are beyond the stability and financial integrity he established within county operations. Ernie was a patriarch, and the county became a family through his wise guidance.

TRIBUTE TO LEE HAMILTON

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. BEREUTER. Mr. Speaker, this Member has served in the U.S. House of Representatives with our very distinguished colleague from Indiana [Mr. LEE HAMILTON] for twenty years and this Member has worked closely with LEE on the House International Affairs Committee for sixteen of those twenty years. As a result of that contact, this Member will tell this body that this Member believes he is the most outstanding Member now serving in the U.S. House of Representatives. Certainly, he is one of the three most distinguished legislators with whom this Member has served in that period of twenty years.

This Member also knows that this Member's high regard for LEE is shared by the very wide circle of people who have known and observed him, not only by those of us in the Congress, but also by people across the country and in the far corners of the earth. His sound and well-reasoned judgment, his unswerving integrity, his unfailing courtesy, his intellect, and his very wise and deep knowledge of matters foreign and domestic have built his exceptional reputation that reflects to favorably on the people of Indiana who have elected him to Congress an amazing seventeen times.

There have been very few if any Members in the U.S. House of Representatives—for

decades at least—who is more knowledgeable and respected on foreign affairs issues than Representative LEE HAMILTON. Whether serving as the Chairman or recently as the senior minority member of the House Committee on International Relations, he has consistently provided the leadership our country needed on these international issues. This had been true even when his analysis and convictions on such issues compelled him to stand almost alone against a tide of emotionalism and irrationality. First and foremost, this Member admires LEE HAMILTON, as others do, for keeping his focus on the American national interest and insisting, that against all pressures, it would remain his guide.

This Member wants Representative HAMILTON's constituents in Indiana to know, too, that despite his necessary attention to all these complex and demanding international issues and despite flattering acclaim, LEE HAMILTON kept his feet on the ground, his gaze on the horizon, and his focus ''away back home in Indiana.'' Always a Hoosier, LEE was born and bred to understand and honor the views, interests, and values of his constituents. He always has so naturally demonstrated the self-confidence and judiciousness in decisions and the humbleness in demeanor that springs from a deep understanding and respect for what it means to truly serve the people who elect one in our representative democracy. Indianans and all Americans can take a full measure of pride in our distinguished colleague's extraordinary service to America.

In concluding, this Member wants to convey to LEE HAMILTON, our distinguished colleague from Indiana, and to his wonderful life, Nancy, who undoubtedly has been crucially important to his public service, this Member's great appreciation and admiration for the extraordinarily important public service you have rendered to our nation. LEE, undoubtedly you have so much yet you can offer. All of us, who have had the privilege to serve with you in the Congress, wish you every good opportunity and success in that respect, and also to Nancy, you, and your family in your life together.

HONORING ROHM AND HAAS TEXAS, INCORPORATED

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Rohm and Haas Texas Incorporated for their selection by the Deer Park Chamber of Commerce as the 1998 Industry of the Year.

Rohm and Haas Texas Incorporated has been a responsible member of the Deer Park community for 50 years, safely manufacturing chemicals for use in the disposable diaper, automobile, paint, coatings and communication industries. Construction on the Deer Park Plant began in 1947 and in July of the following year, the first shipment of acetone cyanohydrin was made to another Rohm and Haas plant in Pennsylvania to produce acrylic sheet.

The Deer Park Plant would become the company's largest and most productive with five major expansions in the fifties, followed by four in the sixties, two in the seventies, two in the eighties and six in the nineties. Employment has climbed from 132 in 1948 to more than 800 today, making the plant one of the largest industrial employers in the area. When wages, purchases and taxes are considered, the plant and employees are responsible for adding more than $85 million each year to the local economy which, in turn, creates an estimated 4,500 jobs for others in the community.

Rohm and Haas' most far-reaching joint industry/community safety and environmental improvement effort is the ''Responsible Care Program'' developed by the Chemical Manufacturers Association (CMA). It requires that participating companies pledge to the community, in writing, to improve health and safety and environmental protection. In this regard, Rohm and Haas conducts periodic self-evaluations and reports publicly on releases of toxic materials in the air, land and water, along with plans for reducing them. They also invite third parties into the plant to see what is being done.

Rohm and Haas is also committed to investing in comprehensive programs designed to reach many deserving sectors of the community including youth, education, family, culture, the arts, health and the mentally and physically challenged, as well as supporting local industry and community efforts to improve the quality of life in neighboring communities. The plant contributes approximately $100,000 a year to charitable causes and employees make a significant impact as active volunteers, donating more than $150,000 a year to the United Way alone. Employee volunteers are rewarded through Rohm and Haas' Volunteer of the Year Program, which rewards outstanding individuals efforts while financially supporting the organizations they represent.

Mr. Speaker, I congratulate Rohm and Haas Texas Incorporated on being named the Deer Park Chamber of Commerce 1998 Industry of the Year. This honor is well deserved for their work in expanding business and job opportunities, establishing safer conditions for workers, and initiatives to protect and improve the environment, while supporting a comprehensive program committed to strengthening community relations by supporting employees volunteer activities and making corporate contributions to deserving sectors of the community.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. JENKINS. Mr. Speaker, due to a death in the family, I was unable to be present to vote on Monday, September 28, 1998, for the following votes:

Roll Call No. 473—H.R. 3150—I would have voted ''yea''

Roll Call No. 472—H.R. 4060—I would have voted ''nay''—This contains no funding for the Tennessee Valley Authority to perform navigation and flood control for the citizens of the First Congressional District of Tennessee. This is unfair because navigation and flood control are paid for in every section of the country.

Roll Call No. 471—H.R. 4103—I would have voted ''yea''

Roll Call No. 470—H.R. 3891—I would have voted ''yea''

TRIBUTE TO THE LATE FRANK ANGELO SIINO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. FARR of California. Mr. Speaker, I rise today to observe the passing of Frank Angelo Siino, who died in August 1998. He was a master boatwright who carried on the traditions of his family, a long line of boat builders.

Frank and his brother Raymond followed in their father's footsteps by working in the Siino Boat Works on Cannery Row in Monterey, California. They build feluccas, boats built upon the ancient double-ended, lateen-rigged design used since time immemorial in the Mediterranean. Liboria, an Italian felucca which the brothers built and named for their mother, now hangs in the Monterey Bay Aquarium as a prime example of a craft used by fisherman in Monterey. Frank's skill at molding wood and repairing boats was innate. His friend Mike Maiorana said ''He was an authentic boatwright. When you'd see him at his band saw cutting out a compound curve, you couldn't tell where the wood left off and he began.''

Frank's knowledge of authentic wooden boat-building was sought out by many, and, as a consequence, Frank became a teacher and a mentor. Although today's commercial boats are fiberglass, steel and aluminum, wooden boats by Frank Siino still ply the waters of Monterey Bay. Frank built *The Holiday* from scratch, and she still works as a charter fishing boat. Her sister, the *Miss Monterey,* works out of Morro Bay as a charter boat. The last boat Frank made, the *Anthony Boy,* is docked in Moss Landing. As a part of his legacy, it must be noted that Frank created a boat for the Dennis the Menace Park, *The Turkey,* for children to climb on, and in doing so physically learn about the boat which so gracefully illustrates a way of life in our region.

My thoughts are with the family, Frank's wife Lucille, his brother Raymond, his sister Rose, and his sons, Randy, Andy and Mark. Their loss is a profound one. Frank Angelo Siino created and maintained more than wooden boats in Monterey, he maintained our history.

CONFERENCE REPORT ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his opposition to a particular provision in the H.R. 6 Conferene Report, which would increase the Ginnie Mae guaranty fee to nine basis points effective on October 1, 2004—a three basis point increase over the current level. This provision was not included in the House version of H.R. 6 legislation. However, the Senate version did contain this three point increase in the Ginnie Mae guaranty fee. Unfortunately, the H.R. Conference Report which includes this Senate

passed provision is both illconceived and contrary to the spirit of promoting home ownership.

Under current law, Ginnie Mae guarantees payments to ivestors if mortgage servicers are unable to make the scheduled payments. In turn, the mortgage servicers are charged a present guaranty fee of six basis points.

This Member is opposed to a three basis point increase in the Ginnie Mae guaranty fee for the following two reasons.

No. 1. The cost of a three basis point increase will likely be passed in part to the homebuyer.

This provision in the H.R. 6 Conference Report will increase the costs of a mortgage servicer to lend. While some of this increase in basis points will likely be borne by the mortgage servicer, it is inevitable that some of this increase will be passed to the homebuyer as an unncessary tax for buying a home. This Member is opposed to passing on such avoidable costs to the homebuyer.

No. 2. The Senate had earlier rejected an increase in basis points for the Ginnie Mae guaranty fee.

On July 17, 1998, the Senate in considering the fiscal year 1999 VA/HUD appropriations bill, tabled the Nickles Amendment by a 69–27 vote. The Nickles Amendment would have increased the Ginnie Mae guaranty fee by six basis points. The VA/HUD appropriations bill appears to be a more suitable forum for debate and consideration of such a guaranty fee increase than in H.R. 6 Conference Report.

In closing, this Member opposes the provision in the H.R. 6 Conference Report which increases the Ginnie Mae guaranty fee by three basis points.

HONORING SAINT THOMAS EPISCOPAL SCHOOL'S PIPE BAND

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Saint Thomas Episcopal School's Pipe Band in Houston, Texas, winners this summer of the World Championship Bagpipe competition in Glasgow, Scotland.

St. Thomas's Episcopal School is a private parochial school located in Houston. Founded in 1955, it has an enrollment of more that 675 students in grades K–12. St. Thomas' Pipe Band is just one example of the school's commitment to producing world class students and citizens.

In August, Saint Thomas Episcopal School's Pipe Band won five championships in Canada and Scotland: the North American Championship, the North Berwick Championship, the World Juvenile Championship, the Rothesay Championship, and the Cowal Pipe Band Championship. No American pipe band has won so many international championships in such a short time. That a group of 30 schoolboys from Texas achieved this feat is remarkable. This is the third time that Saint Thomas' Pipe Band has won a world championship, the most for any American band.

Band director Michael Cusack had band members practicing three times a week for several months before the trip. By the time they got to Scotland they were playing so well that they decided to compete against semiprofessional bands in Grade II at the Rothesay Highland games after winning the juvenile division. They placed second overall and first in drumming.

At the World Pipe Band Championships, the band dedicated its performance to retiring headmaster Henry L. Walters, Jr. Mr. Walters has been headmaster since 1964 and was instrumental in promoting this program. For a short time, he even taught drumming.

Mr. Speaker, against overwhelming odds these young men distinguished themselves not only by their outstanding performance, but by their example to others in their school and community. Every day, we fight the battle to keep music and the arts viable and funding for our schools at a level which permits such achievements. These young people are an example of what can be accomplished when the necessary support is present. It is up to many of us in this body to ensure that all our children have the opportunity to achieve their dreams.

To the students I say congratulations for an outstanding tour. To their families, teachers, friends and classmates, I say thank you for supporting these young men with your love, guidance and, friendship. We all make a difference.

THE ANDREI SAKHAROV MUSEUM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. SMITH of New Jersey. Mr. Speaker, we have heard a lot of discouraging news from Russia of late. We are told that the Russian economy is at a dead end, the currency is collapsing, political reform is stalled, and the military is deteriorating to a dangerous point. Moreover, it appears that a good deal of the money that the U.S. Government has extended to Russia through grants or loans has been—at best—ineffective.

Nevertheless, I would like to point out one small project where I believe U.S. contributions have been wisely used and appreciated in Russia. I am referring to the Andrei Sakharov Museum and Public Center in Moscow, named in memory of the distinguished human rights activist of the Soviet era. The museum was established through the efforts of the late Dr. Sakharov's wife and fellow human rights activist, Dr. Elena Bonner, along with many other friends of freedom. The museum director is Yuri Samodurov.

The U.S. Government, through the Agency for International Development, has been providing financial assistance to this worthwhile project. Naturally, the museum management has been seeking domestic funding and would like to be self-sufficient in the future.

When I visited the museum in January of this year, Mr. Chairman, I was very impressed by the layout and the thoughtfulness of the exhibits. There are permanent sections dedicated to the Bolshevik Revolution, political prisoners, and ''perestroika,'' as well as temporary exhibits devoted to human rights issues currently facing Russia. The library contains a wide collection of human rights publications, dissident literature, and of course, the works of Dr. Sakharov himself. The museum has also become a major venue for important conferences on human rights and the humanitarian dimension.

This is one area where I believe our foreign assistance has played, and I trust will continue to play, an important role in assisting our friends in Russia to promote and further the cause of rule of law and civil society.

IN HONOR OF THE ORCHARD CIVIC ASSOCIATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to extend my best wishes to the Orchard Civic Association of Cleveland, Ohio, as they celebrate their 40th anniversary in the 71st Harvard area. Throughout the years, this organization has been dedicated to diligent community service in their neighborhood.

Ths mission of the Orchard Civic Association consists of informing residents about neighborhood issues and new information concerning the 71st Harvard area, working with the Councilman to resolve neighborhood concerns, as well as learning and becoming well-informed about the City of Cleveland. The Association has been gathering at Sacred Heart of Jesus Church to hold interesting and newsworthy meetings, often highlighted by a speech from Councilman Edward Rybka.

The Association's hard work and determination clearly shows through their numerous accomplishments. The group has ensured that the United Parcel Service expansions were compatible with the surrounding neighborhood, addressed concerns about truck traffic, pushed for poorly maintained housing to be brought up to code, as well as worked with the Councilman to renovate homes and build new ones. They have also worked to reduce crime and increase the number of police officers in the neighborhood and joined with the Warner Turney neighborhood to get the Harvard Refuse Landfill closed for all dumping, except building debris.

With all their success, the future of this organization looks promising. Their future goals will focus on plans to tackle absentee landlords, get housing code enforcement, and continue to address local issues.

My fellow colleagues, please join me in honoring Cleveland's Orchard Civic Association on 40 years of exceptional service in their neighborhood. Their dedication has brought substantial changes to the 71st Harvard area and its residents. I would like to extend them my best wishes for their future work.

A TRIBUTE TO STANLEY J. DAILY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. GALLEGLY. Mr. Speaker, I rise to honor a native son of my district, a man who kept true to his roots and served his country and community with distinction.

Stanley J. Daily will step down soon from the Camarillo City Council, a post he has held

since the city's founding in 1964. He holds the record as the longest-serving member of the City Council. He served six years as mayor and eight years as vice mayor during his distinguished tenure. As impressive as this is, it is only a small part of the unselfish service that the son of Frank and Frances Daily and the grandson of Ventura County pioneer W.P. Daily has shown to his community.

Mr. Daily has served as a commissioner of the Local Agency Formation Commission and as a director of the Ventura Regional Sanitation District. He was an elected commissioner for 18 years of the Port Hueneme, Oxnard Harbor District. He also served as president of the international body, the Pacific Coast Association of Port Authorities, which is composed of all the west coast ports of Canada and the United States, including Hawaii and Guam. He also served as a member of the executive committee on the Ventura County Association of Governments and has been a member and chair of the Camarillo Sanitary District.

In addition, Mr. Daily is a founding member and past chairman of the Ventura County Council of Governments, chaired the Cities Select Committee and served on the Regional Council of Southern California Association of Governments.

And, that's not all. In his spare time, Mr. Daily is an active member of the Pleasant Valley Lions Club and the Noontime Optimist Club of Camarillo, both of which are active in assisting our youth. He served as a board member on the Ventura County Council of the Navy League of the United States and is a charter member and parliamentarian of the Pleasant Valley Historical Society and Museum. He was also a longtime board member of the Port Hueneme Boys & Girls Club.

The former U.S. Army officer graduated cum laude from the University of California, Santa Barbara, where he also earned his General Secondary Credential for graduate work in history. In 1960, he became a teacher in the Oxnard Union High School District, where he served as department chairman of the Social Science Department and Director of Activities for about 35 years.

Mr. Daily also found time to be a family man. He and Liz have been married for more than four decades and has raised four sons, all of whom are now married as well. Stan and Liz are blessed as well with seven grandchildren.

As one might expect, Mr. Daily has won numerous local and statewide awards and recognitions for his service to his community and his profession. I add my voice to those who have praised Mr. Daily over the years, thank him for his enormous service, and wish him godspeed in this retirement years.

THE DEL RIO FLOOD HEROES

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. BONILLA. Mr. Speaker, on August 23, 1998, the residents of Del Rio and other Texas border communities were hit with a devastating flood caused by Tropical Storm Charley. Nine people lost their lives. Five people are still missing. Over 600 families lost their homes and all their worldly possessions. The entire area lost a notion of security that can never be recovered. The town will never be the same. Perhaps the only good to come from this tragic situation is the story of a ravaged community coming together to rebuild lives.

In this story four true heroes took the lead to restore peace and harmony in the grief-stricken town. Department of Public Safety Troopers, Joe Frank Martinez, Jimmey Granato and Robert ''Cinco'' Clark and Judge Dorothy Weddle emerged as heroes that set an example for us all. From the moment the realization of disaster hit, these four took the lead in the search for the missing persons. They went above and beyond the call of duty, working days and nights for two weeks straight—all for the unselfish purpose of helping families reunite with lost ones.

Officers Martinez, Granato and Clark started with a list of approximately 267 missing persons and used every resource available to track down these people. After poring over phone books utility bills, social security and drivers' license records, these dedicated officers went from door to door in their diligent search for the missing. Through their tireless efforts, these men were able to reduce the missing people list from 267 to five. Had it not been for their initiative, the missing list would not be down to what it is today.

Unfortunately, the search did not always end with a joyous reunion. All too often, the hunt ended with yet another casualty added to the death toll. Judge Dorothy Weddle notified and comforted families of the deceased so they could focus on more important things than bureaucratic procedures. She provided support to families when they needed it most.

I would like to commend these four people for their leadership, their dedication, and most of all, their tireless efforts to help others. Their endeavors will always be remembered by those whose lives they touched and by those families they helped to reunite. They helped to restore harmony to a town wracked by disaster.

ONE HUNDRED YEARS OF CONGREGATION AHAVATH ACHIM

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute to an extraordinary community in my district. This year the Congregation Ahavath Achim celebrates its Centennial Anniversary.

As a motto for the Centennial celebration, the Congregation chose the phrase ''Rooted in the past, reaching for the future.'' Nothing could better capture the spirit of what this anniversary is about more than that. An anniversary ceremony is not only about remembering the past, but about taking the lessons of the past and looking toward the future.

In a century that has been marred by Eastern European pogroms, two world wars, the occupation of the land of Israel, intolerance and a continuous struggle to exercise a basic human right—the freedom of worship—this community has endured and grown stronger. Congregation Ahavath Achim has provided Jews in eastern Connecticut with a home and a center to celebrate their cultural and historic traditions.

The Congregation and its Synagogue have a storied history. The first meetings in 1898 were held in the home of Mr. Hirsch Cohen with High Holiday Services taking place in Colchester's Grange Hall. Four years later, in 1902, the Congregation bought a house on Windham Avenue and converted it into its first Synagogue. A new Synagogue was built on Lebanon Avenue in 1913. The Ahavath Achim Synagogue was rebuilt in 1960, just next to the 1913 site.

As I stated in a recent letter to the Congregation, much has changed over the past 100 years. The Synagogue has been rebuilt. The community is much larger and men and women now sit together during services. The state of Israel has gone from being a dream to a reality. However, much has stayed the same, as bar and bat mitzvahs, weddings and holidays still bring the community together. People continue to join together in faith to celebrate the great milestones of life.

And so, Mr. Speaker, I offer my most sincere congratulations to Congregation Ahavath Achim. One hundred years together as a community is an important milestone. I join the community in looking forward to the next 100 years.

CITY OF MANITOWOC HONORS SLAIN POLICE OFFICER

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. PETRI. Mr. Speaker, this past Monday, September 28th, more than 700 law enforcement officers from throughout Wisconsin and the Midwest gathered at First Reformed Church in Oostburg, Wisconsin to pay their respects to police officer Dale Ten Haken.

Officer Ten Haken, a member of the Manitowoc, Wisconsin police force, was shot to death on the evening of September 23rd during a seemingly routine traffic investigation. A five-year veteran of the Manitowoc Police Department, Dale was a dedicated public servant who loved police work, the career he had chosen as had his father and two brothers before him. Dale was 27 years old, and was engaged to be married in a few months.

The sorrow shown by the officers who came together to honor Dale as one of their own is shared by the people of Wisconsin and especially by the citizens of Manitowoc whom he served. Because Dale's death was the result of a senseless, unprovoked and unnecessary attack, the people's grief is compounded by a sense of anger and bewilderment.

Officer Ten Haken had stopped four teenagers to investigate why the car they were driving had no license plates and the headlights were not turned on. As he called for another officer to assist him, he was shot three times in the back. Although formal charges will not be filed until next week, it appears the two 17-year old suspects feared a return to the local judicial system. Both have prior police records and were currently wanted for bail and probation violations.

In Manitowoc, an official period of mourning continues until Saturday morning, October 3rd, when a public memorial service for Dale Ten

Haken will be held in Washington Park. It is fitting, if ironic, that the memorial service take place in this common area in the center of the city, a lovely spot where the suspects and other young people have been known to hang out and pass time.

Mayor Kevin Crawford, in a newspaper column this week in the local Herald Times Reporter, has issued a wake-up call for the people of his city, asking for a renewed focus on and commitment to youth. Said Crawford, ''We need to 'wake up' Manitowoc. Dale Ten Haken wants us to. In our homes and our schools and our churches we need to decide if we're giving our kids everything they need to grow up good and strong and moral.''

Unfortunately, senseless acts of youth violence crowd today's headlines, and we search for the causes for young lives that spin out of control. As we ponder the whys and wherefores of this particular Wisconsin tragedy, we mostly feel a sense of tremendous loss for a good man who died much too young, a police officer who gave up his life while protecting those of his fellow citizens.

Dale Ten Haken's name will be the first one added to the new monument to fallen Manitowoc County police officers dedicated just four months ago. Hopefully, his will be the last.

As the city of Manitowoc pays tribute to Dale Ten Haken and reflects on his sacrifice, it is fitting that this House join in commemorating the life of a man committed to serving others and to making a difference.

INTRODUCTION OF THE ELECTRONIC PRIVACY BILL OF RIGHTS ACT OF 1998

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. MARKEY. Mr. Speaker, I rise to introduce the ''Electronic Privacy Bill of Rights Act of 1998'' This issue of privacy in the information age and in particular, children's privacy protection, is quite timely as the nation becomes ever more linked by communications networks, such as the Internet. It is important that we tackle these issues now before we travel down the information superhighway too far and realize perhaps we've made a wrong turn.

The legislation I am introducing today picks up on the excellent work of the Federal Trade Commission in its investigation of the privacy practices prevalent on the Web and in particular children's privacy practices. The legislation contains children's privacy protections similar to those contained in a Senate bill offered by Senator BRYAN (D–NV)—as well as provisions that pertain to adult privacy that are contained in my previous privacy legislation (H.R. 1964). These are critical issues for the growth of electronic commerce and I hope that we can legislate on these issues yet this Congress.

Mr. Speaker, the issues of child and adult privacy in an electronic environment, must find its ultimate solution in a carefully conceived and crafted combination of technology, industry action, government oversight or regulation.

Without question, the issues posed by advances in digital communications technology are tremendously complex. Again, how best to protect kids in a manner that puts real teeth into privacy protections must be addressed for the Internet to grow as a commercial medium. What may have worked for privacy protection or parental empowerment in the phone or cable or TV industry may not adequately serve as a model when these technologies converge. Therefore I believe we must pursue other creative alternatives.

Mr. Speaker, I believe that we must recognize that children's privacy is a subset of a parent's privacy rights. The bill I am introducing today is premised on the belief that regardless of the technology that consumers use, their privacy rights and expectations ought to remain a constant. Although the bill deals in detail with Websites with respect to children's privacy, ultimately I believe that in the era of convergence we will need to harmonize rules across media. Whether consumers are using a phone, a TV clicker, a satellite dish, or a modem, every consumer should enjoy a Privacy Bill of Rights for the Information Age. These core rights are embodied in a proposal I have advocated for many years and I call it ''Knowledge, Notice and No.'' I hope to work with all of my colleagues in the House as we proceed in this important public policy area to instill the values of privacy and security in our communications marketplace.

In short, I believe the Congress ought to embrace a comprehensive policy whereby consumers and parents get the following 3 basic rights:

(1) *Knowledge that information is being collected about them.* This is very important because digital technologies increasingly allow people to electronically glean personal information about users surreptitiously. I would note here that many Internet browsers, for example, use ''cookies''—a technology that can identify and tag an online user—unbeknownst to the user—and keep track of what Web sites a person visits.

(2) *Adequate and conspicuous notice* that any personal information collected is intended by the recipient for reuse or sale, or conversely, to allow consumers to give notice electronically to indicate the particular privacy preferences of the consumer.

And, (3) *the right of a consumer to say ''no''* and to curtail or prohibit such reuse or sale of their personal information.

In addition to the children's privacy provisions, the bill is structured so that in Title II the FCC and the FTC ascertain whether there are technological tools that can empower consumers and parents before taking additional action to protect the public. The bill also requests the agencies specifically determine if there are industry standards and practices that embody this electronic Privacy Bill of Rights. Where technological tools don't exist, or where a particular industry refuses to embrace this code of electronic ethics in a way that solves the problem, then the government is obliged to step in and reinforce protection of privacy rights.

Again, I look forward to working with my colleagues in the House on important children's privacy issues this session and on other areas of online privacy as the debate moves forward.

A TRIBUTE TO THOMAS MORE HIGH SCHOOL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to honor Thomas More High School of Milwaukee, a 1997–98 recipient of the U.S. Department of Education's Blue Ribbon School award. This award honors some of the nation's most exemplary schools for their challenging curricular, excellent teachers, family and community partnerships, and high student performance.

Thomas More has a long tradition of excellence in education. Beginning with the school's predecessors, Pio Nono High School, Don Bosco High, and the St. Francis Minor Seminary, Thomas More has consistently provided academic excellence grounded in a faith based education. As an alumnus of Don Bosco, I am proud of this very special recognition.

Thomas More is the only high school in the State of Wisconsin to be selected as a 1997–98 winner and one of only nine high schools in Wisconsin to receive this prestigious award in this decade. The students, teachers, and staff at Thomas More are rightfully proud of this accomplishment. But this award is also for the parents, alumni and members of the community who have tirelessly given their time and support to help make Thomas More a very special place.

To the students, faculty and friends of Thomas More, my sincere congratulations on being named a National Blue Ribbon School of Excellence. It is an honor that is well deserved.

TRIBUTE TO JIM AND CAROL YARBROUGH

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. LAMPSON. Mr. Speaker, I rise before you to recognize Jim and Carol Yarbrough, an exceptional couple who share a love for learning. This love for learning has been realized in the form of the College of the Mainland Foundation's Jim and Carol Yarbrough Scholarship Endowment.

Carol Annette Urbani Yarbrough met James Daniel Yarbrough in the summer of 1973 at a dance. She was a junior at O'Connell High School, on her way to becoming valedictorian of her class. He was a senior at Ball High School and a star football player, on his way to leading the University of Texas Longhorns to a Southwest Conference football championship.

After graduating from O'Connell in 1975 at the head of her class Carol moved on to UT where she majored in math, graduated in a record 3 years and returned to Galveston to start her own business, Yarbrough Financial Services. Jim, as much a competitor off the field as he was on, was named to the All-Southwest Conference football team, completed his B.B.A. degree at UT in 3½ years and returned to Galveston to launch a successful business career before being elected Galveston County Judge in 1994.

Jim was elected to the Galveston Independent School District Board of Trustees and served a 4-year term from 1991–94 during which time a successful bond issue permitted major construction and renovation of GISD facilities. In 1994, he was a successful candidate for the Galveston County Judge, a leadership position he has held since and from which he has earned much praise for his efforts to streamline county government. The Galveston County Daily News and the Boy Scouts of America both honored him in 1996 as their Citizen of the Year.

During the past 10 months, Jim and Carol Yarbrough and their family have faced perhaps their greatest challenge with the discovery of Carol's breast cancer. They recognized immediately the value of educating others to the challenge of cancer when they chose to share their story with the people of Galveston County, and, indeed, all of us. Carol now visits all the Galveston County high schools as a volunteer with the ''Check It Out'' program to educate junior and senior girls about breast cancer.

Since education has been an important part of Jim and Carol Yarbrough's success, the College of the Mainland Foundation believes a scholarship named for this remarkable couple will help current and future students succeed.

Once again, I commend the Yarbroughs for their leadership in my community.

TAIWAN'S NATIONAL DAY

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mrs. CLAYTON. Mr. Speaker, as I rise today to welcome Taiwan Representatives Stephen Chen and Mrs. Rosa Chen to the nation's capital, I hope the Republic of China will be able to return to the United Nations and other international organizations as soon as possible.

As an economic power and a symbol of democracy, Mr. Speaker, Taiwan deserves the world's respect and recognition. Since 1949, the Republic of China on Taiwan has moved from an agricultural society, exporting only bananas and sugar, to a major trading nation today. Moreover, the 21 million people on Taiwan are prosperous and free.

Lastly, Mr. Speaker, I take advantage of this opportunity to congratulate President Lee Teng-hui, Vice President Lien Chan and Foreign Minister Jason Hu. I ask my colleagues to join me in wishing them good luck as they celebrate their National Day on October 10, 1998.

CONFERENCE REPORT ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. STOKES. Mr. Speaker, I rise in support of the Conference Report on H.R. 6, the Higher Education Amendments of 1998., This measure is similar to the House-passed bill and contains key Democratic priorities. The heart of this measure is its student aid programs, which are authorized under titles III and IV. These critical programs expand postsecondary educational opportunities for all students and increase the affordability and accessibility of a college education for many of our Nation's families.

I am very pleased with the historic increases for the Pell Grant program, included in H.R. 6. This critical program provides need-based aid for undergraduate students. As such, H.R. 6 raises the maximum authorized level for Pell Grant awards from the current appropriation of $3,000 a year, to $4,500 for the 1999–2000 academic year, to $5,800 for the academic year 2003–2004.

In addition, the Conference Report makes some critical changes to the needs analysis formula used to determine the size of a student's Pell Grant and other Federal student aid awards. It increases the amount of income that families may exclude from calculations—to determine what they should contribute to the cost of education—and decreases the percentage of a student's assets that must be contributed toward the cost of their education.

This measure also lowers interest rates of student loans from the current 8.25 percent to 7.46 percent. This is the lowest level in 17 years and will result in students experiencing $11 billion in savings over the life of their loans.

And, despite Republican efforts to eliminate the Federal Direct Loan Program, H.R. 6 strengthens both the Direct Loan and the Federal Family Educational Loan programs. This will continue to provide colleges and universities with the opportunity to choose the most appropriate program for them.

Mr. Speaker, while I am pleased with each of these commitments, I am particularly proud of the provisions included in H.R. 6 that were specifically designed to expand educational opportunities for underserved and minority students. One such report is the establishment of the ''Gear Up Mentoring Initiative,'' which was originally introduced by Representative FATTAH (D–PA)—and endorsed by the administration—as the High Hopes Initiative. This program is a new national effort targeted at helping disadvantaged students prepare for college. Other important efforts include the strengthening of: the trio programs, which fund outreach and students support services designed to encourage disadvantaged students to enter and complete college; historically Black Colleges and Universities: and Hispanic-serving institutions.

Other important provisions include those focused on improving teacher quality, preparation and recruitment—and providing scholarships, support and services to recruit and prepare teachers to serve, for at least 3 years, in underserved urban and rural schools.

These are all critical investments that will continue to go a long way in leveling the playing field of educational opportunity for all of our Nations' students. As such, it is absolutely essential that they continue to receive strengthened and sustained support.

Mr. Speaker, I urge my colleagues to join me in supporting the Conference Report for H.R. 6. This is an acceptable compromise that will benefit students across the Nation.

IN HONOR OF THE CUYAHOGA COUNTY PUBLIC LIBRARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the Cuyahoga County Public Library for 75 years of serving its community. Throughout its existence, the library has earned a reputation for conducting innovative programs and providing valuable services which have become models for libraries across the nation.

When the state legislature passed a law enabling the establishment of a county district library for any area not served by a free public library, the ever-increasing population of Cuyahoga County saw an opportunity to build a library in its community. The Cuyahoga County Public Library was the first to be organized under the new law.

The library rendered its services through schools, which proved to be the best way to serve residents eager for this resource. The schools had ample space and were willing to provide the available quarters rent-free. According to the County Library Report for 1924–1925, eight branches and 49 stations and classroom libraries were opened to the public.

As it continued to expand throughout the years, the Cuyahoga County Library was restructured within the framework of a regional library system. It grew to include in-depth collections and subject specialities in specific areas of study. Annual circulation grew from six million in 1965 to 10 million by the mid-eighties.

Today, this library has reached such success that it is ranked among the 10 busiest library systems in the nation. It has 29 locations, serving 47 suburban communities with a population of approximately 608,000 people. I am pleased to honor such an achievement on the 75th anniversary of the Cuyahoga County Public Library.

CONFERENCE REPORT ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. UNDERWOOD. Mr. Speaker, through bipartisan efforts, we have before us a piece of legislation which will assist students, teachers, parents and educational administrators for the next five years. As an educator and former educational administrator, I know that components of the bill, such as increasing Pell Grant limits and lowering interest rates on student loans, provide students the security of pursuing their educational goals without fear of financial constraints. Improving teacher quality and strengthening minority institutions of higher education is also a strong signal that the United States is committed to enhancing student education as well as leveling the playing field for students by continuing to assist historically disadvantaged student populations.

The Conference Report on HR 6 also contains language which would extend Pell Grant

eligibility to the Freely Associated States (FAS) until 2004. I remind my colleagues that the FAS were formerly the Trust Territories of the Pacific Islands administered by the United States under a United Nations Trusteeship. Our special relationship with the FAS encompasses a wide range, from defense to trade to education. I commend the House and Senate conferees for reaching sufficient agreement to continue extending federal educational programs to FAS students at least until after the renegotiation of the Compacts of Free Association scheduled to begin in the year 2000. The FAS, composed of the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau, are vital security allies in the Pacific and each have separate agreements with the United States which would allow for their eligibility in the Pell, College Work Study and the Supplemental Educational Opportunity Programs.

Mr. Speaker, education is a universal necessity. I think that HR 6 is testimony that this body is committed to continuing quality higher education. I urge my colleagues to support HR 6.

CONGRATULATIONS TO SUBARU OF AMERICA ON THEIR 30TH ANNIVERSARY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. SAXTON. Mr. Speaker, today I rise to congratulate Subaru of America and its many proud, hard-working employees on thirty years in the United States.

I am especially proud that Subaru of America is headquartered in my Congressional District in Cherry Hill, New Jersey. As the only automobile company with its national headquarters based in the Delaware Valley, Subaru has an important presence in my state and local region. In addition to the 360 people employed at its Cherry Hill headquarters Subaru directly impacts more than 5,000 jobs in the U.S.

Subaru's success is evident in the important milestones the company has reached just this year. Additionally, Subaru's impact on the state of New Jersey and throughout the region through its generous charitable contributions is extraordinary.

On behalf of New Jersey's Third District, on this the 30th Anniversary of Subaru of America, I wish Subaru and its employees the best in their future endeavors, and thank them for their dedication and commitment to our region.

HONORING ROBERT AND REGINA LEVY ON THEIR 50TH WEDDING ANNIVERSARY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. NEY. Mr. Speaker, it is an honor to rise today to celebrate the 50th wedding anniversary of Robert and Regina Levy. It gives me great pleasure to congratulate Robert and Regina on their special day.

What a remarkable accomplishment to be able to celebrate a marriage that has endured for so many years. The bond that brought them together has remained and grown over the years. May they always share the love and joy they feel today.

In an era where marriages are too often short lived, it is wonderful to see a couple who have endured the trials and tribulations that can cause a marriage to fail. The love and commitment they have demonstrated should serve as an inspiration to couples everywhere.

Mr. Speaker, what an achievement to be married for 50 years. It is an honor to represent a couple like the Levy's. I ask that my colleagues join me, their 6 children and 11 grandchildren in celebrating this joyous occasion. I am proud to call them my constituents.

IN HONOR OF PETER P. DiLEONE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the life of Peter P. Di Leone of Shaker Heights, Ohio. Mr. Di Leone was an accomplished man, serving his community as a lawyer, a labor expert, and an advocate of free speech.

Born in Providence, Rhode Island, he was raised by a socialist father who loved to have energetic discussions at the dinner table. He attended Adelbert College, where he played half back on the football team, and then went on to law school at Western Reserve University.

As a lawyer, Mr. Di Leone specialized in labor arbitration through the National Labor Relations Board. He was among a small number of experts who were chosen as permanent arbitrators for rubber companies and the rubber workers union. His accomplishments were awarded when he was elected to the board of governors of the National Academy of Arbitrators.

Along with that honor, he was known as the ''Pillar of the Cleveland City Club,'' where he served as president. The City Club was established to encourage new ideas and a free exchange of thought through the renowned tradition of debate and discussion, pastimes that were embedded deep into his frame of mind. In 1987, he became the first person to be inducted into the City Club Hall of Fame while still living.

Mr. Peter P. Di Leone was a great man who led a successful and accomplished life. I would like to express my deepest condolences to his daughters, Linda Klein and Paulette Novak, and the rest of his surviving family. He will truly be missed by all who knew him.

TRIBUTE TO CARL FREEMAN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the late philanthropist, Carl Freeman. Mr. Freeman was not only a prominent developer and real estate manager, but was also a special friend of many charitable organizations in Maryland's 7th Congressional District. He came to prominence as a builder after World War II, when he constructed homes for veterans and their families in Takoma Park and Silver Spring. My husband and I fondly recall living in one of his apartments when we first married. The success of Carl Freeman's building projects helped him gain recognition in national magazines such as *House and Home*, *Practical Builder*, *Better Homes and Gardens,* and *American Home and Architect Forum*.

In addition to his financial success, Carl Freeman displayed a generous spirit. He sponsored a class of students through the I Have a Dream Foundation, chaired the Maryland Israel Bonds Committee, and was a supporter of the Treatment Learning Centers, United Jewish Appeal and the Jewish Community Center of Greater Washington.

He was a major supporter of the Corcoran Gallery of Art, the Phillips Collection, the Montgomery County Arts, the Museum of African Art, the Washington Ballet, the Washington Opera Society, Arena Stage Round House Theater, Olney Theater and the National Symphony Orchestra. He was also chairman of the Greater Rockville Foundation of the Arts.

Mr. Freeman was founding president of the Suburban Maryland Builders Association and a member of the Montgomery County Board of Realtors. He was also director of the Montgomery General Hospital.

While we are saddened by Carl Freeman's death, we are grateful for his life. He inspired us with his dedication, warmth and friendship. For over thirty years he played leadership roles in art, health and business organizations throughout Montgomery County. The thousands of people who were affected by Carl Freeman believe that he had a true gift of generosity and faith in the human spirit. Carl Freeman has left this world a better place for our children and our children's children. I am honored to add my voice to the praises of friends, colleagues, and family who will miss him.

THE FIGHT AGAINST BLINDNESS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to pay tribute today to a group of constitutents whom I am proud to represent.

''Some people see things as they are and say 'Why?' I see things that never were and say 'Why not?' '' The words of George Bernard Shaw come to mind when I think of the group of wonderful, dedicated constituents and friends whom I have had the pleasure of working with on an issue critical to millions of Americans. Carlos and Betti Lidsky, Dr. Jaime Edelstein, and Dr. Jaime Suchlicki along with the help of other dedicated volunteers of the Heart Sight Committee and the Foundation Fighting Blindness have spearheaded an effort to bring the issue of Retinal Degenerative Diseases to the attention of the American public and to raise awareness over the need to fund critical research. Their work is tireless, their dedication unwavering, and the message they bring to those who suffer with the disease is that someday soon, a cure will be found.

Scientists have recently made exciting new discoveries in the laboratory that have brought us closer to discovering a cure for this group of diseases that take the sight of so many Americans. Just recently, Dr. Matthew LaVail, along with scientists from the National Eye Institute and Regeneron Pharmaceutical Company, made significant strides in their research. With ribosyme therapy, researchers have now established ''proof of principle'' for two forms of gene therapy. To scientists, proof of principle signifies that there is a good basis to move current studies to human clinical trials. In previous work, gene replacement therapy has slowed retinal degeneration in animals with recessive forms of the disease. With these exciting breakthroughs, we are at a critical juncture where we need to support these research efforts.

This month, the Heart Sight Committee, headed by Carlos and Betti Lidsky, will host ''Party With a Purpose,'' in my Congressional district. The event will provide an opportunity to recognize those who have contributed to fighting Retinal Degenerative Diseases and to raise a portion of the much needed funds to continue research projects, such as those of Dr. LaVail and his fellow scientists. The Lidskys and the members of the Heart Sight Committee are dedicated to not letting lack of research funding be the obstacle to finding a cure. We need to support efforts such as these because with our help, there is a cure in sight.

TRIBUTE TO THE REPUBLIC OF CHINA ON TAIWAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. HALL of Texas. Mr. Speaker, I rise to pay tribute to the Republic of China on Taiwan, on the occassion of Taiwan's forthcoming National Day.

The Republic of China was founded 87 years ago. Throughout the twentieth century, the Republic of China has been an ally and partner of the United States. In recent years, despite the lack of formal diplomatic relations, Taiwan has been unwavering in its support of United States policies in all areas.

It is appropriate on the occassion of Taiwan's National Day that freedom loving, democratic societies everywhere give their congratulations to the people of Taiwan, for their abiding respect and practice of the most respected traditions common to any true democracy. The people of Taiwan enjoy the right to vote in free and regularly scheduled elections. Their judicial system shows respect for the rights of the individual, and the Legislature is structured under truly representative rules. Furthermore, the people of Taiwan have been their own best natural resource, exhibiting to the world the value of hard work and a capitalistic spirit.

It is time for us to recognize Taiwan for what it is—a faithful ally and partner. Let's help Taiwan support itself by declaring our affections and everlasting friendship for Taiwan.

IN HONOR OF ARCHBISHOP ALOJZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Archbishop Alojz Tkac, Archbishop of Kosice and the metropolitan of Eastern Slovakia.

Archbishop Alojz Tkac, a native of Hummenne, in the region of Zemplin Eastern Slovakia, was ordained a priest on June 25, 1961. After 14 years of service, Archbishop Tkac was denied permission to serve in priestly ministry by the communist party. After eight years of absence, Archbishop Alojz returned to his passion and was named the pastor of the parish in Cervenica.

On February 14, 1990, Pope John Paul II named him the Bishop of Kasice. In 1995, the Diocese of Kosice was elevated to a metropolitan see and Bishop Tkac became its first Archbishop since 1962. Pope John Paul II personally presented the Archbishop with a Pallium, which was worn by Metropolitans on July 2, 1995 during the Pope's visit to Kosice.

On his third visit to the United States, Archbishop Tkac will visit several churches in the Cleveland area and meet with many prominent members of the Slovak-American community. On October 4, 1998, the Archbishop will be attending mass at SS Cyril and Methodius Church in Lakewood, Ohio with Father Ondrejka. The SS Cyril and Methodius Church is honored that the Archbishop will be attending and is grateful for the Archbishop's efforts to preserve the Slovak tradition in Cleveland.

My fellow colleagues, join me in honoring Archbishop Alojz Takac, a man who has dedicated his life to God, freedom and the well-being of all people.

TRIBUTE TO EARL A. JOHNSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Earl A. Johnson for 50 years of community service. Mr. Johnson currently acts as Mayor Pro-Tempore of the Darlington City Council where he has served since 1986.

Mr. Johnson was born in Darlington, South Carolina, which I am proud to represent in the U.S. House, and he has lived there all of his life. He was educated in the public schools, and graduated from Mayo High School in 1942. He later continued his education at Clemson University. After years as a brick mason in the private sector, Mr. Johnson became a masonry instructor at the Darlington Career Center from which he retired after 18 years. He helped with the development and implementation of a masonry education program at the Darlington County Prison Farm through the Darlington Adult Education program. He also taught masonry in the evening classes at Florence-Darlington Technical College for many years.

Mr. Johnson is a member of the St. James United Methodist Church where he has served in many capacities. His community involvement stretches from his church to the community's schools to the NAACP and other civic organizations. He has been a member of the Pee Dee United Elk Lodge #1679 for over 50 years, and he has been a member of American Legion Post #210 for 46 of those years. Mr. Johnson is also a dedicated member of the Friendship Masonry Lodge #17, a 32nd degree Mason member of the Pee Dee Consistory #197, and a noble of the Mystic Shrine Crescent Temple #148.

Throughout his career of community service, Mr. Johnson has received numerous awards. In 1993 he was named Man of the Year by his church, and he was recognized for working with the City-In-Schools Program as a mentor at Darlington Junior High. Mr. Johnson is also an accomplished musician who has played the drums with several area bands.

Mr. Johnson is married to the former Hilda Grayson from Beaufort, South Carolina, and they have two children and two grandsons.

Mr. Speaker, I ask you to join with me and my fellow South Carolinians from the Darlington area as we pay tribute to Earl A. Johnson for over 50 years of dedicated community service. He is an excellent role model and a devoted public servant.

A TRIBUTE TO SYRACUSE UNIVERSITY STUDENTS ABOARD PAN AM FLIGHT 103

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. WALSH. Mr. Speaker, this December it will be ten years since the downing of Pan Am Flight 103 over Lockerbie, Scotland. Thirty-five Syracuse University students, returning from a study abroad semester, were killed in that bombing. This event had a profound effect on the Syracuse community and time is still healing the wounds left by this terrible tragedy.

Jonathan Matthew Taylor, the current Student Government Association Parliamentarian, has asked for the words of a predecessor, John M. Mandyck, to be placed in the RECORD. The words of Mr. Mandyck were delivered January 18, 1989 at a tribute to the thirty-five Syracuse University students killed in the Pan Am Flight #103 bombing.

Along with Mr. Matthews, I believe it is appropriate to pay tribute again. I submit Mr. Mandyck's speech to be placed in the record and invite my colleagues to join with me in remembering those students who lost their lives in this terrorist attack.

A TRIBUTE—SYRACUSE UNIVERSITY FLIGHT 103 MEMORIAL SERVICE CARRIER DOME, JANUARY 18, 1989

(By John M. Mandyck)

We have come together today to pay tribute to our lost colleagues, friends, and loved ones. Meager words that I may think or say cannot eliminate pain or wipe away tears; they may unite us in one thought. May these words begin to ease the sorrow that has been felt from coast to coast, and ocean to ocean.

We may not have personally known one or more of the students called from this life, but we all share a common bond to our alma mater and loved each of the students in our own very special and personal way. I knew one student well. His name was Frederick Phillips—or ''Sandy''—as friends called him. Sandy wrote to me from London several

times. I never had a chance to respond to his last letter. Over the semester break, I finally wrote that response. I gathered my thoughts and put them on paper to Sandy. I know I won't be sending this letter, but I thought I'd read it here today, because I know he and the others are listening.

DEAR SANDY, Time has stopped for a while on our campus. It's a little quieter here. People don't seem to laugh as much. And it's cold. It's been cold since we heard the news. For almost a month now, we've been mourning your death and the loss of your companions on that flight. Our university family is a little smaller now, but I think we're a little closer too. I think this closeness has spread to all college students as seen from the dozens of sympathy letters I've received from around the country. So many are sharing in our grief, Sandy, but these letters don't explain your loss—I'm not sure anything will. I'm not even sure if I should look for answers because answers lead to more questions, and questions take time. Time as I have learned is so precious.

Sandy, I'm glad I got to know you for the short time you were with us at Syracuse. You made friends laugh, classrooms brighter, and you made this dome a little louder for those winning touchdowns and tie-breaking baskets. You made our campus better. Sandy, we may have lost you but we didn't loose your spirit. I see it every day now in others, and it's less painful knowing a part of you lives on.

When I first heard the cold news, I wanted to say a prayer. I didn't quite know what to pray for, now I do. I pray that we all live our lives, dream our dreams, walk forward like you did when you were here with us. You and the others have taught us that life is precious, and life too is short. I think you'd want us to know that tragic thoughts, guilty feelings, and profound grief tick away on our own timeclocks.

So we've been grieving for a month now. And I told you time stopped for a while on our campus. Tomorrow, will you mind if we start the clock again? You see, Sandy, the ink is drying on this chapter of our lives. Tomorrow I want to start a new chapter. You, yourself, won't be in this one because I can't bring you back, but you'll be guiding me—you and the others will be guiding all of us. You'll turn the pages as we write, you'll inspire our pens. You see, we all have a responsibility now . . . this book called ''life'' must read on.

Someday I'll look through the book of my life and in my browsing I'll find a chapter that ended on January 18, 1989. I'll be grateful because you helped me turn that page and write so many others. I'll be thankful that you taught me on Earth, and reminded me from Heaven, how precious time and life really is.

Tomorrow, Sandy, we'll be writing a new chapter with your help. One where clocks tick again, knowledge is sought again, and people laugh again. And Sandy, with your help, I think tomorrow our campus will be a little bit warmer.

INTRODUCTION OF LEGISLATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. CRANE. Mr. Speaker, my distinguished colleague from the Committee on Ways and Means, Mr. MATSUI, and I today are introducing legislation to prohibit the Department of Treasury from issuing any regulations dealing with hybrid transactions under subpart F of the Internal Revenue Code. The bill will further instruct the Secretary of the Treasury to conduct a study of the tax treatment of hybrid transactions and, after receiving input from the public, to submit the report to the House Committee on Ways and Means and the Senate Committee on Finance.

The subpart F provisions found in the Code have a direct impact on the competitiveness of U.S. businesses in the global marketplace. Historically, Congress has moved carefully when making changes to those sections of the Code pertaining to international taxation. Unwarranted or injudicious action in these areas can have substantial impact on U.S. businesses operating abroad.

With this in mind, I was very concerned when the Treasury Department issued Notice 98–11 earlier this year to restrict the use of hybrid transactions, which Treasury suggested were being used ''to circumvent the purposes of subpart F.'' Treasury's actions caused Mr. Matsui, me and many others to question the regulatory process Treasury intended to use to change the policy.

Both Chairman Archer and Ranking Democrat Rangel wrote Treasury Secretary Rubin to express their concern over the policy Treasury was suggesting as well as the means by which it was implementing the change. Rather than asking Congress to consider possible changes, Treasury was, in effect, legislating by executive fiat. Following up the letters from Messrs. Archer and Rangel, Mr. Matsui and I joined 31 fellow members of the Ways and Means Committee in asking Treasury to withdraw the regulations in order for Congress to have an opportunity to review the issues.

After receiving this input from Congress and the business community, Treasury did issue Notice 98–35, which withdrew Notice 98–11. However, the issue remains unresolved as Notice 98–35 still leaves Treasury with the option of issuing binding rules regarding hybrid transactions. And, although the rules will not be finalized before January 1, 2000, they will be effective for payments made on or after June 19, 1998. Because Treasury still retains this option to issue regulations and, in effect, legislate in this area, I believe Congress must act to protect its Constitutional prerogative.

With regard to the policy, I am concerned that proposed changes to hybrid transactions would increase foreign taxes on U.S. companies operating abroad—thus putting U.S. companies at a competitive disadvantage with their foreign competitors. Congress just simplified some of the subpart F rules in the Taxpayer Relief Act of 1997, and these, or similar, proposed regulations would be inconsistent with recent Congressional action. Lastly, this policy raises the question as to why the U.S. Treasury Department is so concerned about helping to generate revenue for the coffers of other countries.

I look forward to the study and input from the Department of Treasury on the issue of modifications to the subpart F provisions in the Code. Regardless of the merits of the proposed changes to the subpart F policy, we must not allow Treasury to move forward with regulations until Congress determines the appropriate course of action. The bill we introduce today will allow for that judicious process to go forward and I urge my colleagues to join with us in cosponsoring this bill.

TRIBUTE FOR CAPTAIN DONALD COLLINS BROWN

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. CANNON. Mr. Speaker, I rise today to commemorate a constituent of mine, Captain Donald Collins Brown, upon his retirement after 28 years of active duty in the United States Navy.

Captain Donald Collins Brown was commissioned through the Naval Reserve Officer Training Corp at the University of New Mexico in 1970. He completed flight training and was designated a Naval Flight Officer in 1971. His sea duty tours include several fleet squadrons in the A–6 Intruder. He also served at sea as Aide and Flag Secretary to the Commander Carrier Group One and Chief of Staff to Commander Cruiser-Destroyer Group Three. Captain Brown commanded Attack Squadron one six five and Carrier Air Wing two. His shore assignments include Attack Aviation Readiness Officer at both Commander Medium Attack Wing and Naval Air Forces Pacific Fleet and most recently as Commanding Officer of the Naval Reserve Officer Training Corp at the University of Utah.

Captain Brown is a Distinguished Graduate of the Naval War College in Newport Rhode Island. He has completed nine extended deployments with various Carrier Battle Groups in the Atlantic, Pacific, and Indian Oceans, the Mediterranean Sea and Persian Gulf. He has over 4,000 flight hours, primarily in the A–6 Intruder and has experience with the F–14, S–3 and EA–6B. His awards include two Legions of Merit, two Meritorious Service Medals, the Strike/Flight Air Medal, the Navy Commendation Medal, and other campaign and service awards.

Captain Brown and his wife, Pauline, have two children and reside in Park City, Utah.

Mr. Speaker, I would like to wish Captain Brown my best and commend him on a job extremely well done.

IN HONOR OF THE ALLEN THEATER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. KUCINICH. Mr. Speaker, I would like to extend my best wishes to Cleveland's newly remodeled Allen Theater in celebration of its grand re-opening. The Allen has stood the test of time through many hardships to allow its patrons to enjoy the hundreds of films and performances that have graced its dazzling auditorium.

Designed by the famous architect C. Howard Crane and built by Jule and Jay Allen, the theater first opened its doors on April 1, 1921 amidst a frenzy of publicity praising this $1,900,000 movie ''palace.'' Its elegant interiors included a Great Rotunda illuminated by a grand chandelier hung 33-feet above ground. It held 3,080 seats and played host to many silent films.

Even with its obvious success, the Allens would operate the theater for only a year, at

which time Lowes took over, starting a long succession of different owners. All brought significant changes to the Allen, from its structure to the actual performances that took place inside it. From 1972–76, it played host to many soon-to-be-famous rockers who were looking to showcase their acts, such as the BeeGees, Cheech & Chong and the rock band KISS.

After a brief ''dark-out'', the Allen came alive again with a techno-entertainment show called the Laserium that lasted only a year, after which the theater closed its doors for 16 years. But after a long struggle, the Playhouse Square Foundation received the support to save this historic landmark from demolition by signing a 20-year lease to handle its operations. It presented the cabaret show ''Forever Plaid'' which was met with great success. Officials chose to remodel the theater's stage and make it conducive to long-running musicals like Phantom of the Opera and Showboat.

My fellow colleagues, please join me in honoring the Allen Theater during this time of great celebration. Its grand re-opening marks a new beginning for this grand institution. Despite much adversity, it will continue to give us the magic of theater long into the future.

INTRODUCTION OF THE EMPOWERMENT ZONE ENHANCEMENT AND RURAL ENTERPRISE COMMUNITIES ACT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. HINCHEY. Mr. Speaker, I rise with my colleague Mr. WATKINS of Oklahoma to introduce legislation aimed at securing funding for Round II of the Empowerment Zone program. Last year's Taxpayer Relief Act authorized the designation of 20 new Empowerment Zones—15 in urban cities and 5 in rural areas—but did not provide any funding for these communities. The bill we are introducing tonight builds on a measure we introduced earlier this year to expand the rural program—the Rural Enterprise Communities Act (H.R. 4071)—to include funding for the 15 urban empowerment zones.

The flexible funding for EZs and ECs is so important because it gives communities the ability to participate directly with their private sector partners in development projects. The communities leverage these funds many times over, using them as seed capital to attract resources from the private sector, non-profit organizations, foundations, universities, churches, and government agencies. Without the funding in place, it will be very difficult for the new empowerment zones to begin implementing their comprehensive strategic development plans.

In addition, we believe that the rural side of this program must be expanded. The Taxpayer Relief Act only authorized five rural empowerment zones. To date, more than 250 communities have notified USDA that they will be competing for these designations. Our bill recognizes the significance of this program for distressed rural communities and allows the USDA to designate an additional 33 enterprise communities in rural areas.

We need to act quickly to ensure that the new EZs and ECs are funded at the beginning of their life cycle when it will do the most good. I have attached a summary of the Empowerment Zone Enhancement and Rural Enterprise Communities Act, and urge my colleagues to support this important measure.

THE EMPOWERMENT ZONE ENHANCEMENT AND RURAL ENTERPRISE COMMUNITIES ACT

Section 2(a), (b). Selection of Additional Enterprise Communities. This section expands Round II of the EZ/EC competition to authorize the Secretary of Agriculture to designate 33 rural enterprise communities. The EC designations are in addition to the five rural and 15 urban empowerment zones authorized by the Taxpayer Relief Act of 1997. In addition, this section extends the filing deadline until January 1, 2000 for communities to apply for a new EC designation.

Section 2(c). Modification of Eligibility Criteria for Rural Empowerment Zones and Enterprise Communities. Poverty is still the main criteria for a rural EZ/EC designation. This section gives the Secretary the discretionary authority to consider other significant factors that contribute to distress in rural communities that are not as prevalent in urban areas. These include: Emigration; Underemployment; Rise in unemployment caused by the federal government, such as a military base closure; and Sudden economic dislocation that causes significant job loss, such as a plant closure.

In addition, this section clarifies that for communities that otherwise meet all of the program's eligibility criteria, the Secretary may exempt sites that will be developed for commercial and industrial purposes from the poverty criteria as long as they do not exceed 2,000 acres or contain more than three noncontiguous parcels.

Section 2(d), (e). Use of Bond Proceeds. The Taxpayer Relief Act authorized EZs to issue ''new empowerment facility bonds'' that are exempt from the state's tax-exempt bond cap, and also created a new type of ''zone academy bond'' to finance school construction in these communities. This section specifies that: Issues of new empowerment zone facility bonds must be consistent with the EZ's strategic plan to receive the special treatment; Rural ECs designated in the Round II competition may not issue zone facility bonds; The comprehensive education plan required to issue zone academy bonds must not be inconsistent with the EZ's strategic plan; and At least 25 percent of the zone academy bonds must be allocated to rural EZs

Section 3(a), (b). Recognition and Incentives for Top Performing EZs and ECs. This section directs the Secretaries of Housing and Urban Development and Agriculture to recognize top-performing EZs and ECs annually. Top performing Round I ECs that otherwise meet all the program's eligibility criteria will be given priority in the Round II EZ competition.

Section 3(c). Continuation Funding for Top Performing Round I EZs and ECs. This section allows HHS to set aside up to 10 percent, of the funds for the Round II EZs ($150 million for urban, $10 million for Rural). Round I EZs and ECs that have completed or made satisfactory progress toward implementing their strategic plans will be eligible to compete for these funds at the direction of USDA and HUD.

Section 4(a)–(d). Funding for Round II EZs and ECs. EZ/EC program funds are distributed through the Social Services Block Grant (Title XX). The President's budget allocates $1.7 billion for the Round II empowerment zones ($1.5 billion for urban and $200 million for rural). This section divides those funds to provide: Urban EZs an annual grant of up to $10 million for the next 10 years for a total of as much as $100 million; Rural EZs an annual grant of up to $2 million for the next 10 years for a total of as much as $20 million; and Rural ECs two grants of $1.5 million for the next two years for a total $3 million.

Section 4(e). Rural Community Planning Grants. To help rural communities prepare their strategic plans during the application process, this section designates $1 million for 100 community planning grants of up to $10,000 each.

Section 5. Responsibility for Environmental Review. The National Environmental Policy Act requires every federal agency that administers a program funded through grants to states, such as the Title XX Social Services Block Grant, to determine, among other things, whether the program will have any adverse effects on the environment. The Department of Health and Human Services—which releases the SSBG funds to the states for EZs and ECs—is currently required to make this environmental review for EZ/EC grants, even though it is not responsible for selecting the communities or approving their strategic plans. This section transfers responsibility for conducting the NEPA reviews to HUD for urban areas and to USDA for rural areas. It also gives the Secretaries the authority to delegate this responsibility to state and local governments and tribal authorities under certain conditions.

Section 6. Performance Measurement and Evaluation. This section requires HUD and USDA to make regular evaluations of the Round II EZ's and EC's progress toward implementing their strategic plans, according to a performance measurement system established by the Secretaries. This section also give HUD and USDA authority to adjust, reduce, or cancel a zone's or community's grant for poor performance.

Section 7. Distribution of Surplus Government Property. This section allows USDA to distribute surplus government property (computers, vans, construction equipment, etc.) to rural EZs, ECs, and champion communities on preferred basis.

Section 8. Effective Dates. In general, the amendments made by this bill take effect as if passed as part of the Taxpayer Relief Act of 1997.

PRESCRIPTION DRUG PRICING

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. BERRY. Mr. Speaker, I rise today to talk about an issue of importance to everyone across this country, especially our seniors.

Let me start by telling you about an 81-year-old woman. Her name is Mary Carson, who lives in my District in Jonesboro. She is presently taking 10 prescription drugs to treat blood blots, blood pressure, nervousness, and arthritis. Although Medicaid covers the cost of some of her prescription drugs, Ms. Carson still spends $80 to $200 monthly on her medications—up to almost half of her monthly income. Ms. Carson's only source of income is

her $416 Social Security check. Because of the high costs. Ms. Carson has had to skip or cut back on medications. She is only taking half of her prescribed blood thinner, and has had to skip her arthritis medicine because she was not able to fill the prescription.

Mr. Speaker, unfortunately, Ms. Carson's problem is a common one for seniors across my District and across the country. Because of the high cost of prescription drugs, seniors often have to take half of what the doctor has told them to. Because of the high cost of prescription drugs, seniors often have to choose between taking their medicine and paying for food or their electricity. And because of the high cost of prescription drugs, our seniors are dying because they are too proud to ask their children to help them buy their medication.

Studies that have been done for several Members of Congress, including myself, over the last several months have shown, the prices seniors and other consumers are charged are on the average 106 percent more than what pharmaceutical companies charge their favored customers such as HMOs, insurance companies and the Federal Government. This just doesn't seem fair to me when you think about the fact that according to Industry ratings of Fortune 500 companies—pharmaceutical companies are the most profitable businesses in existence. They made $24.5 billion in profits last year. Pharmaceutical companies had a 17.2 percent return on revenues. Telecommunication companies, 8.1 percent; computers and office equipment manufacturers, 7.3 percent; food and drug stores made a whopping 1.7 percent.

One might think the success of pharmaceutical companies would be of tremendous benefit to American consumers. The reward: This year consumers have faced the highest two, monthly increases in prescription drug prices on record.

Earlier this week, I chaired the first meeting of the Prescription Drug Task Force because of the increasing importance of the issue. Also, last week I introduced legislation with Congressman TOM ALLEN that would allow senior citizens who are Medicare beneficiaries to purchase prescription drugs at the low prices available to Federal agencies under the Federal Supply Schedule.

For the remainder of this session of Congress and continuing into the 106th Congress, the task force will work to bring attention to issues involving the costs and availability of prescription drugs. The task force will serve the purpose of complementing our legislation and is open to finding new policy recommendations. It will be an advocate for consumers and ensuring competition within the industry.

All Members of Congress should stop and think about the blatant unfairness seniors face every day when they go to purchase their prescription drugs—medication they need to stay well and to stay alive. This is not an issue that will just go away. We should stand up for our seniors who are getting ripped off by pharmaceutical companies and ensure that they are not charged more than they should be for their medication.

CHRIST CHURCH OF ACCOKEEK 300TH YEAR ANNIVERSARY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the 300th Anniversary of Christ Church of Accokeek, Maryland, built by the Church of England, and one of six pre-Revolutionary War churches. It is believed this church congregation held their first prayer meetings sometime in 1698 in private homes with their first formal church structure being built a few years later.

Mr. Speaker, as I am sure you can imagine, Christ Church has weathered countless trials and tribulations through its 300 years of existence. Early settlers triumphed over the harshness of the 1700's, the separation from the Church of England, and the invasion of troops during the War of 1812. Christ Church's survival over the decades shows the uniqueness of the community of Accokeek.

In 300 years of existence there have been vast changes in liturgical theologies. In the early days the dictates of theology permitted no music, no stained glass or colored windows and only box type pews. Today, Christ Church radiates this same simplicity and symmetry with the addition of beautiful stained glass, music, conventional pews, and a bell tower. The ornate Holy Services offered now at Christ Church are a reflection of strong roots and faith of its members. A quality that has been strong enough to trickle down and bless the numerous generations of this Maryland community.

Christ Church makes a rich contribution to the history of Maryland and our great Nation. It sits as a symbol of the great sacrifices made by the early settlers to exercise their religious beliefs and through the years the clergy has worked tirelessly to minister to the people of the region during good times and bad.

Christ Church has seen years and years of families and neighbors coming together for convocations and picnics, weddings and funerals, for comfort and direction. In the words of an early Accokeek resident, Mr. Henry Williams (1862–1936) on speaking of the importance of this church to the community, ''I think it has quite a bright future before it—good roads, good schools, and a dear old church.''

Mr. Speaker and colleagues, please join with me in wishing this ''dear old church'', the Christ Church of Accokeek, congratulations on their 300th Year Anniversary.

TRIBUTE TO BOBBY RUSH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. THOMPSON. Mr. Speaker, I rise today to acknowledge and congratulate a dear and close friend of mine, the national and international known Mr. Bobby Rush. On November 9 at the House of Blues in Los Angeles, California, Bobby Rush will receive the Blue Foundation's second annual ''B.B. King Blues Hero'' Award during the Lifetime Achievement Ceremony.

The B.B. King Blues Hero Award was established in 1997 by the Blues Foundation to recognize a Blues artist whose career has been characterized by community service and charitable activity. As the recipient of the award, Bobby will receive an honorarium, as is characteristic of his goodness and concern for young people, is donating his honorarium to a program to provide computers for Mississippi classrooms.

While Bobby Rush is known for his amazing stage show and outstanding performances on the 21 releases that span his career, few people know of Rush's dedication to his community in Jackson, Mississippi. For years Bobby has taken time off the road to use his tour bus to transport people to the polls on Election Day, participates in voter registration drives, and encourages young people to be civic minded and help in their communities, which I truly appreciate. He also has played functions to raise money for sickle cell anemia research, child care, school band uniforms, and musical equipment for local students.

Bobby Rush promotes the Blues by participating in the Blues in the Schools programs nationwide. During Black History Month, Bobby visits schools throughout Mississippi and Alabama. He also volunteers his own home as an emergency shelter for children leaving the Hinds County Youth Correctional Facility in Raymond, Mississippi.

With professional accomplishments and personal acts of humanitarism such as these, I am truly proud and honored to stand here and extend congratulations to my friend Mr. Bobby Rush. He is truly a credit to America, his community, and his art.

HONORING MR. BENJAMIN S. PURSER, JR. FOR HIS SERVICE TO THE FEDERAL BUREAU OF INVESTIGATION AND THE UNITED STATES DEPARTMENT OF JUSTICE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mr. Benjamin S. Purser, Jr. and his service to the Federal Bureau of Investigation and the United States Department of Justice.

Mr. Purser will retire from the Federal Bureau of Investigation (FBI), after twenty-eight years of faithful service, on October 3, 1998. He will be greatly missed.

Mr. Purser, a native Tennessean, now serves as a Senior Supervisory Resident Agent for the agency in Nashville, with oversight responsibility for all operations and investigations in Middle Tennessee. He began his career with the FBI in 1970, and following training, was assigned to offices in Baltimore, Maryland, and New York City. During his ten years in New York, Mr. Purser was assigned to the Organized Crime Division where he earned significant investigation expertise relating to white-collar and violent crime, and health care fraud.

Mr. Purser gained notoriety throughout the South in the late 1980's and early 1990's, when he supervised ''Rocky Top,'' a sensitive and complicated undercover investigation of public corruption, which focused on abuse of

power by Tennessee public officials. This investigation resulted in the conviction of sixty-five state officials in U.S. District Court. He is also credited with forming the Violent Crimes Task Force in 1994, a successful partnership of six federal, state, and local law enforcement agencies.

In 1996, Mr. Purser received both the FBI Medal of Valor, the organization's highest award to acknowledge bravery and courage, and the FBI Star, the equivalent of a Purple Heart, for his intervention in an attempted car jacking and kidnaping that occurred in 1984. A fugitive on the FBI's ''Ten Most Wanted'' list was killed during the incident.

In an age where character and courage are often overlooked, I would like to commend my fellow Tennessean, and good friend since our university days, on his years of outstanding service to the Federal Bureau of Investigation and our nation. I applaud him for pursuing justice, no matter the cost.

Mr. Purser's leadership skills have benefited his agency, and the people of Tennessee. He has served as an example of fortitude to his peers and his family. I wish him the best in his retirement from the FBI.

CELEBRATING THE CHURCH OF ST. THERESE OF THE LITTLE FLOWER

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. ENSIGN. Mr. Speaker, I rise to congratulate the Church of St. Therese of the Little Flower in Reno, Nevada, on the milestone achievement of its Golden Jubilee. Today, October 1st, marks fifty years of the Church's service to Nevadans. Today is also the Church's celebration of the Feast of St. Therese of the Little Flower.

This rare occasion will be celebrated with a special Mass, complete with fifty years of church music, and a banquet. The Mass is a beautiful and fitting way to intertwine its rich tradition of history, family, music, prayer, worship, thanksgiving, and most of all, reverence to God.

While I was growing up in Reno, the Little Flower Church occupied much smaller quarters. Today, the church is among the most modern structures in Reno, and is a widely recognized landmark in its southeast neighborhood. And, like a beautiful flower, the parish has blossomed to 3,500 families. The Church of the Little Flower's congregation is diverse and welcoming, reflecting Reno's tremendous population growth in the last twenty years.

Little Flower Church is the focal point for quality education for the local children and a variety of ministries to help the sick, elderly, and inmates at the Washoe County Jail. Truly, Little Flower Church is dedicated to the spiritual and physical needs of all people.

I would also like to congratulate the pastor of the Little Flower Church, the Very Reverend Robert Bowling, on his remarkable twenty-four years of selfless service to this parish. Father Bowling has guided the Little Flower Church through its growth period. Because of his hard work and strong guidance at Little Flower, he has the admiration, support, love, and respect of the entire community.

Mr. Speaker, I ask my colleagues to join me in wishing the parish of the Church of St. Therese of the Little Flower all the best on this very important day.

HONORING THE LIFE OF ROLAND MANTEIGA

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. DAVIS of Florida. Mr. Speaker, my community is in mourning. We are saddened by the passing of Roland Manteiga, one of the most prolific, influential and admired chroniclers of politics and history in my hometown of Tampa.

For decades, you could count on walking into La Tropicana in the morning and at lunch and seeing Roland dressed in his trademark white suit sitting at his private table chatting with leaders of our community. Without fail, he always knew what was going on in Tampa politics and he faithfully shared it with his readers every week in his newspaper, La Gaceta. His ''As We Heart It'' column was a must read for thousands. If you wanted to know the pulse of the town, you read Roland.

The passion for the news business grabbed Roland early and hooked him. As a young boy, he started working for the paper his father, Victoriano, started in 1922. Except for his distinguished service in World War II, he spent his life at the paper and became its owner when his father died in 1982. He transformed the paper into the only trilingual weekly newspaper in the country. In addition to political news, Roland's paper was the voice of the Latin community and reported on it better than anyone. La Gaceta thoroughly documented the story of the immigrants who came to Tampa and contributed so much to the fabric of our community.

Roland's work won him many awards and recognitions, including Citizen of the Year and Hispanic Man of the Year. But typical of his self-effacing style, he always downplayed his importance to our town. His genteel manner made him equally as comfortable with presidents and governors as he was with store clerks and construction workers. And that's just one of the qualities that endeared him to so many people.

I think Ferdie Pacheco, the ''Fight Doctor,'' summed up Roland's contributions to our community best when he wrote, ''Years from now, when we are all gone, the historians will know exactly how we were and who we were because of the lifetime of dedicated work of one man.''

Mr. Speaker, I know I speak for everyone at home when I say that we will miss our dear friend, Roland. May he rest in peace.

CARING, EXCELLENCE, & ACCOMPLISHMENT

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. BARCIA. Mr. Speaker, during our lives we may be privileged to meet people who make a difference, people who believe that it is far more important to accomplish something for the community than to accomplish something for themselves. We have been most fortunate to have been the beneficiaries of two extraordinary gentlemen, who just happen to be father and son—Hans Jeppesen, Sr., and Hans Jeppesen, Jr. Since 1954, these two men have been the heart and soul of Bay Health Systems, a leading and outstanding health care provider within my District. They are being honored on October 4 with the dedication of the Jeppesen Radiation Oncology Center at Bay Health Systems.

Hans Christian Jeppesen became the leader of General Hospital in 1954. He worked to make sure that General Hospital was the best source of health care until a merger with Mercy Hospital in 1972, creating Bay Medical Center. Having instilled a vital sense of confidence and capability in his employees, Hans Jeppesen established a standard of care and competence that was a model for others in the health care community. He passed away in 1973.

His son, Hans Jeppesen, II, began his career in health care as an administrative resident in 1964 at Wellborn Baptist Memorial Hospital in Evansville, Indiana, and first came professionally to Bay City in 1966. After terms as Assistant and Associate Administrator, he rose to Executive Vice President of Bay Medical Center in 1973, and to President in 1975. Since 1986, he as been President of Bay Health Systems, the parent company for Bay Medical Center, Bay Health Care, Bay Medical Services, Bay Medical Foundation, and Bay Special Care. He is credited with overseeing the merger of Bay Medical Center with Samaritan Hospital in 1979, and in 1988 with Bay Osteopathic Hospital, a very rare occurrence of the merger of four hospitals.

The community has also benefited from his willingness to work with many organizations. In particular, his concern for young people and women has made him a leader in Junior Achievement, Big Brothers, YMCA Youth Programs, and the Bay County Women's Center. He has been an outstanding role model for his five children, Jeff, Mary, Hans, Karen, and Niels, and his two grandchildren, Madeline and Meredith.

With two lifetimes of dedication, it is most fitting that the Radiation Oncology Center bear the name ''Jeppesen'', as a symbol of caring, excellence, and accomplishment. Mr. Speaker, I urge you and all of our colleagues to join me in celebration of the Jeppesen Radiation Oncology Center at the Bay Heatlh Systems West Campus.

TRIBUTE TO TONY MOCERI

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to Anthony (Tony) Moceri. The International Brotherhood of Boilermakers Local 363 in Belleville, Illinois is naming their new hall for Tony Moceri.

Tony Moceri is a great union member. He earned his union card in San Francisco and was initiated into Lodge 363 in 1942. Tony was a dedicated, hardworking member until his retirement in 1984. Mr. Moceri was elected Lodge Assistant Business Agent in 1963 and

moved to Business Manager in 1966—a position he held for nearly twenty years. Under Mr. Moceri's leadership, an apprenticeship program was developed. This program, initiated by Mr. Moceri in 1974, has proven extremely successful.

Mr. Moceri was on the State Boiler Board and the Building Trades Committee. He also had the honor and distinction of serving on Senator Percy's Labor Task Force Committee.

Tony Moceri has been married to his wife, Vera, for 44 years.

I would like for my colleagues to give special recognition in honor of Local 363 naming their new facility for Tony Moceri.

STATEMENT OF KATHIE LEE GIFFORD CONCERNING CHILD LABOR TO THE CONGRESSIONAL HUMAN RIGHTS CAUCUS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. LANTOS. Mr. Speaker, earlier this week on Monday September 28, the Congressional Human Rights Caucus held a briefing for members of this body on international child labor issues. Child labor has traditionally been among the most difficult and troubling of the human rights issues that we deal with. The problem is the greatest in those countries where poverty and lack of economic opportunity are the greatest. Furthermore, the extensive use of child labor only perpetuates that cycle of poverty by limiting the opportunity for these working children to attend school and gain the education they need to improve their situation.

Developing countries, in their struggle to improve their national economic and social conditions, often have failed to deal with the tragedy of child laborers. The International Labor Organizations (ILO) has estimated that some 250 million children between the ages of five and fourteen are working in developing countries around the world. Some 61 percent of this total, nearly 153 million children, are found in Asia alone.

To alleviate the grinding poverty and economic hardships that they face, many families in developing countries submit children to some of the worst forms of child labor such as exposure to extremely hazardous work, slave-like conditions, prostitution, pornography, and other intolerable situation. Often child victims of this practice never learn to read or write at all, and upon reaching adulthood these children can only past the legacy of poverty, illiteracy, and hardship to their own children.

Mr. Speaker, in recent years, with the strong support of our Department of State and our Department of Labor, efforts have been made to raise awareness of this serious problem. In 1992 the ILO initiated the International Program on the Elimination of Child Labor to work toward the progressive elimination of child labor. These efforts must be encouraged.

Mr. Speaker, at the briefing of the Congressional Human Rights Caucus, Kathie Lee Clifford, who was accompanied by her husband, Frank Gillord, made an excellent statement on this issue of child labor. I ask that her statement be placed in the RECORD, and I urge my colleagues to give thoughtful attention to her views.

STATEMENT OF KATHIE LEE GIFFORD

In the past two and half years I have learned a great deal about sweatshops and child labor—enough to make me physically ill and at many times brokenhearted. I have learned that all it takes to create a sweatshop environment is one greedy, unethical person and one desperate one. While it seems that solutions of the past have done little to combat labor abuses, I've also learned that if the various groups represented here work together, unified by the mandate that we must end these horrible conditions, we could accomplish a great deal.

When I was accused personally of being involved in labor abuses I was stunned. How could anyone possibly believe I could run a sweatshop? (1) I don't manufacture anything; (2) I don't own a factory; (3) I don't pay anyone to manufacture anything; and (4) I have an iron-clad contract that specifically states nothing can be manufactured with my name on it in an abusive manner. But, then I learned how easy it is for someone to exploit the system, ignore the compliance agreement, and profit from the misery of hard-working, vulnerable people—even children. I was angry and resolved it do whatever I could to do something about it.

Although I'm an endorser, a licensor of my trademark—and not the manufacture of goods—I promised that if, and whenever I discovered that any goods bearing my name were made in a factory with abusive conditions, either these conditions would be corrected or nothing with my name would continue to be made in that factory. I hired a reputable worldwide firm of independent monitors to inspect the factories so that I would learn their working conditions. When unfair working conditions are discovered we give the factory one chance to rectify the problem. If the conditions are not corrected, we take away our business. In the case of child labor abuses we do not allow a second chance—one time and the factory's out. This monitoring program will continue so long as I lend my name to any goods or products.

I learned about and campaigned for legislation on the Federal, State and local levels to address working conditions. I'm here to support legislation such as the ''Young American Workers Bill of Rights Act'' and the ''Children's Act for Responsible Employment.'' These acts must promptly be passed by Congress. In Congressman LANTOS' words, ''We have neither the time nor the luxury to debate whether this is a child labor problem.'' But I've also learned that legislation alone will not solve the problem: We need the concerted effort of Government, manufacturers, unions and human interest organizations. I know that these groups, while supporting many of the same ideas, sometimes disagree on means and methods of accomplish their goals. We must continue to work together, to enact and enforce laws; but also to educate consumers—these are the ''new solutions for child labor abuses.''

I truly appreciate being asked to appear before you today. I am here as the mother of two small children from whom I hope to leave a legacy of hard work, sacrifice, fairness and a determined commitment to make this world a better place for all children, especially children less blessed than my own. I realize that in certain ways my name has become synonymous with the term ''sweatshop.'' That as been painful to me both personally and professionally, and yet I have always felt that all things work together for good for those who love God and are called according to his purpose. I find comfort and hope in this promise from the Scriptures—that indeed my struggle will result in aiding all of your efforts to end the very real and heartbreaking struggle of millions of vulnerable children around the world.

There are many other celebrity endorsers lending their good names of products manufactured throughout the world. I believe each of them has a moral responsibility to take whatever steps possible to ensure the integrity of their products. A contract with strong language is simply not enough. I encourage them to hire, at their own expense a reputable independent monitoring service and use their public platform to educate consumers and pressure their manufacturers to comply with all ethical and legal standards.

None of us can ignore the use of child labor. Today, in this room, there are Members of Congress and representatives of human rights organizations, unions and government and private citizens like myself. Let us together be a voice for those who cannot speak for themselves. Comfortable in our privileged world, we cannot hear the cries of the children chained to a life of abuse, but our silence at the injustices they suffer is deafening to the ears of God.

Perhaps we can put a face on child labor by substituting our own children with the faceless children we only know as statistics. Today when you go to dress your six-year-old, stop to think of that six-year old being snuck into the back of a sweatshop to work long hours, cutting and sewing clothes they could never afford. Today when you watch your seven-year-old run back and forth on a soccer field, think of that seven-year-old sitting in a sweltering factory making that soccer ball he will never have a chance to play with. And today when you shoot baskets with your eight-year-old, think of the eight-year-old who sewed those sneakers and who will never, every jump for joy. Think of your own children and think of all the children all over the world who are being denied a childhood because of others' greed and our own indifference.

Each of us has a responsibility and an opportunity. Our responsibility is to make the world a better place for these children to live and work in. Our opportunity is now for new solutions for child labor abuses; to enact laws like the ''Young American Workers Bill of Rights Act'' and the ''Children's Act for Responsible Employment'' to join together to form a powerful alliance of caring individuals who refuse to support companies that utilize child labor; and finally, to pray for all the children of the world that someday they may enjoy a life in the sunshine, breathing fresh air and laughing with a joy that can only come from knowing that they are loved and that they are precious just like our own children.

Perhaps the most important thing I have learned about this issue is that sweatshops operators are counting on one thing—that you don't care how your products are made. These children are counting on something very different—that you do care, especially when they're made by children. Together through our efforts and the work of this Congressional Human Rights Caucus, let's prove the children are right and let's make the unspeakable shame of abusive child labor a thing of the past.

IN SUPPORT OF H.R. 4646, THE PRESCRIPTION DRUG FAIRNESS ACT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of H.R. 4646, a bill allowing pharmacies to purchase drugs for

Medicare beneficiaries at the substantially reduced prices already available under the Federal supply schedule. This important piece of legislation would dramatically lower prescription drug costs for senior citizens.

Most Americans are aware of the ever increasing costs of health care and prescription medication. But no segment of the American population is impacted more than our senior citizens. Senior citizens are having an increasingly difficult time affording prescription drugs. For senior citizens on fixed incomes, the cost of prescription drugs is one of their highest monthly bills and can mean the difference between buying basic necessities or medicine. No senior should ever be forced to choose between buying food or medicine, especially those with disabling ailments who often depend on their medication just to make it through the day.

Seniors are being forced to pay much steeper prices than the ''most favored customers'' of drug companies such as HMO's. It's just plain wrong for large pharmaceutical companies to be charging the highest prices to those who can least afford to pay them. Large corporations should not be making a profit at the expense of our senior's health.

H.R. 4646 would fix this problem by leveling the playing field for retail pharmacies who sell drugs to senior citizens. This legislation would allow retail pharmacies to buy medications used by senior citizens directly from the General Services Administration (GSA) of the Federal Government. Because the GSA is one of the entities able to purchase prescription medication at much lower prices, this procedure will allow pharmacists to pass on significant savings to senior citizens.

I am proud to be an original cosponsor of this legislation that protects the health of our Nation's senior citizens. I urge all my colleagues to join me in supporting this legislation.

MEDICARE+CHOICE MEDICAL NECESSITY PROTECTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. STARK. Mr. Speaker, I rise to introduce the Medicare+Choice Medical Necessity Protection Act. With passage of the Balanced Budget Act, Congress has opened the Medicare program to a host of private insurance companies that will be competing with each other to get the most Medicare patients while spending the least amount of money. One of the cost-saving mechanisms commonly used to managed care plans today is to interpret ''medical necessity'' on their own terms. In this manner, health plans can avoid paying for services that would be considered normal and appropriate based on the standard medical practice of the day. Using such means, health plans can and do override the medical decisions of treating physicians.

The clearest examples of this type of health plan behavior have also been areas where Congress has recently considered specific legislation. In the last Congress, we passed a law to prohibit health plans from requiring a mother who had just given birth to leave the hospital in less than 48 hours after birth. This year, Congress has been considering similar legislation with respect to a two-day stay for women who have undergone mastectomies.

It is not good legislative policy to pass such case-by-case fixes to health plan behavior that we find abhorrent. Standard medical practices change on a continual basis. Having requirements for length-of-stay in federal law could become problematic if that medical standard changes. These decisions are best left in the hands of medical professionals. Unfortunately, with the growth of managed care in our country, it is often not medical professionals who are making such treatment decisions. These cases are becoming so blatantly arbitrary and without medical merit that Congress has been forced into action by public outcries. Rather than continue such case-by-case legislating, I support the creation of a medical necessity standard that would eliminate health plans' abilities to manipulate the standard.

Under this proposal, medical necessity would be defined as ''a service or a benefit which is consistent with generally accepted principles of professional medical practice.'' This definition was part of the Democratic Patients' Bill of Rights (HR 3605), which created federal consumer protection standards for managed care plans in the private sector. It is also the common definition of medical necessity which has been established in case law over the past century.

The Medicare+Choice Medical Necessity Protection Act would add that same definition of medical necessity to the Medicare+Choice program. This change would help ensure that seniors' who join any of the new Medicare+Choice health plan options in Medicare would have the protection of knowing that their private health plan could not manipulate the rules in order to avoid coverage and payment for appropriate medical services. It would put medical decision-making back in the hands of doctors where it belongs—not under the control health plan bureaucrats.

Let me emphasize that this amendment would not mean that a health plan would ever be required to cover a service that is clearly not covered by the plan's contract. It only applies to covered services. So, if a health plan does not provide coverage for hearing aids, inclusion of this definition would never require the health plan to make an exception and cover a hearing aid for a particular person.

The Medicare+Choice Medical Necessity Protection Act is a simple, sensible bill. It would ensure that all Medicare+Choice plans are playing under a uniform set of rules for coverage determinations and would end the practice of health plans arbitrarily overriding doctors' judgments. Our Medicare beneficiaries deserve no less. I urge my colleagues to join me in support of this important legislation.

CONFERENCE REPORT ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

SPEECH OF

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 28, 1998

Mr. FATTAH. Mr. Speaker, I cannot overemphasize the importance of the passage of the High Hopes/GEAR UP program as a part of the Higher Education Reauthorization legislation adopted by the House today. This program is the embodiment of all that is right about our legislative process and about the fundamental American creed which unites us as a people. I want to take the time to recount the history of this idea so that the record will show the difference that can be made when we are true to the process and to that creed.

The challenge which the High Hopes/GEAR UP program addresses is insuring that all American children have the opportunity to go to college. For the children of most middle class families, that college is an option after high school graduation is taken for granted. For most poor children, college is not even in the picture. No one they know has gone to college. If the thought ever occurs to them, it is dismissed as an unattainable fantasy. Often these attitudes and conclusions are based on misinformation about the cost of college, or about the availability of financial aid and other sources of support, or perhaps it's just that the notion of college is so remote from their experience that nothing in their lives has prepared them to take advantage of opportunities that might be right before their eyes.

Whatever the underlying dynamic, the end result is that children in poor neighborhoods often make life-changing decisions that deal them out of the mainstream game before they get their first chance at bat. Because the vision of their future is inevitably defined solely by what they see and what they know, they are too often drawn off onto the various side roads of life—high school dropout, teenage pregnancy, truancy, delinquency, and other anti-social activities. These outcomes serve no one. They destroy the young people's potential, they tax our society, and they waste our precious human capital.

The High Hopes/GEAR UP Program will elevate the vision of millions of young people to let them see that college is possible for them. It will give them a future to focus on that will help pull them successfully through their high school years in a way that prepares and positions them to go on to college. As is done for children of middle class families, the program is designed to surround them with the expectation that they will pursue this goal, give them the complete spectrum of information that they need to conclude that this goal is achievable, and strengthen the support systems needed to get them from here to there.

The High Hopes/GEAR UP Program will provide certainty to students and their families that they will be able to afford college. Beginning in middle school, the Secretary of Education will send children in high poverty neighborhoods, 21st Century Scholar Certificates that notify them annually of the financial aid that will be available to them for college when they graduate from high school. It will support partnerships between universities, businesses, and community-based organizations that will insure that these ''21st Century Scholars'' will have the mentoring, educational enrichment, social services and academic supports they need to stay in school, work hard, and graduate prepared for college. The unprecedented success of private programs such as Eugene Lang's ''I Have a Dream'' in New York, and Ruth Hayre's ''Tell Them We Are Rising'' in Philadelphia, gives us every reason to believe that these approaches will have a huge impact on high school graduation, college attendance, and college completion rates.

The High Hopes/GEAR UP Program began as the 21st Century Scholars Act (HR 777) which I introduced in the House of Representatives in May, 1997. It was given a truly long term lease on life by Sara Goldsmith who was an AAAS Fellow in my office at the time. Sara made it the primary goal of her Fellowship to secure at least 100 cosponsors for this legislation. By the time her Fellowship ended a year later, she had secured 120 cosponsors with strong representation from both sides of the aisle. This gave us the credibility and the impetus we needed to succeed in our efforts to move the bill through the other venues that must be cleared before a bill become law. Thank you, Sara.

The 21st Century Scholars Initiative was initially designed to provide low income children with the assurance that financial aid would be available for them to go to college, and to connect them with the mentoring and support services they need to succeed. As the legislation gained steam in the House, it captured the imagination of the White House, and a strong partnership emerged between my office and the office of Gene Sperling, Director of the National Economic Council. Our staffs, principally Bob Shireman of the NEC, Claudia Pharis, my Chief of Staff, and Pauline Abernathy of the Department of Education, worked to incorporate into the bill, provisions of interest to the Clinton Administration. What emerged from this process was the High Hopes 21st Century Scholars Program which continued the commitment to providing assurances regarding financial aid, and greatly improved and strengthened the mentoring and support services provisions of the bill. These four people, Gene Sperling, bob Shireman, Claudia Pharis, and Pauline Abernathy, also deserve our thanks.

The next hurdle was the markup in the House Committee on Education and the Workforce of HR6, the Higher Education Reauthorization bill. Our objective was to add the High Hopes 21st Century Scholars Initiative to the HR6 as an amendment in Committee. Led by Lydia Sermons, then my Press Secretary, who was followed by Rebecca Kirszner and Philecia McCain, my staff had launched a major communications campaign that had penetrated every office in the House of Representatives, the education advocacy organizations affected by the program, the higher education community, and through the media, the general public. Thank you, Lydia, Rebecca, and Philecia. By the time we reached markup, the support for this program was broad and deep, and the amendment which attached the bill to HR6 passed in Committee by a strong bi-partisan vote of 24 to 18. It should be noted that this incredible 6 vote margin was created with the cooperation of four of my Republican colleagues on the committee: Congressman GREENWOOD, SOUDER, MCINTOSH, and SCARBOROUGH. Committee staff, David Evans, Sally Stroup and Marshall Grigsby, and my legislative Director, Neil Snyder, were particularly helpful at this stage, and to them, I also extend my thanks.

Passage of the Higher Education Act by the House was virtually unanimous. We then faced the high hurdle of gaining Senate approval. There were already provisions in the Senate bill which addressed some of the same concerns addressed by the High Hopes 21st Century Scholars Initiative, however, the underlying program, called the National Early Intervention and Scholarship Program, or NEISP, served a much smaller population through a much different delivery system. As designed, it was not able to address the targeting, motivational, and institution building objectives of the High Hopes program. Senators JEFFORDS and KENNEDY, the NEC and Treasury Department team, my Chief of Staff, and the staff of the Senate Committee on Education and Labor worked intensely over an extended period of time to iron out the differences between these two programs and forge a compromise for incorporation into the Senate bill that retained the best and most crucial features of each. Our hand was strengthened in this process by the fact that my staff orchestrated a process that resulted in bipartisan letters of support for High Hopes signed by over 150 Members of Congress being sent to the Chair and Ranking Member of the Senate Committee. In addition to the people I have already mentioned, special recognition at this stage goes to the other members of my staff, particularly Michelle Anderson, my Executive Assistant, and to Jennifer Smulson and Marianna Pierce of the Senate Committee on Education and Labor.

Next came the House and Senate conference where all the differences between the House and Senate bills had to be resolved. The NEC and Treasury staffs remained involved, as did my Chief of Staff, but importantly, at this point, we added the strong, committed, and vocal leadership of Congressmen SOUDER and ANDREWS to the process, both of whom served as Members of the Conference Committee. Their staffs, Amy Adair and Audrey Williams respectively, were highly responsible, professional and focussed in their commitment to provide strong representation for the bipartisan interests of the House of Representatives in preserving the integrity of the High Hopes Program. That mission was accomplished in Conference, and what emerged from the Conference Committee for presentation to the House of Representatives as the GEAR UP Program is very true to my original vision, to the vision of the President, and to Senator JEFFORDS' vision that all American children be surrounded with the expectation that they can and will go to college, and be provided with the support and encouragement they need to get there.

Department of Education Secretary, Richard Riley, and Leslie Thornton, his Chief of Staff are also unsung heroes of this process. The staff resources and informational support they provided were invaluable in the development of the concept, and I understand that Secretary Riley mentioned High Hopes in every public speech he made while Congress was working on the legislation.

But I have saved the best and most important recognition for last. I extend my heartfelt thanks to my colleagues in the United States Congress, both the Senate and the House of Representatives. I particularly need to thank Senators KENNEDY and JEFFORDS again, and to thank as leaders of the process in the House, Congressmen GOODLING, CLAY, MCKEON, and KILDEE. The brilliance of the American system of government, a strong spirit of bipartisanship, and an underlying commitment to creating opportunity were all evident in the way we rallied in support of the High Hopes/GEAR UP program. An ingrained belief in and commitment to fairness undergirds the American character. Congressman SOUDER offered as his motivation for supporting the program, that we cannot both, in good conscience, continue to dismantle our systems of social and economic support, and at the same time fail to provide people with the support they need to become self-sufficient. This attitude augurs well for the reduction of educational disparities in our society, and for the emergence of a Nation in which a higher percentage of our people are fully engaged in creating and enjoying its prosperity.

Education is the great equalizer. Our democratic society cannot sustain itself if we continue to create a larger and larger dependent population through our failure adequately to educate our people. It is important to America's future that we field our best team in the globalized, high tech economy of the next century. We can only do that if we make sure that everybody gets a chance to play.

SALUTING EFFORTS TO HONOR FRANCIS SCOTT KEY

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. WEYGAND. Mr. Speaker, I would like to share with my colleagues today the fine work being done by one of my constituents to honor an often overlooked American patriot. Everyone knows his work but few know him. No matter where we hear it played, at the beginning of sporting events or during times of national mourning, the Star-Spangled Banner is an important part of our nation's life. The patriot that penned the words to our National Anthem, however, remains largely unknown.

Virginia L. Doris of Warwick, Rhode Island knows that patriot is Francis Scott Key. She has devoted a great deal of her time over the last several decades to right what she views as a mistake of history and make sure that more of her fellow Americans learn about Key. Along with an extensive amount of research into Key and his life, Ms. Doris has spent a great deal of time working to establish a national day of recognition of Francis Scott Key. In that regard, just this year she was successful in convincing the members of the Rhode Island General Assembly to designate August 1 of each year as Francis Scott Key Day in Rhode Island. Several years ago, she was successful in having the period between August 1978 and August 1979 as Francis Scott Key year in Rhode Island.

As part of her effort to bring public attention to Francis Scott Key and his role in the history of our nation, Ms. Doris commissioned—at great personal expense—a portrait of Key which was painted by Mario Ahumada, a gifted artist at the Rhode Island School of Design. Ms. Doris feels great connection to her work and she speaks very highly of Mr. Ahumada's dedication to the project and the final work.

Over the last several weeks, we have spent a great deal of time, both as members of the House of Representatives and as citizens, discussing the intent of our Founding Fathers as they drafted our Constitution. It may serve us well to listen just a bit more carefully to Francis Scott Key's words as he describes some of the events that paved the way to the establishment of our nation. I am sure my colleagues will join me in my admiration for Ms.

Doris' unwavering dedication to honoring the author of our national anthem.

CONGRATULATIONS TO MR. WES FREELAND

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. UPTON. Mr. Speaker, I rise today to recognize the accomplishments of a great community leader and a good friend, Mr. Wes Freeland. This year, after more than thirty years, Wes is stepping down as Kalamazoo County Administrator. Though his career with the county may be drawing to a close, his service to our community will continue as Wes takes a position with the Kalamazoo Foundation.

Under his steady hand and trusted leadership, Wes guided the county's finances through good economic times and bad. He has played a role in guaranteeing our region's growth and helped paved the way for many more years of financial stability.

Wes will continue to play a leading role in helping to shape the region. The Kalamazoo Foundation is dedicated to supporting our community by providing a wide variety of resources to support education, housing, and economic development.

Mr. Speaker, I know that all of my neighbors in Kalamazoo County join me in thanking Wes for his many years of support, dedication and leadership. I urge my colleagues to join me in congratulating Wes for his great work and wishing him all the best in his new position.

KEEP KIDS SAFE AT SCHOOL ACT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. FAZIO of California. Mr. Speaker, today I introduce the Keep Kids Safe at School Act along with 41 of my colleagues. I am pleased that, during this time of polarized political climate, Members from both sides of the aisle have come together to formulate sound policy to safeguard our children.

Last spring, a fifteen-year-old Rio Linda High School student from my district was brutally raped and murdered by a custodian after school. This tragedy could have been prevented had school authorities used a database that could detect the employee's prior interstate criminal history. Although a thorough California check was conducted, an interstate background check would have detected the man's prior convictions—including rape—from neighboring states.

This senseless crime has shaken the small, normally peaceful Rio Linda community—a suburb just north of Sacramento. However, this tragedy provides us all with a lesson. Crime has no face; it doesn't discriminate; it can affect us at any time; it can shatter our safest havens; and it crosses socio-economic boundaries.

My bill would help to prevent this tragedy from occurring again. The Keep Kids Safe at School Act amends the current National Child Protection Act of 1993. Under the National Child Protection Act, Congress established an interstate identification network which allows for a voluntary background check on child care providers and volunteers.

Already this system has caught dozens of potential child predators in California, Texas and Florida alone.

In California, the background checks have served as a measure which produces results. Between July 1995 and July 1996, 27,564 background checks were conducted at the state and federal level. Of those cases, 606 applicants were found to have a criminal history. Of the number of applicants denied credentials, 95% of the denials were based upon the information discovered in the background checks.

School employees, even those who don't provide care or supervise our children, have access to our children every day. In the morning before school, for example, cafeteria workers may be the first to greet our children. In the afternoon, long after the teachers are gone, custodians or other maintenance workers are on school grounds while our children participate in extracurricular activities.

Parents deserve to feel at ease when they drop their children off in the morning. And kids have the right to feel secure in order to maximize learning. According to the FBI, 19 states don't have laws in place that conduct background checks on all school employee. And four states don't administer background checks for any school employees.

The Keep Kids Safe at School Act is far from a Big Brother policy. It simply builds on an existing law which has proven results for day care workers and encourages states across the country to use this same voluntary system for those employed by our schools.

In addition, this legislation will work as a deterrent to potential child predators. Those with a criminal history won't think twice about applying knowing that they'll get caught. This bill sends a clear message to child predators—our commitment to protecting our children is real. The Keep Kids Safe at School Act will help prevent other tragedies.

The implementation of the Keep Kids Safe at Schools Act will save states and communities time and dollars. Background checks will not only detect child predators, but will provide other criminal history which could save schools thousands of dollars by preventing theft or other crimes.

This is a common sense proposal. The Keep Kids Safe at School Act will deter predators, save schools money and protect our children—period. Let's close the loop-hole, and give our states the tools they need to safeguard our kids—support the Keep Kids Safe at School Act.

CONGRATULATIONS TO THE LINFIELD SCHOOL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. CALVERT. Mr. Speaker, in 1956, President Dwight D. Eisenhower established the President's Council on Physical Fitness and Sports through an executive order as part of a national campaign to help shape up America's younger generation. In 1966, the Presidential Physical Fitness Award was initiated by President Johnson and is a prestigious accomplishment.

On October 1, 1998, the Linfield School in Temecula, CA, was designated as the 1997–98 President's Challenge State Champion School for Category II schools in California. The State Champion Award is presented to schools with the highest number of students scoring at or about the 85th percentile on the President's Challenge, a fitness awards program for children ages 6 through 17. The Linfield School had more than 82 percent of their student body score at or above the 85th percentile in the fitness program.

The five assessments of the President's Challenge measure four components of physical fitness: a one-mile run/walk for heart and lung endurance, curl-ups for abdominal strength and endurance, a ''sit and reach'' stretch for muscular flexibility, pull-ups for upper body strength and endurance, and a shuttle run for agility and explosive power.

On behalf of the residents of the 43rd congressional district, I congratulate the Linfield School for this award and commend them for recognizing that physical activity is an important component of health and development for future generations.

TRIBUTE TO COMMANDER JOSEPH A. SPATA

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding Naval Officer, Commander Joseph A. Spata, who has served with distinction for the past 25 months for the Assistant Secretary of the Navy, Financial Management and Comptroller.

It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Navy, the Congress, and our great Nation as a whole.

As the Chairman of the Appropriations Subcommittee on National Security, I want to thank Joe in particular for the tremendous assistance he has given me and my staff since August 1996. In his position as Deputy, Appropriations Matters Office, Joe has provided us with timely and accurate support regarding Navy plans, programs and budget decisions. These invaluable contributions have enabled our Subcommittee and the Department of the Navy to strengthen our close working relationship and to help ensure that we maintain the most modern, well trained and well equipped naval force attainable for the defense of our great nation.

Mr. Speaker, as with so many of our men and women in uniform, Joe Spata and his wife Eileen have made many sacrifices during his naval career. As they embark once again on that greatest adventure of a Surface Warfare Officer's career, command at sea of U.S.S. *Moosbrugger* (DD 980), I would ask my colleagues to say thank you to Joe Spata for his yeoman's service in working with our Committee, to wish him every success as Commander, and to pray that he always have fair winds and following seas.

TRIBUTE TO JOHN PEPPER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. PORTMAN. Mr. Speaker, I rise today to pay special tribute to a leader in the Cincinnati community, Mr. John Pepper, who has recently announced his decision to step down as the Chief Executive Officer of the Procter & Gamble Company at year-end.

Under Mr. Pepper's leadership, Procter & Gamble has introduced exciting new products, moved into new markets overseas, and established a strong strategic plan for continued sales growth that will benefit the people of Southwest Ohio.

While he is highly regarded in business circles for his outstanding work at the helm of Procter & Gamble, his contributions to the Greater Cincinnati community, our state and our nation go well beyond his business successes. For years, he has devoted an enormous amount of his personal time and energy to improving the quality of life for all Americans.

Education has been his passion: he is a founder of an innovative youth development program called the Cincinnati Youth Collaborative, through which he has touched the lives of many thousands of young people in our area. He has led the effort to get businesses directly involved in improving public education, both in Ohio and nationwide, through the National Education Summit, the Business Roundtable, The Governor's Education Management Council and various other state and federal efforts.

John Pepper has also shown his commitment to service through over 30 years of volunteering for the Cincinnati United Way and Community Chest. In 1994, he chaired the most successful United Way Campaign ever in Greater Cincinnati.

I have had the opportunity to know John Pepper both in my official capacity and through our mutual involvement with the Coalition for a Drug-Free Greater Cincinnati and the National Underground Railroad Freedom Center. In both efforts he was a founding trustee whose credibility and guidance was crucial to the success of the organization and its mission. Time and time again he has proven himself to be a business leader willing to give generously of his time and energy to help others.

While John Pepper's leadership as CEO of Procter & Gamble will be missed, I know many of us look forward to continuing to work with him on projects to make a difference in our community.

HONORING AIRMAN 1ST CLASS JUSTIN WOTASIK

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. MCKEON. Mr. Speaker, I speak today to honor the life of a dedicated young man who died while serving his country. Airman 1st Class Justin Christopher Wotasik was one of twelve persons killed last month in a helicopter collision near Nellis Air Force Base, Nevada. His unit, the 66th Rescue Squadron, was involved in a training exercise when the crash occurred.

Justin graduated in 1996 from Palmdale High School and was an Eagle Scout who attended the 1993 National Scout Jamboree in Virginia. He was one of those rare individuals who at a young age had a profound sense of purpose and knew what he wanted to do with his life. In his brief life, he served as an inspiration to others while symbolizing the dedication shared by many young men and women who pursue a military career.

Justin, who would have celebrated his 20th birthday this month, was buried today in Arlington National Cemetery. Justin, for all you did and all your stood for, thank you and may God bless you.

HOW GREAT THOU ART

O Lord my God, when I in awesome wonder consider all the worlds thy hands have made, I see the stars, I hear the rolling thunder, thy power throughout the universe displayed:

Then sings my soul, my Savior God to Thee: How great Thou art, how great Thou art!! Then sings my soul, my Savior God to Thee: How great Thou art, how great Thou art.

When through the woods and forest glades I wander and hear the birds sing sweetly in the trees; When I look down from my lofty mountain grandeur, and hear the brook and feel the gentle breeze:

Then sings my soul, my Savior God to Thee: How great Thou art, how great Thou art!! Then sings my soul, my Savior God to Thee: How great Thou art, how great Thou art.

And when I think that God, His Son not sparing, sent Him to die, I scarce can take it in; that on the cross, my burden gladly bearing, He bled and died to take away my sin:

Then sings my soul, my Savior God to Thee: How great Thou art, how great Thou art!! Then sings my soul, my Savior God to Thee: How great Thou art, how great Thou art.

When Christ shall come, with shout of acclamation and take me home, what joy shall fill my heart! Then I shall bow in humble adoration, and there proclaim, my God, how great Thou art!

Then sings my soul, my Savior God to Thee: How great Thou art, how great Thou art!! Then sings my soul, my Savior God to Thee: How great Thou art, how great Thou art.

IN HONOR OF THE SEVENTH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF ARMENIA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to the Seventh Anniversary of the Independence of the Armenian Republic, which was celebrated last Monday, September 21st.

Mr. Speaker, last month, we showed on the floor of this House that the Armenian people and nation have many friends in the Congress. During the debate on the Foreign Operations Appropriations bill, we succeeded in rolling back an effort to repeal Section 907 of the Freedom Support Act—a provision barring direct aid to the Government of Azerbaijan until that country lifts its blockades of Armenia and Nagorno Karabagh. I'm extremely proud to have been involved in that bipartisan effort. My goal, and that of my colleagues, as American elected officials, was to ensure that we keep a valuable and moral law on the books. But I'm also glad that, the way things worked out, it turned out to be a nice Independence Day present to Armenia.

Mr. Speaker, the story of the Armenian people—one of the world's most ancient and enduring cultures, the first nation to adopt Christianity as its national religion—is an inspiring saga of courage and devotion to family and nation. It is also an unforgettable story of the triumph of a people over adversity and tragedy. Earlier in this century, in one of history's most horrible crimes against humanity, 1.5 million Armenian men, women and children were slaughtered by the Ottoman Turkish Empire. Every April, Members of this House join in commemoration of the Armenian Genocide. We can never relent, and we will never relent, in our efforts to remind the world that this tragedy is an historic fact—despite the efforts of so-called ''revisionists,'' many of them funded by the Turkish government, to deny the truth—and to make sure that our nation, the world community, and especially the Turkish nation, come to terms with and appropriately commemorate this historic fact.

During the collapse of the Ottoman Empire, the people of Armenia briefly established an independent state. But the Armenian lands were absorbed either into Ataturk's Turkey, where traces of Armenian history and culture were completely wiped out, or the Soviet Union, where at least some Armenian cultural presence was maintained, even if most of the political shots were called in Moscow.

Mr. Speaker, it was the collapse of the Soviet Union in 1991 that allowed the Armenian people to re-establish a state and a nation, to create a society where their language, culture, religion and other institutions would be able to prosper. The progress made in seven short years by the Republic of Armenia has been an inspiration—not only for the sons and daughters of the Diaspora, but for all Americans who support the cause of freedom. Having survived the Genocide, and having endured decades under the domination of the Soviet Union, the brave people of Armenia have endeavored to build a free and proud nation, based on the principles of democracy and a market economy.

Mr. Speaker, as they have for so much of their history, the Armenian people have accomplished all this against daunting odds. The tiny, land-locked Republic of Armenia is surrounded by hostile neighbors—Turkey and Azerbaijan—who have imposed blockades that have halted the delivery of basic necessities. Yet, independent Armenia continues to persevere. While democracy has proven to be elusive in much of the former Soviet bloc, democratic Armenia held multi-party Presidential elections this year that continued the steady progress towards the permanent taking root of the institutions of democracy and civil society.

As the founder and co-chairman, with the gentleman from Illinois [Mr. PORTER], of the

Congressional Caucus on Armenia Issues, I consider U.S.-Armenia relations to be one of our key foreign policy objectives. Support for Armenia is in our practical interests, helping to support a stable nation in a strategically important and often unstable part of the world. Standing by Armenia is also consistent with America's calling to support democracy and human rights, and to defend free peoples throughout the world.

Mr. Speaker, I want to emphasize that the people of Armenia want good relations with their neighbors and the entire world community, and I believe the moral, political and economic power of the United States can go a long way toward helping Armenia achieve that goal.

Mr. Speaker, I hope that as we mark future Independence Days of the Republic of Armenia, we can look back with pride on building peace and prosperity in the entire Trans-Caucasus region, so that the people of Armenia and their neighbors can enjoy a stable, hopeful future. I hope that the Republic of Turkey and Azerbaijan will have responded positively to Armenia's offer to normalize relations, exchanging diplomats and allowing the free flow of goods and people across their borders. I hope that, with the active participation of the United States, we will have resolved the Nagorno Karabagh conflict, in a manner that guarantees the security and self-determination of the people of Karabagh. I hope that the effort to tap the vast Caspian Sea oil reserves will finally culminate in the construction of a pipeline carrying the oil west to Mediterranean ports through Azerbaijan, Armenia and Turkey—thereby further linking those neighbors in mutually beneficial security and economic ties. I hope that our policy in the region will not be overly influenced by the development of these oil reserves, at the expense of the values of democracy and human rights.

Thus, Mr. Speaker, while the reality for the people of the Republic of Armenia continues to be difficult, let us take this occasion to wish them well on the occasion of their Independence Day, and, more important, on their ongoing journey to establish a stable, democratic republic and a permanent homeland for the Armenian people in the Caucasus.

REDUCE THE HIDDEN TAX ON AMERICAN INVESTORS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1998

Mr. SOLOMON. Mr. Speaker, on July 14, 1998, along with the distinguished Chief Deputy Democratic Whip, the Gentleman from New Jersey, I introduced H.R. 4213, the Savings and Investment Relief Act of 1998. This legislation would cap the amount of stock transaction fees which could be collected by the Securities and Exchange Commission (SEC). Collections for the various SEC ''user fees''—which were designed solely to fund the Commission—had grown over time to significantly exceed the SEC's budget. In 1996, we passed legislation to bring fee collections more in line with the SEC's budget. However, actual collections have continued to skyrocket. This year alone, the SEC will bring in $1.2 billion in fees—four times its budget.

These fees have become a large and unintended tax on all Americans who invest in the stock market. The distinguished gentleman from Texas, the Chairman of the Ways & Means Committee, has written to me to express the Committee's view that the excess fees amount to taxes. At this time Mr. Speaker, I would ask to have this letter made a part of the RECORD.

Mr. Speaker, this tax is paid by all Americans who own and sell stocks. This includes individuals and families investing for their future—for needs such as retirement and children's education. The tax affects mutual fund investors, pension plans, and other retirement vehicles, such as IRAs and 401(k) plans. It is time to stop this hidden tax on hard working investors.

Mr. Speaker, H.R. 4213 has received a groundswell of support. In addition to the distinguished Chief Deputy Democratic Whip, the bill now has close to 60 cosponsors from both sides of the aisle, including virtually the entire Republican leadership, and the distinguished gentleman from Louisiana, the Chairman of the House Appropriations Committee. Cosponsors include a number of Members from the Appropriations, Commerce and Ways & Means Committees. I would like to enter a list of the bill's cosponsors into into the RECORD. It has been endorsed by a number of outside groups, including Americans for Tax Reform, the U.S. Chamber of Commerce, the National Federation of Independent Businesses, the National Taxpayers Union, Citizens for a Sound Economy, the Profit Sharing/401(k) Council of America, and dozens of state-level taxpayer advocacy groups.

Perhaps most importantly, we have revised this legislation so that it has no impact on the collection and spending levels in the pending FY99 Commerce, Justice, State Appropriations bill and to avoid pay-go scoring problems. I am pleased to announce that the Congressional Budget Office (CBO) has scored this revised language as revenue neutral. At this time, Mr. Speaker, I would like to enter into the RECORD a copy of the revised legislation and the CBO letter scoring the legislation.

Mr. Speaker, it is imperative to act on this legislation this year. Due to the budget scoring rules, it will be virtually impossible to move a revenue neutral solution next year, once the CBO revises its baseline upward to reflect the reality of the fee surplus. This hidden tax is having a real impact on hardworking families saving for their retirement. We often talk in Congress about providing tax relief to families. Let's start by giving back some of the unintended hidden tax on investments. Mr. Speaker, I urge the House to act of this legislation expeditiously.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1998.

Hon. JERRY SOLOMON,
Rayburn House Office Building,
Washington, DC.

DEAR JERRY: I am writing to express my support for what you are trying to accomplish in H.R. 4213, the ''Savings and Investment Relief Act of 1999.'' The Committee on Ways and Means has long taken a jurisdictional interest in the fees collected by the Securities and Exchange Commission. In our view, these ''fees'' are taxes because they greatly exceed the SEC's regulatory costs. We have worked for several years with the Committees on Commerce and Appropriations to rectify this problem.

We last addressed SEC fees in the National Securities Markets Improvement Act of 1996. That legislation was intended to reform the SEC fee structure and bring the total amount of fees down to the level of the SEC's budget. In a letter to Chairman Bliley (whose committee has jurisdiction over the SEC), I noted both my and his longstanding goal to reduce these ''fees'' so that they truly are fees rather than taxes. Although the extension and phase-down of SEC fees in the Act was longer and slower than we would have preferred, I recognized that it was the best that we could achieve under the circumstances. I also noted that thee Committee on Ways and Means reserved jurisdictional interest in this fee structure, and that I would strongly oppose any attempts to delay or lengthen the fee phase-down schedule provided by the Act.

The 1996 Act was a compromise that took years to achieve, so I am cautious about modifying it. However, it has become increasingly clear that actual fee collections, particularly section 31 transaction fee collections, will exceed what we estimated in 1996. Accordingly, I support your effort to cap the section 31 transaction fees, provided that it does not endanger the fee phase-down schedule in the 1996 Act and does not create a PAYGO problem. Under such circumstances (and without prejudice to the jurisdictional interest of the Committee on Ways and Means), I would not seek sequential referral of H.R. 4213 or have any objection to its condieration by the House.

I want to commend you for your tireless work and leadership in this area. As always, you are watching out for taxpayers.

With best personal regards,

Sincerely,

BILL ARCHER,
Chairman.

COSPONSORS H.R. 4213

Representatives Menendez, Forbes, Foley, Ehrlich, Towns, Houghton, Walsh, Scarborough, Gilman, Sessions, English, Cook, Pappas, and Hall of Texas.

Representatives Ramstad, Blagojevich, Largent, Christian-Green, Kelly, Armey, Hastert, Peterson of Pennsylvania, Goode, Cox, Barton, Velázquez, Norwood, Deal, and Livingston.

Representatives Hobson, Frelinghuysen, Riley, Sam Johnson of Texas, Pitts, Cubin, Quinn, Dickey, Manzullo, Pickering, McIntosh, Jackson-Lee of Texas, Barcia, and Chabot.

Representatives Hostettler, Ryun, Fox, Pryce, McHugh, Doolittle, DeLay, Boehlert, Boucher, Crane, Radanovich, Boehner, Paxon, and Brady of Pennsylvania.

H.R. 4213

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

SECTION 1. TRANSACTION FEES.

(a) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended by adding the following new subsection:

''(h) TRANSACTION FEE LIMITATION: DEPOSIT OF FEES.—

(1) LIMITATION ON TRANSACTION FEES.—

''(A) IN GENERAL.—For fiscal years 1999 through 2006, the Commission shall not collect any fees described in subsections (b), (c) and (d) which in the aggregate exceed:

''(i) $430 million during fiscal year 1999;

''(ii) $396 million during fiscal year 2000;

''(iii) $434 million during fiscal year 2001;

''(iv) $468 million during fiscal year 2002;

''(v) $511 million during fiscal year 2003;

''(vi) $557 million during fiscal year 2004;

''(vii) $607 million during fiscal year 2005; and

''(viii) $661 million during fiscal year 2006.

''(B) PUBLICATION.—The Commission shall publish annually in the Federal Register notice of the fee limitations described in this paragraph and any suspension of fees pursuant to the limitations described in this paragraph.

''(2) DEPOSIT OF TRANSACTION FEES.—

''A) GENERAL REVENUE.—Notwithstanding subsections (b), (c) and (d), during fiscal years 1999 through 2006, fees collected pursuant to subsections (b), (c), and (d) shall be deposited and collected as general revenue of the Treasury, in an amount not to exceed:

''(i) $247 million during fiscal year 1999;

''(ii) $271 million during fiscal year 2000;

''(iii) $299 million during fiscal year 2001;

''(iv) $328 million during fiscal year 2002;

''(v) $361 million during fiscal year 2003;

''(vi) $397 million during fiscal year 2004;

''(vii) $437 million during fiscal year 2005; and

''(viii) $481 million during fiscal year 2006.

''(B) OFFSETTING COLLECTIONS.—Notwithstanding subsections (b), (c) and (d), during fiscal years 1999 through 2006, the balance of any amounts collected pursuant to subsections (b), (c), and (d) which are not deposited as general revenue pursuant to paragraph (A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, to the extent provided for in advance in appropriations Acts. If on the first day of a fiscal year, a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subparagraph at the rate in offset during the preceding fiscal year, until such a regular appropriation is enacted.''

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 24, 1998.

Hon. GERALD B.H. SOLOMON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: As you requested, the Congressional Budget Office has prepared the enclosed cost estimate for draft legislation to amend the Securities Exchange Act of 1934 to provide for an annual limit on the amount of certain fees that may be collected by the Securities and Exchange Commission, as provided by your staff on September 2, 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Hadley.

Sincerely,

JUNE E. O'NEILL.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

DRAFT LEGISLATION TO AMEND THE SECURITIES EXCHANGE ACT OF 1934 TO PROVIDE FOR AN ANNUAL LIMIT ON THE AMOUNT OF CERTAIN FEES WHICH MAY BE COLLECTED BY THE SECURITIES AND EXCHANGE COMMISSION

Under current law, the Securities and Exchange Commission (SEC) charges national securities exchanges, national securities associations, brokers, and dealers transaction fees equal to 1/300 of a percent of the aggregate dollar amount of sales of securities. Fees from national securities associations are subject to appropriation action and are recorded as offsetting collections, which are credited to appropriations as an offset to discretionary spending. Fees from other sources are recorded as revenues (governmental receipts).

The draft legislation would change the budgetary treatment of these fees and would limit the total amount that could be collected each year. It would require that all fees be recorded as revenues until certain annual targets are reached. Once the target for a year is reached, any additional fees would be recorded as offsetting collections. The proposal specifies as the annual revenue targets the amounts of revenues projected under current law in CBO's March 1998 baseline, starting at $247 million for fiscal year 1999 and increasing to $481 million for fiscal year 2006. The draft legislation also would impose annual limits on the total amount of transaction fees collected (that is, the sum of revenues and offsetting collections). These limits would grow from $430 million in 1999 to $661 million in 2006. As under current law, authority to spend the amounts deposited as offsetting collections would be available only to the extent provided in appropriation acts.

CBO estimates that the limits on aggregate SEC fees would reduce total fees collected by the government by about $385 million over the 2000–2003 period, but would probably not affect the amounts of such fees that are recorded as revenues over that period. They would, however, reduce the amount of offsetting collections and would thereby necessitate higher net appropriations for the SEC, assuming that the agency's gross spending authority is maintained at or near its 1998 level of $283 million.

For purposes of this estimate, CBO assumes that the draft legislation will be enacted near the start of fiscal year 1999 and prior to enactment of the 1999 appropriation for the SEC. The proposal could decrease revenues, if revenues (as defined under current law) would otherwise exceed the annual caps on transaction fees specified in the draft legislation. However, CBO estimates that the proposal would probably not affect revenues—at least for fiscal years 1999 through 2003—because the cap on total fees in each year is significantly above the CBO baseline projections for revenues. (For example, the cap in 2003 is $511 million, while CBO projects revenues under current law of $361 million in that year.)

The caps on total fees would effectively limit offsetting collections in 1999 to CBO's baseline projection. Starting in 2000, the caps would gradually reduce offsetting collections, so that by 2006 such collections would be $176 million less than the CBO baseline projection for that year. The following table shows CBO's estimates of fee collections under current law as well as under the Solomon proposal.

SEC FEES UNDER CURRENT LAW AND THE SOLOMON PROPOSAL

[By fiscal year, in millions of dollars]

Fiscal Year	CBO Baseline Projections			Under Draft Legislation			Estimated Change in Total Fees
	Revenues	Offsetting Collections	Total	Revenues	Offsetting Collections	Total	
1999	247	183	430	247	183	430	0
2000	271	201	473	271	125	396	−77
2001	299	221	520	299	135	434	−86
2002	328	244	572	328	140	468	−104
2003	361	268	629	361	150	511	−118
2004	397	295	692	397	160	557	−135
2005	437	324	761	437	170	607	−154
2006	481	357	837	481	180	661	−176

To implement the draft legislation, the SEC would need to upgrade its fee tracking systems, but CBO estimates that this would not have a significant impact on the federal budget. Any such impact would be subject to appropriation action.

Because the draft legislation could affect governmental receipts, pay-as-you-go procedures would apply, but CBO estimates that it would have no effect on revenues for any year over the 1999–2003 period (the years for which pay-as-you-go procedures apply). Moreover, the proposal would not affect direct spending. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact is Mark Hadley, who can be reached at 226–2860. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed DOD Authorizations Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S11211–S11304

Measures Introduced: Six bills and five resolutions were introduced, as follows: S. 2535–2540, S.J. Res. 58–60, and S. Con. Res. 122–123. **Page S11279**

Measures Reported: Reports were made as follows:

H.R. 3809, to authorize appropriations for the United States Customs Service for fiscal years 1999 and 2000, with an amendment in the nature of a substitute. (S. Rept. No. 105–359)

S. 555, to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act, with an amendment in the nature of a substitute. (S. Rept. No. 105–360)

H.R. 1949, for the relief of Nuratu Olarewaju Abeke Kadiri.

S. Res. 283, to refer H.R. 998 entitled ''A bill for the relief of Lloyd B. Gamble'' to the chief judge of the United States Court of Federal Claims for a report thereon.

S. 1171, for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, with an amendment in the nature of a substitute.

S. 1720, to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, with an amendment in the nature of a substitute.

S. 1916, for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup.

S. 1926, for the relief of Regine Beatie Edwards.

S. 1961, for the relief of Suchada Kwong.

S. 2099, to provide for enhanced Federal sentencing guidelines for counterfeiting offenses, with an amendment in the nature of a substitute.

S. 2476, for the relief of Wei Jengsheng, with an amendment in the nature of a substitute.

S. 2516, to make improvements in the operation and administration of the Federal courts.

S. 2524, to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code.

S. 2536, to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence. **Page S11278**

Measures Passed:

King Cove Health and Safety Act: By 59 yeas to 38 nays (Vote No. 294), Senate passed S. 1092, to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, Alaska, and King Cove, Alaska, after taking action on amendments proposed thereto, as follows: **Pages S11239–69**

Adopted:

Murkowski Amendment No. 3676, in the nature of a substitute. **Pages S11240–68**

Automated Entry-Exit Control System: Senate passed S. 2540, to extend the date by which an automated entry-exit control system must be developed. **Page S11297**

Recognizing Inspectors General: Senate passed S.J. Res. 58, recognizing the accomplishments of Inspectors General since their creation in 1978 in preventing and detecting waste, fraud, abuse, and mismanagement, and in promoting economy, efficiency, and effectiveness in the Federal Government. **Pages S11302–03**

Commission on the Advancement of Women in Science, Engineering, and Technology Development: Senate passed H.R. 3007, to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development, clearing the measure for the President. **Page S11303**

Technical Corrections: Senate passed H.R. 4068, to make certain technical corrections in laws relating to Native Americans, clearing the measure for the President. **Pages S11303–04**

Internet Tax Freedom Act: Senate began consideration of S. 442, to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet. **Pages S11269–72**

Pursuant to the order of September 30, 1998, the Committee on Commerce, Science, and Transportation amendment in the nature of a substitute was agreed to, and the Committee on Finance amendment in the nature of a substitute was agreed to. **Page S11271**

Senate will continue consideration of the bill on Friday, October 2, 1998.

DOD Authorizations—Conference Report: By 96 yeas to 2 nays (Vote No. 293), Senate agreed to the conference report on H.R. 3616, to authorize appropriations for fiscal year 1999 for military activities of the Department of the Department of Defense, and to prescribe military personnel strengths for fiscal year 1999, clearing the measure for the President. **Pages S11211–35, S11238–39**

Financial Services Act—Cloture Filed: A motion was entered to close further debate on the motion to proceed to consideration of H.R. 10, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Monday, October 5, 1998. **Page S11239**

Ocean Shipping Reform Act: Senate concurred in the amendment of the House to S. 414, to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, clearing the measure for the President. **Pages S11297–S11302**

Nominations Received: Senate received the following nominations:

Harry J. Bowie, of Mississippi, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Phyllis K. Fong, of Maryland, to be Inspector General, Small Business Administration. **Page S11304**

Messages From the House: **Pages S11276–77**

Communications: **Pages S11277–78**

Petitions: **Page S11278**

Executive Reports of Committees: **Pages S11278–79**

Statements on Introduced Bills: **Pages S11279–84**

Additional Cosponsors: **Pages S11284–86**

Amendments Submitted: **Pages S11287–88**

Authority for Committees: **Pages S11288–89**

Additional Statements: **Pages S11289–97**

Record Votes: Two record votes were taken today. (Total—294) **Pages S11239, S11268**

Adjournment: Senate convened at 9 a.m., and adjourned at 6:58 p.m., until 9:30 a.m., on Friday, October 2, 1998. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11304.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the following business items:

The nomination of Michael M. Reyna, of California, to be a Member of the Farm Credit Administration Board, Farm Credit Administration; and

S. 2116, to clarify and enhance the authorities of the Chief Information Officer of the Department of Agriculture, with an amendment in the nature of a substitute.

NATIONAL SECURITY

Committee on Armed Services: Committee concluded hearings to examine the current state of Department of Energy national security programs, and proposed reforms thereto, after receiving testimony from Bill Richardson, Secretary of Energy.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

The nominations of Robert Clarke Brown, of Ohio, John Paul Hammerschmidt, of Arkansas, and Norman Y. Mineta, of California, each to be a Member of the Board of Directors of the Metropolitan

Washington Airports Authority, Eugene A. Conti, Jr., of Maryland, to be Assistant Secretary for Transportation Policy, and Peter J. Basso, Jr., of Maryland, to be Assistant Secretary for Budget and Programs, both of the Department of Transportation, and nominations for promotion in the United States Coast Guard.

H.R. 1903, to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security;

S. 2238, to reform unfair and anticompetitive practices in the professional boxing industry, with an amendment in the nature of a substitute;

S. 1427, to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low power television stations that provide community broadcasting, with an amendment in the nature of a substitute; and

S. 2326, to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about children on the Internet, and to provide greater parental control over the collection and use of that information, with an amendment in the nature of a substitute.

Also, committee began consideration of S. 2519, to promote and enhance public safety through use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous and reliable networks for personal wireless services, and ensuring access to Federal Government property for such networks, S. 2365, to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and S. 2507, to stimulate increased domestic cruise ship opportunities for the American cruising public by temporarily reducing barriers for entry into the domestic cruise ship trade, but did not complete action thereon, and the bills were subsequently withdrawn.

SATELLITE TV ACCESS

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 2494, to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, after receiving testimony from Charles C. Hewitt, Satellite Broadcasting and Communications Association, Alexandria, Virginia; Gene Kimmelman, Consumers Union, Washington, D.C.; K. James Yager, Benedek Broadcasting Corporation, Rockford, Illinois; and Andrew J. Fisher, Cox Broadcasting Company, Atlanta, Georgia.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded hearings on the nominations of Eljay B. Bowron, of Michigan, to be Inspector General, Department of the Interior, and Rose Eilene Gottemoeller, of Virginia, to be Assistant Secretary for Non-Proliferation and National Security, and David Michaels, of New York, to be Assistant Secretary for Environment, Safety and Health, both of the Department of Energy, after the nominees testified and answered questions in their own behalf. Ms. Gottemoeller was introduced by Senators Domenici and Bingaman.

CABIN FEES/LAND EXCHANGE

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings to examine the Forest Service cabin fee system which allows for the private use of National Forest System lands, and on S. 2513, to transfer administrative jurisdiction over certain Federal land located within or adjacent to Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal land in Oregon, S. 2413, to provide for the development of a management plan for the Woodland Lake Park tract in Apache-Sitgreaves National Forest in the State of Arizona reflecting the current use of the tract as a public park, and S. 2402, to direct the Secretary of Agriculture to convey certain lands in San Juan County, New Mexico, to San Juan College, after receiving testimony from Senator Bob Smith; Sandra H. Key, Associate Deputy Chief, Programs and Legislation, Forest Service, Department of Agriculture; Cindy Banzer, Oregon Forest Homeowners Association, Portland; Mary Clarke Ver Hoef, National Forest Homeowners, Sacramento, California; David R. Mead, Sawtooth Forest Cabin Owners' Association, Twin Falls, Idaho; Paul R. Allman, American Land Rights Association, Berkeley, California; and Paula Wonnacott, Rock Springs, Wyoming.

NOMINATIONS

Committee on Environment and Public Works: Committee concluded hearings on the nominations of Greta Joy Dicus, of Arkansas, and Jeffrey S. Merrifield, of New Hampshire, each to be a Member of the Nuclear Regulatory Commission, after the nominees testified and answered questions in their own behalf. Ms. Dicus was introduced by Senator Bumpers, and Mr. Merrifield was introduced by Senator Bob Smith.

REGIONAL HAZE/MERCURY POLLUTION

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety concluded hearings to examine the state of current scientific understanding regarding the effects of mercury pollution on humans, and the Environmental Protection Agency's progress toward developing a rule to address the problem of regional haze within National Park areas, after receiving testimony from Senator Leahy; John S. Seitz, Director, Office of Air Quality Planning and Standards, Office of Air and Radiation, and William H. Farland, Director, National Center for Environmental Assessment, both of the Environmental Protection Agency; Barry L. Johnson, Assistant Surgeon General/Assistant Administrator, Agency for Toxic Substances and Disease Registry, Department of Health and Human Services; Colorado State Senator Donald Ament, Denver; Dianne R. Nielson, Utah Department of Environmental Quality, Salt Lake City; John Paul Woodley Jr., Virginia Secretary of Natural Resources, Richmond; C. Mark Smith, Massachusetts Department of Environmental Protection, Boston, on behalf of the New England Governors and Eastern Canadian Premiers Mercury Task Force; Shawn B. Kendall, Phelps Dodge Corporation, Phoenix, Arizona; Tim Eder, Great Lakes Natural Resource Center/National Wildlife Federation, Ann Arbor, Michigan; Leonard Levin, Electric Power Research Institute, Palo Alto, California; and Gary Myers, University of Rochester, Rochester, New York.

PARENTAL ABDUCTION

Committee on Foreign Relations: Committee concluded hearings to examine the United States response to certain cases of international parental abduction, focusing on proposals to coordinate better diplomatic and law enforcement efforts to assist parents seeking the return of their children, after receiving testimony from Janet Reno, Attorney General, Department of Justice; Lady Catherine I. Meyer, British Embassy, Washington, D.C.; Thomas R. Sylvester, Cincinnati, Ohio; Thomas A. Johnson, Alexandria, Virginia; and Paul Marinkovich, Simi Valley, California.

POSTAL SERVICE

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded oversight hearings to examine the annual report of the United States Postal Service, after receiving testimony from William J. Henderson, Postmaster General, United States Postal Service.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following bills:

An original bill (S. 2536) to protect the safety of United States nationals and the interests of the United States at home and abroad, to improve global cooperation and responsiveness to international crime and terrorism, and to more effectively deter international crime and acts of violence;

S. 1720, to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, with an amendment in the nature of a substitute;

S. 2524, to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States Code;

S. Res. 283, to refer H.R. 998 entitled ''A bill for the relief of Lloyd B. Gamble'' to the chief judge of the United States Court of Federal Claims for a report thereon;

S. 1171, for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, with an amendment in the nature of a substitute;

S. 1926, for the relief of Regine Beatie Edwards;

S. 1961, for the relief of Suchada Kwong;

H.R. 1949, for the relief of Nuratu Olarewaju Abeke Kadiri;

S. 1916, for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup;

S. 2476, for the relief of Wei Jengsheng, with an amendment in the nature of a substitute; and

S. 2516, to make improvements in the operation and administration of the Federal courts.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of David O. Carter, to be United States District Judge for the Central District of California, Robert S. Lasnik, to be United States District Judge for the Western District of Washington, Anabelle Rodriguez, to be United States District Judge for the District of Puerto Rico, Margaret B. Seymour, to be United States District Judge for the District of South Carolina, and Aleta A. Trauger, to be United States District Judge for the Middle District of Tennessee, after the nominees testified and answered questions in their own behalf. Mr. Carter was introduced by Senator Feinstein and Representatives Cox and Sanchez, Mr. Lasnik was introduced by Senators Gorton and Murray, Ms. Rodriguez was introduced by Representative Velazquez, Ms. Seymour was introduced by Senators Thurmond and Hollings, and Ms. Trauger was introduced by Senators Thompson and Frist.

CAPITOL SECURITY

Committee on Rules and Administration: Committee resumed closed hearings to examine United States

Capitol security issues, receiving testimony from Wilson Livingood, Sergeant at Arms, U.S. House of Representatives; Gregory S. Casey, Sergeant at Arms, United States Senate; Alan M. Hantman, Architect of the Capitol; and Kenneth Lopez, Director of Security, Library of Congress.

NATIVE AMERICAN BUSINESS DEVELOPMENT

Committee on Indian Affairs: Committee concluded hearings on S. 2010, to provide for business development and trade promotion for Native Americans, after receiving testimony from Daniel J. Mclaughlin, Deputy Assistant Secretary of Commerce for Operations, U.S. and Foreign Commercial Service; Michael J. Anderson, Deputy Assistant Secretary for Indian Affairs, and Dominic Nessi, Acting Director, Office of Economic Development, both of the Department of the Interior; and Patrick Borunda, Oregon Native American Business Entrepreneurial Network, Portland, Oregon.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported S. 2097, to encourage and facilitate the resolution of conflicts involving Indian tribes, with an amendment in the nature of a substitute.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending committee business, but made no announcements, and recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 22 public bills, H.R. 4656–4677; 1 private bill, H.R. 4678; and 5 resolutions, H. Con. Res. 331, and H. Res. 561, 562, 565, and 566, were introduced. **Pages H9273–75**

Reports Filed: Reports were filed today as follows:

H.R. 4280, to provide for greater access to child care services for Federal employees, amended (H. Rept. 105–756 Part 1);

H.R. 2566, to amend title 5, United States Code, to expand the class of individuals under the Civil Service Retirement System eligible to elect the option under which the deposit which is normally required in connection with a refund previously taken may instead be made up through an actuarially equivalent annuity reduction, amended (H. Rept. 105–757);

H. Res. 560, providing for consideration of H.R. 3789, to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions (H. Rept. 105–758);

H.R. 563, to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made, amended (H. Rept. 105–759);

Conference report on H.R. 4104, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999 (H. Rept. 105–760);

H. Res. 563, waiving points of order against the conference report on H.R. 4104, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999 (H. Res. 105–761); and

H. Res. 564, providing for consideration of H.R. 4274, making appropriations for the Department of Labor, Health, and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1999 (H. Rept. 105–762). **Pages H9213–45, H9273**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Ewing to act as Speaker pro tempore for today. **Page H9189**

Re-referral of a Bill: H.R. 2349, to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building'' was re-referred to the Committee on Government Reform and Oversight. **Page H9192**

Same Day Consideration of Certain Rules Committee Resolutions: The House agreed to H. Res. 558, waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules. **Page H9192**

Recess: The House recessed at 3:53 p.m. and reconvened at 4:33 p.m. **Page H9202**

WIC Reauthorization Amendments: The House disagreed to the Senate amendment to H.R. 3874,

to amend the Child Nutrition Act of 1966 to make improvements to the special supplemental nutrition program for women, infants, and children and to extend the authority of that program through fiscal year 2003, and agreed to a conference. Appointed as conferees for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Representatives Goodling, Riggs, Castle, Clay, and Martinez. Appointed as conferees from the Committee on Agriculture for consideration of sections 2, 101, 104(b), 106, 202(c) and 202(o) of the House bill, and sections 101, 111, 114, 203(c), 203(r) and titles III and IV of the Senate amendment, and modifications committed to conference: Representatives Smith of Oregon, Goodlatte, and Stenholm. **Page H9202**

National Center for Missing and Exploited Children: The House insisted upon its amendments to S. 2073, to authorize appropriations for the National Center for Missing and Exploited Children, and asked for a conference, by a yea and nay vote of 376 yeas to 36 nays, Roll No. 474. Appointed as conferees: Representatives Goodling, Castle, Souder, Hyde, McCollum, Hutchinson, Martinez, Scott, Conyers, and Jackson-Lee of Texas. **Pages H9202–04**

Recess: The House recessed at 4:40 p.m. and reconvened at 5:02 p.m. **Page H9203**

Automated Entry-Exit Control System: The House passed H.R. 4658, to extend the date by which an automated entry-exit control system must be developed. **Page H9204**

Year 2000 Information Disclosure Act: The House passed S. 2392, to encourage the disclosure and exchange of information about computer processing problems, solutions, test practices and test results, and related matters in connection with the transition to the year 2000—clearing the measure for the President. **Pages H9204–08**

Treasury, Postal Service Appropriations Conference Report: The House failed to agree to H. Res. 563, the rule waiving points of order against consideration of the conference report on H.R. 4104, making Appropriations for the Treasury Department, the United States Postal Service, the executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1999 by yea and nay vote of 106 yeas to 294 nays, Roll No. 476. **Pages H9255–62**

Senate Messages: Message received from the Senate today appears on page H9189.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H9275–77.

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H9203–04 and H9262. There were no quorum calls.

Adjournment: The House met at 2:00 p.m. and adjourned at 10:22 p.m.

Committee Meetings

HEDGE FUND OPERATIONS

Committee on Banking and Financial Services: Held an oversight hearing on Hedge Fund Operations. Testimony was heard from the following officials of the Federal Reserve System: Alan Greenspan, Chairman, Board of Governors; and William J. McDonough, President, New York Federal Reserve Bank; Donna Tanoue, Chairman, FDIC; Brooksley Born, Chairperson, Commodity Futures Trading Commission; Julie Williams, Acting Comptroller of the Currency, Department of the Treasury; Richard Lindsey, Director, Division of Market Regulation, SEC; and public witnesses.

COMPACTS OF FREE ASSOCIATION

Committee on Resources: and the Subcommittee on Asia and the Pacific of the Committee on International Relations held a joint oversight hearing on Compacts of Free Association with the Marshall Islands, Federated States of Micronesia, and Palau. Testimony was heard from Stanley Roth, Assistant Secretary, East Asian and Pacific Affairs, Department of State; Allen P. Stayman, Director, Office of Insular Affairs, Department of the Interior; Kurt M. Campbell, Deputy Assistant Secretary, Asian and Pacific Affairs, Department of Defense; Phillip Muller, Minister of Foreign Affairs and Trade, Republic of the Marshall Islands; Ambassador Hersey Kyota, Republic of Palau; and Asterio R. Takesy, Executive Director, Joint Committee on Compact Economic Negotiations, Federated States of Micronesia.

CONFERENCE REPORT—TREASURY, POSTAL SERVICE, GENERAL GOVERNMENT APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 4104, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Kolbe and Hoyer.

CLASS ACTION JURISDICTION ACT

Committee on Rules: Granted, by a voice vote, an open rule providing 1 hour of debate on H.R. 3789, Class Action Jurisdiction Act of 1998. The rule makes in order as an original bill for the purpose of amendment the Judiciary Committee amendment in the nature of a substitute printed in the bill, and provides that each section will be considered as read. The rule provides priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone recorded votes and reduces the voting time to five minutes, providing that the minimum time for voting on the first in any series of votes is not less than 15 minutes. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Bryant, Coble, Frank of Massachusetts and Jackson-Lee.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule on H.R. 4272, making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999 providing ninety minutes of general debate to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives clause 2 (prohibiting unauthorized and legislative provisions in an appropriations bill) and clause 6 (prohibiting reappropriations in an appropriations bill) of rule XXI against provisions in the bill except as otherwise specified in the rule. The rule makes in order those amendments printed in the Rules Committee report which may only be offered by the Member designated, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for a division of the question. The rule waives all points of order against the amendments printed in the report. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Istook and Greenwood.

OVERSIGHT—NASA AT 40

Committee on Science: Subcommittee on Space and Aeronautics held an oversight hearing on NASA at 40: What kind of space program does America need for the 2lst century? Testimony was heard from Daniel S. Goldin, Administrator, NASA; and public witnesses.

Joint Meetings

INTELLIGENCE AUTHORIZATION

Conferees met to resolve the differences between the Senate-and House-passed versions of H.R. 3694, to authorize funds for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and recessed subject to call.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 2, 1998

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, to hold hearings on ballistic missile defense programs, policies, and related issues, 10 a.m., SH–216.

Committee on Environment and Public Works, business meeting, to consider pending calendar business, 9:30 a.m., SD–406.

Committee on Foreign Relations, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine post elections and United States policy options with regard to Cambodia, 10 a.m., SD–419.

Full Committee, to hold hearings on the nomination of C. Donald Johnson, Jr., of Georgia, for the rank of Ambassador during his tenure of service as Chief Textile Negotiator, 11 a.m., S–116, Capitol.

Full Committee, to hold hearings on the nomination of Frank E. Loy, of the District of Columbia, to be Under Secretary of State for Global Affairs, 2 p.m., SD–419.

Committee on Governmental Affairs, to hold hearings on the nominations of John U. Sepulveda, of New York, to be Deputy Director of the Office of Personnel Management, and Joseph Swerdzewski, of Colorado, to be General Counsel of the Federal Labor Relations Authority, 9 a.m., SD–342.

Committee on the Judiciary, Subcommittee on Antitrust, Business Rights, and Competition, to hold hearings to examine the effectiveness of international antitrust enforcement activities, 10 a.m., SD–226.

Special Committee on the Year 2000 Technology Problem, to hold hearings to examine general government emergency services' preparedness for Year 2000, 9:30 a.m., SD–192.

House

Committee on Commerce, Subcommittee on Energy and Power, hearing on Energy Security: What Will The New Millennium Bring? 10 a.m., 2322 Rayburn.

Subcommittee on Health and Environment, hearing on The Medicare Choice Program After One Year, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Imported Drugs: U.S.-EU (European Union) Mutual Recognition Agreement on Drug Inspections, 10 a.m., 2216 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, to consider Contempt of Congress on the International Brotherhood of Teamsters for failure to comply with Subpoena, 10 a.m., 2175 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on the District of Columbia, the Subcommittee on Government Management, Information, and Technology and the Subcommittee on Technology of the Committee on Science, joint hearing on the District of Columbia's Year 2000 Compliance Challenges, 1:30 p.m., 2318 Rayburn.

Subcommittee on National Security, International Affairs, and Criminal Justice, hearing on Combating Terrorism: The Status of the Defense Department Domestic Preparedness Program, 10 a.m., 2154 Rayburn.

Committee on House Oversight, to consider pending business, 10 a.m., 1310 Longworth.

Committee on International Relations, to consider the following: a measure to increase rewards offered for the arrest of terrorist and narcotics traffickers and to offer rewards for Yugoslav war criminals; H.R. 4655, Iraq Liberation Act of 1998; H.R. 4506, International Child Labor Relief Act of 1998; H. Res. 523, expressing the sense of the House of Representatives regarding the terrorist bombing of the United States Embassies in East Africa; H. Con. Res. 295, expressing the sense of Congress that the 65th anniversary of the Ukrainian Famine of 1932–1933 should serve as a reminder of the brutality of the government of the former Soviet Union's repressive policies toward the Ukrainian people; H. Con. Res. 309, condemning the forced abduction of Ugandan children and their use as soldiers; H. Con. Res. 320, supporting the Baltic people of Estonia, Latvia, and Lithuania, and condemning the Nazi-Soviet Pact of Non-Agression of August 23, 1939; a resolution expressing the sense of the Congress concerning the inadequacy of sewage infrastructure facilities in Tijuana, Mexico; H. Res. 518, calling for free and transparent elections in Gabon; H. Res. 533, expressing the sense of the House of Representatives regarding the culpability of Hun Sen for war crimes, crimes against humanity, and genocide in Cambodia (the former Kampuchea, and the State of Cambodia); a resolution concerning properties wrongfully expropriated by formerly totalitarian countries; and H. Res. 557, expressing support for U.S.efforts to identify Holocaust-era assets, urging the restitution of individual and communal property, 11:30 a.m., 2172 Rayburn.

Committee on National Security, Subcommittee on Military Personnel, hearing on POW/MIA oversight, 9 a.m., 2212 Rayburn.

Committee on Science, Subcommittee on Energy and Environment, oversight hearing on Here Comes La Nina: What to Expect from the Weather in the Winter of 1998–99, 10 a.m., 2328 Rayburn.

Committee on Transportation and Infrastructure, hearing to review transportation and infrastructure issues related to the Year 2000 Computer Problem Y2K: Will We Get There on Time? 10 a.m., 2167 Rayburn.

Subcommittee on Public Buildings and Economic Development, hearing on H.R. 4034, Federal Protective Service Reform Act of 1998, 9 a.m., 2253 Rayburn.

Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, executive, to continue to receive briefings on pending business, 8 a.m., H–405 Capitol.

Joint Meetings

Joint Economic Committee, to hold hearings on the employment-unemployment situation for September, 9:30 a.m., 1334 Longworth Building.

Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED FIFTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 27 through September 30, 1998

	Senate	*House*	*Total*
Days in session	127	99	..
Time in session	1,000 hrs., 46′	839 hrs., 47′	..
Congressional Record:			
Pages of proceedings	11,210	9,188	..
Extensions of Remarks	..	1,848	..
Public bills enacted into law	29	58	87
Private bills enacted into law	..	..	..
Bills in conference	22	13	..
Measures passed, total	280	456	736
Senate bills	79	38	..
House bills	79	218	..
Senate joint resolutions	3	1	..
House joint resolutions	3	5	..
Senate concurrent resolutions	23	9	..
House concurrent resolutions	17	41	..
Simple resolutions	76	144	..
Measures reported, total	*316	*325	641
Senate bills	215	5	..
House bills	67	208	..
Senate joint resolutions	7	..	..
House joint resolutions	1	4	..
Senate concurrent resolutions	8	..	..
House concurrent resolutions	1	9	..
Simple resolutions	17	99	..
Special reports	16	9	..
Conference reports	..	14	..
Measures pending on calendar	316	83	..
Measures introduced, total	1,157	1,946	3,103
Bills	969	1,567	..
Joint resolutions	18	24	..
Concurrent resolutions	51	130	..
Simple resolutions	119	225	..
Quorum calls	4	13	..
Yea-and-nay votes	292	199	..
Recorded votes	..	261	..
Bills vetoed	1	2	..
Vetoes overridden	1	22	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 27 through September 30, 1998

Civilian nominations, totaling 428 (including 124 nominations carried over from the First Session), disposed of as follows:	
Confirmed	192
Unconfirmed	212
Withdrawn	24
Other civilian nominations, totaling 1,532 (including 86 nominations carried over from the First Session), disposed of as follows:	
Confirmed	721
Unconfirmed	811
Air Force nominations, totaling 6,091 (including 21 nominations carried over from the First Session), disposed of as follows:	
Confirmed	6,067
Unconfirmed	24
Army nominations, totaling 5,480 (including 2 nominations carried over from the First Session), disposed of as follows:	
Confirmed	3,773
Unconfirmed	1,707
Navy nominations, totaling 5,051 (including 4 nominations carried over from the First Session), disposed of as follows:	
Confirmed	5,040
Unconfirmed	11
Marine Corps nominations, totaling 1,847, disposed of as follows:	
Confirmed	1,846
Unconfirmed	1

Summary

Total Nominations carried over from First Session	237
Total Nominations received this Session	20,192
Total Confirmed	17,639
Total Unconfirmed	2,766
Total Withdrawn	24

Next Meeting of the SENATE

9:30 a.m., Friday, October 2

Senate Chamber

Program for Friday: Senate will consider S. 442, Internet Tax Freedom Act. Senate may also consider further appropriations bills, or any legislative or executive items cleared for action.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, October 2

House Chamber

Program for Friday: Consideration of the conference report on H.R. 4101, Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act for Fiscal Year 1999 Conference Report (Subject to a Rule);

Consideration of S. 2392, Year 2000 Information Disclosure Act (Subject to a Rule); and

Consideration of H.R. 4274, Labor, HHS Appropriations Act for Fiscal Year 1999 (rule only).

Extensions of Remarks, as inserted in this issue

HOUSE

Barcia, James A., Mich., E1868
Bentsen, Ken, Tex., E1858, E1859
Bereuter, Doug, Nebr., E1857, E1858
Berry, Marion, Ark., E1866
Bonilla, Henry, Tex., E1860
Calvert, Ken, Calif., E1872
Cannon, Chris, Utah, E1865
Clay, William (Bill), Mo., E1854
Clayton, Eva M., N.C., E1862
Clement, Bob, Tenn., E1867
Clyburn, James E., S.C., E1864
Costello, Jerry F., Ill., E1868
Crane, Philip M., Ill., E1865
Davis, Jim, Fla., E1868
Dreier, David, Calif., E1851
Ensign, John E., Nev., E1868
Farr, Sam, Calif., E1857, E1858
Fattah, Chaka, Pa., E1870
Fazio, Vic, Calif., E1872
Gallegly, Elton, Calif., E1859
Gejdenson, Sam, Conn., E1856, E1860
Gilman, Benjamin A., N.Y., E1852, E1857
Gordon, Bart, Tenn., E1852, E1856
Hall, Ralph M., Tex., E1864
Hamilton, Lee H., Ind., E1851, E1853
Hinchey, Maurice D., N.Y., E1866
Hoyer, Steny H., Md., E1867
Jenkins, William L., Tenn., E1858
Kleczka, Gerald D., Wisc., E1861
Kucinich, Dennis J., Ohio, E1859, E1862, E1863, E1864, E1865
Lampson, Nick, Tex., E1861
Lantos, Tom, Calif., E1869
McCarthy, Carolyn, N.Y., E1869
McKeon, Howard P. ''Buck'', Calif., E1873
Markey, Edward J., Mass., E1861
Morella, Constance A., Md., E1863
Ney, Robert W., Ohio, E1863
Pallone, Frank, Jr., N.J., E1873
Pelosi, Nancy, Calif., E1856
Petri, Thomas E., Wisc., E1860
Portman, Rob, Ohio, E1873
Ros-Lehtinen, Ileana, Fla., E1863
Roukema, Marge, N.J., E1851, E1852, E1855
Saxton, Jim, N.J., E1863
Smith, Christopher H., N.J., E1859
Solomon, Gerald B.H., N.Y., E1874
Stark, Fortney Pete, Calif., E1870
Stokes, Louis, Ohio, E1862
Thompson, Bennie G., Miss., E1867
Towns, Edolphus, N.Y., E1853
Underwood, Robert A., Guam, E1862
Upton, Fred, Mich., E1872
Walsh, James T., N.Y., E1864
Weygand, Robert A., R.I., E1871
Young, C.W. Bill, Fla., E1872

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs, by using local WAIS client software or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access,* contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov, or a fax to (202) 512–1262; or by calling Toll Free 1–888–293–6498 or (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $150.00 for six months, $295.00 per year, or purchased for $2.50 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.